

Also, petition of Charity Organization Society, favoring federal department of health—to the Committee on Expenditures in the Interior Department.

By Mr. SMALL: Petition of Chamber of Commerce of Washington, N. C., for repeal of the present tax on oleomargarine—to the Committee on Agriculture.

By Mr. SULZER: Paper to accompany bill for relief of Edward S. Farrow—to the Committee on Military Affairs.

Also, memorial of senate of New York State, for an appropriation to improve the Hudson River—to the Committee on Rivers and Harbors.

Also, petition of citizens of New York City, in mass meeting, urging the removal of the wreck of the *Maine* to the United States and the burial of its victims at Arlington—to the Committee on Naval Affairs.

By Mr. TENER: Petition of Third United Presbyterian Church of New Castle, Pa., for Senate bills 225, 1862, and 2846, and House bills 460 and 14536—to the Committee on Alcoholic Liquor Traffic.

Also, petition of Canonsburg Council, No. 544, Royal Arcanum, favoring House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. THOMAS of Ohio: Petition of D. C. Collier, relative to Panama exposition—to the Committee on Industrial Arts and Expositions.

By Mr. VREELAND: Petition of Andover Grange, No. 1098, Patrons of Husbandry, against any change relating to oleomargarine—to the Committee on Agriculture.

By Mr. WILSON of Pennsylvania: Petitions of Spencertown Grange, No. 1035; Jobs Corners Grange, No. 1110; Canesirago Grange, No. 27; Glade Run Grange, No. 1160; Union Center Grange, No. 784; Hepburnville Grange, No. 1339; Lawrence Grange, No. 937; Pine Run Grange, No. 250; Middlebury Grange, No. 705; Mitchell Mills Grange, No. 912; Fairview Grange, No. 817; and Charlestown Union Grange, No. 101, all of Pennsylvania, favoring Senate bill 5842, to correct the oleomargarine law—to the Committee on Agriculture.

Also, petition of Polish National Alliance, of Blossburg, Pa., against the Hayes immigration bill—to the Committee on Immigration and Naturalization.

SENATE.

FRIDAY, *March 25, 1910.*

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

NAMING A PRESIDING OFFICER.

Mr. GALLINGER called the Senate to order and directed the Secretary to read a communication from the President pro tempore of the Senate, which was read, as follows:

WASHINGTON, D. C., *March 25, 1910.*

I hereby appoint Hon. JACOB H. GALLINGER, a Senator from New Hampshire, to perform the duties of the Chair in the United States Senate this day, I being necessarily absent.

WM. P. FRYE,
President pro tempore.

Mr. GALLINGER thereupon took the chair as presiding officer.

THE JOURNAL.

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

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had passed a bill (H. R. 20578) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1911, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 16037) to amend section 810 of the Revised Statutes, and it was thereupon signed by the President pro tempore.

PETITIONS AND MEMORIALS.

The PRESIDING OFFICER presented a petition from the Seismological Society of America, praying for the enactment of legislation to establish a national bureau of seismology, which which was referred to the Committee on Agriculture and Forestry.

Mr. CULLOM presented a petition of Englewood Council, No. 565, Royal Arcanum, of Englewood, Ill., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mails as second-class matter, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Stationers' Association of Chicago, Ill., remonstrating against the printing by the Government of certain matter on stamped envelopes, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. DILLINGHAM presented petitions of the Freelove Baldwin Stow Chapter of the National Society, Daughters of the American Revolution, of Milford, Conn., praying for the retention and strengthening of the Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor, which were referred to the Committee on Immigration.

Mr. PILES presented a petition of the Fairhaven Woman's Home Missionary Society, of Bellingham, Wash., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in government buildings and ships, which was referred to the Committee on Education and Labor.

Mr. LODGE presented a petition of the Lydia Darrah Chapter of the National Society, Daughters of the American Revolution, of Lowell, Mass., praying for the retention and strengthening of the Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor, which was referred to the Committee on Immigration.

Mr. BURTON presented a memorial of the Washington County Branch of the Ohio State Humane Society, remonstrating against the enactment of legislation for the prevention and punishment of cruelty to animals in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. PAGE presented a petition of Mountain Spring Grange, No. 405, Patrons of Husbandry, of Waterville, Vt., praying for the enactment of legislation to establish a national department of health, which was referred to the Committee on Public Health and National Quarantine.

Mr. WETMORE presented a petition of sundry citizens of Newport, R. I., praying for the passage of the so-called "eight-hour bill," which was referred to the Committee on Education and Labor.

Mr. PERKINS presented a petition of Stephens Jackson Post, No. 191, Grand Army of the Republic, Department of California and Nevada, praying for the enactment of legislation granting pensions to certain enlisted men, soldiers and officers, who served in the civil war and the war with Mexico, which was referred to the Committee on Pensions.

He also presented a petition of Buena Vista Council, No. 1604, Royal Arcanum, of San Francisco, Cal., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mails as second-class matter, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Crescent Bay Woman's Club, of Ocean Park, Cal., remonstrating against the use of the water supply of the Hetch Hetchy Valley being used by the city of San Francisco, Cal., which was referred to the Committee on Conservation of National Resources.

Mr. WARNER presented an affidavit in support of the bill (S. 7338) for the relief of the heirs of Jackson Grooms, which was referred to the Committee on Claims.

Mr. OLIVER presented memorials of sundry local councils, Royal Arcanum, of Bethlehem, Pittsburg, Shenandoah, Edgewood Park, South Bethlehem, Philadelphia, Scottsdale, Hanover, Williamsport, Canonsburg, Aspinwall, Scranton, and Bedford, all in the State of Pennsylvania, remonstrating against the enactment of legislation to increase the rate of postage on periodicals and magazines, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Lieutenant Milton Black Post, No. 619, Department of Pennsylvania, Grand Army of the Republic, of Addison, Pa., praying for the enactment of legislation granting additional pensions to the widows of soldiers and sailors of the civil war, which was referred to the Committee on Pensions.

He also presented a petition of the Woman's Home Missionary Society of the Methodist Episcopal Church, of Ben Avon, Pa., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Territory of Hawaii, which was referred to the Committee on Pacific Islands and Porto Rico.

He also presented a memorial of the Chamber of Commerce of Philadelphia, Pa., remonstrating against the adoption of certain sections to the bill to create a court of commerce and to amend the act entitled "An act to regulate commerce," relative to the operation of steamship lines as to their port-to-port traffic, which was ordered to lie on the table.

He also presented a petition of the congregation of the Third United Presbyterian Church of New Castle, Pa., praying for the enactment of legislation to prohibit the sale of intoxicating

liquors in government buildings and ships, which was referred to the Committee on Education and Labor.

Mr. FILES presented a resolution adopted by the transportation bureau of the Chamber of Commerce of Seattle, Wash., favoring the spirit in which certain legislation respecting railroads is being urged before Congress, which was referred to the Committee on Interstate Commerce.

Mr. DEPEW presented a concurrent resolution of the legislature of New York, relative to the promotion of Maj. Gen. Daniel Edgar Sickles, U. S. Army, to the grade of lieutenant-general, retired, which was referred to the Committee on Military Affairs.

Mr. STEPHENSON presented a petition of the Marine Firemen, Oilers, and Watertenders' Benevolent Association, of Milwaukee, Wis., and a petition of the Lake Seamen's Union, of Milwaukee, Wis., praying for the enactment of legislation to abolish the involuntary servitude imposed upon seamen in the merchant marine of the United States while in foreign ports, etc., which was referred to the Committee on Commerce.

He also presented a petition of Local Lodge No. 68, Brotherhood of Locomotive Firemen and Enginemen, of Eau Claire, Wis., praying for the adoption of certain amendments to the so-called "employers' liability bill," and also the bill relating to boiler inspection, which was referred to the Committee on Interstate Commerce.

He also presented a memorial of the Badger State Humane Society, of Milwaukee, Wis., remonstrating against the enactment of legislation for the prevention and punishment of cruelty to animals in the District of Columbia, which was referred to the Committee on the District of Columbia.

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

He also presented petitions of sundry local councils, Knights of Columbus, and Royal Arcanum, of Milwaukee, Green Bay, and Ashland, all in the State of Wisconsin, praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mails as second-class matter, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. BOURNE presented four petitions signed by sundry citizens of Sherman County, Oreg., praying for the passage of the bill (S. 4678) to adjust the claims of certain settlers in Sherman County, Oreg., which were referred to the Committee on Claims.

Mr. ROOT. I present a concurrent resolution of the legislature of New York, which I ask may be printed in the Record and referred to the Committee on Military Affairs.

There being no objection, the concurrent resolution was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

STATE OF NEW YORK,
In Assembly, March 7, 1910.

Mr. Merritt offered for the consideration of the house a resolution in the words following:

Whereas a bill is now pending in the House of Representatives authorizing the President of the United States, by and with the advice and consent of the Senate, to promote Maj. Gen. Daniel Edgar Sickles, of the United States Army, to the grade of lieutenant-general, and providing for his retirement from active service with that rank in the army; and

Whereas the said bill, having been referred by the House of Representatives to its Committee on Military Affairs, and that committee, after giving said bill due consideration, has reported the same to the House with the recommendation that it do pass: Therefore be it

Resolved (if the Senate concur), That in view of the distinguished military services of Major-General Sickles as a regimental, brigade, division, army corps, and department commander, we hereby request the Senators and Representatives in Congress from this State to vote for the aforesaid bill and to favor its enactment into law during the present session of Congress.

Resolved, That a certified copy of the foregoing preamble and resolution be transmitted by the clerk of the assembly to each Senator and Representative in Congress from this State.

By order of the assembly:

RAY B. SMITH, Clerk.

IN SENATE, March 21, 1910.

Concurred in without amendment.

By order of the senate:

LAFAYETTE B. GLEASON, Clerk.

As directed by the foregoing resolution, I hereby transmit the same to you.

RAY B. SMITH,
Clerk of the Assembly.

ALBANY, N. Y., March 22, 1910.

Mr. TAYLOR presented sundry papers to accompany the bill (S. 3695) for the relief of the heirs or estate of John Roney, deceased, which were referred to the Committee on Claims.

Mr. GALLINGER presented petitions of sundry citizens of

the District of Columbia, praying for the enactment of legislation to better regulate the traffic in intoxicating liquors in the District of Columbia, which were referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES.

Mr. DILLINGHAM, from the Committee on the District of Columbia, to whom was recommitted the bill (S. 4503) to regulate the business of loaning money on security of any kind by persons, firms, and corporations other than national banks, savings banks, trust companies, and real-estate brokers in the District of Columbia, reported it with amendments and submitted a report (No. 447) thereon.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (S. 6728) providing for the retirement of certain officers of the Philippine Scouts, reported it with amendments and submitted a report (No. 448) thereon.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (S. 7191) to authorize the Commissioners of the District of Columbia to prevent the exhibition of obscene, lewd, indecent, or vulgar pictures in public places of amusement in the District of Columbia, reported it without amendment and submitted a report (No. 449) thereon.

Mr. BEVERIDGE, from the Committee on Territories, to whom was referred the bill (H. R. 13401) to enable the city of Douglas, Cochise County, Ariz., to issue bonds for the purpose of acquiring and constructing a waterworks plant in and for said city, reported it without amendment and submitted a report (No. 450) thereon.

ADMISSION OF NEW MEXICO AND ARIZONA.

Mr. BEVERIDGE. From the Committee on Territories, I am instructed to report certain amendments of the committee to the judicial section of the so-called "statehood bill," the bill (H. R. 18166) to enable the people of New Mexico to form a constitution and state government and be admitted into the Union on an equal footing with the original States; and to enable the people of Arizona to form a constitution and state government and be admitted into the Union on an equal footing with the original States. The amendments are, I will say, noted in the print of the bill itself, and in presenting them I ask for a reprint of the bill with these amendments, and also the amendments heretofore reported.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Without objection, the request of the Senator from Indiana will be granted, and the bill will be reprinted with the amendments.

GEORGE W. BROWN.

Mr. DU PONT. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 4690) for the relief of Capt. George W. Brown, to report it favorably with an amendment, and I submit a report (No. 446) thereon. I ask for the present consideration of the bill.

The PRESIDING OFFICER. The bill will be read for the information of the Senate.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment was to strike out all after the enacting clause and to insert:

That in the administration of the pension laws, George W. Brown, who was a captain of the Fifty-ninth Regiment, Indiana Infantry Volunteers, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said regiment on the 1st day of February, 1864: *Provided*, That no pay, bounty, back pension, or other emolument shall accrue or become payable by virtue of the passage of this act.

The amendment was agreed to.

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

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

The title was amended so as to read: "A bill for the relief of George W. Brown."

BILLS AND JOINT RESOLUTIONS INTRODUCED.

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

By Mr. SCOTT:

A bill (S. 7392) granting an increase of pension to James H. Gunter (with accompanying papers); to the Committee on Pensions.

By Mr. TAYLOR:

A bill (S. 7393) for the relief of the heirs of Joseph Chipman, deceased;

A bill (S. 7394) for the relief of R. E. Goodwin and the heirs or estate of Lawson H. Goodwin (with an accompanying paper);

A bill (S. 7395) for the relief of the heirs of Martha Bilbo and William N. Bilbo, deceased (with an accompanying paper); and

A bill (S. 7396) for the relief of the heirs or estate of William J. Thomas, deceased; to the Committee on Claims.

By Mr. PERKINS:

A bill (S. 7397) to provide that officers of the United States Navy who, under authority of law, perform engineering duty on shore only be made additional numbers, and to provide for the retirement of additional numbers; to the Committee on Naval Affairs.

By Mr. LODGE:

A bill (S. 7398) to fix the sizes of baskets or other open containers for small fruits or berries; to the Committee on Standards, Weights, and Measures.

Mr. LODGE introduced a bill (S. 7399) to amend the mining laws of the Philippine Islands, which was read twice by its title and, with the accompanying letter from the Secretary of War (S. Doc. No. 445), ordered to be printed and referred to the Committee on the Philippines.

Mr. HEYBURN. It is a bill to change the mining laws, and it ought to go to the Committee on Mines and Mining.

Mr. LODGE. No; it is a Philippine bill. All the mining laws for the Philippines come from that committee.

Mr. HEYBURN. I am on both committees.

Mr. LODGE. All the Philippine mining laws have come from the Committee on the Philippines. No other committee has ever had charge of them. It is a Philippine matter purely. The laws are different; they are not the laws of our country.

Mr. LODGE introduced a bill (S. 7400) to amend an act approved February 6, 1905, entitled "An act to amend an act approved July 1, 1902, entitled 'An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes,' and to amend an act approved March 8, 1902, entitled 'An act temporarily to provide revenue for the Philippine Islands, and for other purposes,' and to amend an act approved March 2, 1903, entitled 'An act to establish a standard of value and to provide for a coinage system in the Philippine Islands,' and to provide for the more efficient administration of civil government in the Philippine Islands, and for other purposes," which was read twice by its title and, with the accompanying letter from the Secretary of War (S. Doc. No. 456), ordered to be printed and referred to the Committee on the Philippines.

He also introduced a bill (S. 7401) to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," which was read twice by its title and, with the accompanying letter from the Secretary of War (S. Doc. No. 454) ordered to be printed and referred to the Committee on the Philippines.

By Mr. HUGHES:

A bill (S. 7402) granting a pension to Adalbert Dolliver (with accompanying papers); to the Committee on Pensions.

By Mr. McCUMBER:

A bill (S. 7403) granting an increase of pension to Thomas J. McLaughlin (with an accompanying paper); and

A bill (S. 7404) granting an increase of pension to August F. Girkie (with an accompanying paper); to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 7405) for the relief of Joel J. Parker (with accompanying papers); to the Committee on Claims.

By Mr. CURTIS:

A bill (S. 7406) granting an increase of pension to Norman Agard (with accompanying papers);

A bill (S. 7407) granting an increase of pension to John McCombs (with accompanying papers); and

A bill (S. 7408) granting an increase of pension to Charles B. Worden; to the Committee on Pensions.

By Mr. BROWN:

A bill (S. 7409) for the relief of the First National Bank of Minden, Nebr.; to the Committee on Finance.

By Mr. CLAPP:

A bill (S. 7410) granting an increase of pension to Arthur J. Powell (with accompanying papers);

A bill (S. 7411) granting an increase of pension to James D. Backus (with accompanying papers);

A bill (S. 7412) granting an increase of pension to Thomas Cooney (with accompanying papers); and

A bill (S. 7413) granting an increase of pension to Thaddeus Parr (with accompanying papers); to the Committee on Pensions.

By Mr. SMITH of Maryland:

A bill (S. 7414) granting a pension to Mary A. Prather (with accompanying papers); to the Committee on Pensions.

By Mr. MONEY:

A bill (S. 7415) for the relief of the heirs or estate of John Mills, deceased (with an accompanying paper); and

A bill (S. 7416) for the relief of the heirs of James Porter, deceased (with an accompanying paper); to the Committee on Claims.

By Mr. BRADLEY:

A bill (S. 7417) granting an increase of pension to Samuel M. Boone; to the Committee on Pensions.

By Mr. OLIVER:

A bill (S. 7418) providing for the adjudication of the claims of the Philadelphia and Reading Coal and Iron Company, of Philadelphia, Pa., by the Court of Claims; to the Committee on Claims.

By Mr. CLAPP (by request):

A joint resolution (S. J. Res. 92) disapproving certain laws of the territorial legislative assembly of New Mexico; and

A joint resolution (S. J. Res. 93) disapproving certain laws of the territorial legislative assembly of New Mexico; to the Committee on Territories.

SUITS AGAINST THE GOVERNMENT.

Mr. DICK submitted an amendment intended to be proposed by him to the bill (H. R. 19287) to amend section 14 of an act to provide for the bringing of suits against the Government of the United States, approved March 3, 1897, which was referred to the Committee on the Judiciary and ordered to be printed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BURROWS submitted an amendment proposing to appropriate \$15,000 for the preparation of the site, purchase of walks, foundations, and piping for the fountain to be erected in McMillan Park, in the District of Columbia, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to establish a local parcels-post system on the rural delivery routes throughout the country, etc., intended to be proposed by him to the post-office appropriation bill, which was referred to the Committee on Post-Offices and Post-Roads and ordered to be printed.

AMENDMENTS TO RIVER AND HARBOR BILL.

Mr. LODGE submitted an amendment providing for a resurvey of Plymouth Harbor, Massachusetts, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment providing for the survey of Weymouth Fore River, below Quincy Point bridge, Massachusetts, 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. BAILEY submitted an amendment proposing to appropriate \$904,600 for improving the Sabine Pass and Port Arthur Ship Canal, Texas, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to appropriate \$300,000 for continuing contract plan for widening and deepening the Sabine-Neches Canal from the Port Arthur Ship Channel to the Sabine River, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

WOOL AND MANUFACTURES OF WOOL.

On motion of Mr. WARREN, it was

Ordered, That there be printed as a Senate document (S. Doc. No. 458) a reprint of Special Report No. 13, made in May 1866, by the United States Revenue Commission, on wool and manufacturers of wool, being one of the reports (included in pp. 347-480 and index) of a commission appointed in accordance with the provisions of an act of Congress approved March 3, 1865, for the revision of the revenue system of the United States.

GENERAL EDUCATION BOARD.

Mr. GALLINGER. I present a memorandum of the General Education Board, relative to the promotion of practical farming in the Southern States, the development of the system of public high schools in the Southern States, and the promotion of higher education throughout the United States. I move that the memo-

randum, together with the diagrams, be printed as a document. (S. Doc. No. 453.)

The motion was agreed to.

TAXATION OF LAND HOLDINGS.

Mr. HEYBURN. The bill (S. 1370) to provide for taxation of land holdings in certain cases, and the bill (S. 1371) to provide for taxation of land holdings in connection with interstate commerce are on the table and have not been referred to any committee. Inasmuch as the subject-matter is included in the consideration of other bills, I desire to withdraw them.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Without objection, the request made by the Senator from Idaho will be agreed to, and the bills are withdrawn.

ADJOURNMENT TO MONDAY.

Mr. HALE. I move that when the Senate adjourns to-day it adjourn to meet on Monday next.

The motion was agreed to.

AFFAIRS IN LIBERIA.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed (S. Doc. No. 457):

To the Senate and House of Representatives:

I lay before the Congress herewith a report submitted by the commission which visited Liberia in pursuance of the provisions of the deficiency act of March 4, 1909, "to investigate the interests of the United States and its citizens in the Republic of Liberia, with the consent of the authorities of said Republic."

This report is accompanied by a communication of the Secretary of State, reciting the conditions under which the Liberian commonwealth was founded through the efforts of the Government of the United States and American citizens, and commenting on the recommendations of the commission touching the course to be pursued by this Government in aid of Liberia at this juncture of stress and need. I cordially concur in the views of the Secretary of State and trust that the policy of the United States toward Liberia will be so shaped as to fulfill our national duty to the Liberian people, who by the efforts of this Government and through the material enterprise of American citizens were established on the African coast and set on the pathway to sovereign statehood.

WM. H. TAFT.

THE WHITE HOUSE, March 25, 1910.

INTERNATIONAL CONFERENCE OF AMERICAN STATES.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the joint resolution (S. J. Res. 83) authorizing the use of a United States army transport for certain purposes, which was, in line 12, after "dollars," to insert ", said sum to be paid out of the appropriation made for the commission in the urgent deficiency act, approved February 25, 1910."

Mr. WARREN. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

HOUSE BILL REFERRED.

H. R. 20578. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1911, and for other purposes, was read twice by its title and referred to the Committee on Pensions.

DELIVERY OF WATER TO IRRIGATION SYSTEMS.

The PRESIDING OFFICER. The morning business is closed.

Mr. WARREN. I ask unanimous consent to call up the bill (S. 6953) to provide for the disposition of surplus waters of projects under the reclamation act.

The PRESIDING OFFICER. The bill will be read for the information of the Senate.

The SECRETARY. The bill was reported from the Committee on Irrigation and Reclamation of Arid Lands with an amendment, to strike out all after the enacting clause and insert:

That whenever in his judgment any part of the water supply of any reclamation project can be disposed of so as to promote the rapid and desired development of such project the Secretary of the Interior is hereby authorized, upon such terms, including rates and charges, as he may determine just and reasonable, to contract for the delivery of any such water to irrigation systems operating under the act of August 18, 1894, known as the Carey Act and to corporations, associations, and irrigation districts organized for or engaged in furnishing or distributing water for irrigation. Delivery of water under any such contracts shall be for the purpose of distribution to individual water users by the party with whom the contract is made: *Provided, however,* That no such water shall be distributed otherwise than as prescribed by law as to lands held in private ownership within government reclamation projects. In fixing rates and charges to be fixed in such contracts for delivery of water to any irrigation system, corporation, association, or district,

as herein provided, said Secretary shall take into consideration the cost of construction and maintenance of the reclamation project from which such water is to be furnished. No irrigation system, district, association, or corporation so contracting shall make any charge for the storage, carriage, or delivery of such water in excess of the charge paid by it to the United States except to such extent as may be reasonably necessary to cover cost of carriage and delivery of such water through its works.

SEC. 2. That in carrying out the provisions of said reclamation act and acts amendatory thereof or supplementary thereto, the Secretary of the Interior is authorized, upon such terms as may be agreed upon, to cooperate with irrigation districts, associations, or corporations for the construction of such reservoirs, canals, or ditches as may be advantageously used by the Government and irrigation districts, associations, or corporations for impounding, delivering, and carrying water for irrigation purposes: *Provided,* That the title to and management of the works so constructed shall be subject to the provisions of section 6 of said act: *Provided further,* That water shall not be furnished from any such reservoir or delivered through any such canal or ditch to any one landowner in excess of an amount sufficient to irrigate 160 acres.

SEC. 3. That the moneys received in pursuance of such contracts shall be covered into the reclamation fund and be available for use under the terms of the reclamation act and the acts amendatory thereof or supplementary thereto.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. HEYBURN. I will make no objection to it if Idaho is exempted from its provisions. Otherwise I will have to take up the consideration of it to some extent.

Mr. WARREN. I am at the present time in charge of a bill reported unanimously, with, I believe, one possible exception, from the Committee on Irrigation and Reclamation of Arid Lands, and I would not feel at liberty to make an exception of that kind.

Mr. HEYBURN. I will state my reason for doing it. It is in direct violation of our state law, and I would not, of course, feel justified in allowing a measure to go through which transferred the jurisdiction now exercised by the State under its laws and under its organic law to the Interior Department. I would not feel that I had any right to do that.

Mr. WARREN. I think the Senator, upon examination, will not find that it does that.

Mr. HEYBURN. I have been studying this bill ever since it has been printed. I have given special attention to it. I understand the conditions in Wyoming are such that this bill will apply without any interference with their state laws in regard to the use of water. I would not presume for a moment to interfere in a case of that kind; but as other States have different laws and different constitutional provisions, of course there should be no law enacted by Congress that would interfere with the control and the right to sell that water or to appropriate it when it was already within the exclusive jurisdiction of the State.

Now, with that understanding, I shall not object to the bill; but if Idaho is to be included in it, I want to have it considered very thoroughly, more so than can be done under Rule VIII.

Mr. WARREN. Mr. President, I want to say to the Senator that I am about to leave Washington for a few days, and it was thought necessary to call this bill up and see if it would meet the views of the Senate and pass it over to the House. I should be very sorry to have the Senator delay its passage.

Mr. HEYBURN. I will not delay it as to the Senator's State. Mr. WARREN. I will say to the Senator that his colleague is a member of the Committee on Irrigation and Reclamation of Arid Lands, and I think that that Senator is satisfied with the bill as it reads.

Mr. HEYBURN. I have the highest regard for my colleague's judgment and for his wishes in the matter, but we have not conferred about it. This question involves as much as some of the appropriation bills of this Congress, and to stand here merely because the matter might not have been talked over and allow it to go through and then discover afterwards that you had done that kind of a thing would be inexcusable. I will talk it over with my colleague. I am content that the matter shall go over under the five-minute rule this morning.

Mr. WARREN. I will move to take up the bill, and that will settle it.

Mr. HEYBURN. We will occupy the day, then.

The PRESIDING OFFICER. The Senator from Wyoming moves that the Senate proceed to the consideration of the bill, notwithstanding the objection.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. HEYBURN. Now, we will occupy the day with it.

Mr. BORAH. May I inquire the status of the bill? Is it up for consideration?

Mr. WARREN. It is now before the Senate for consideration.

Mr. BORAH. Mr. President, I am of the opinion that as to the objection suggested by my colleague upon an examination he will find perhaps not well founded. I may be in error about

that, however, and as it is a matter of very great importance I am very glad we are to have a thorough discussion of it. It seems to me that it is a desirable measure, and I do not believe that it contravenes the law of our State in the appropriation of water. However, I shall reserve any action on that point until the matter is thoroughly discussed.

The measure is designed to enable the National Government, where it has appropriated water and placed it in reservoirs, and so forth, to make use of it by disposing of it to other parties. Of course the parties to whom it is leased could not retain the water in the way of holding it without applying it to a beneficial use. It must be applied to a beneficial use by the parties who purchase it, or they would forfeit their title to it immediately under the laws of our State.

But the National Government has appropriated water for certain purposes, has built reservoirs, and the reservoirs hold much more water than is necessary for their specific use. The bill is designed to enable the Government to make such practical use of the water as will permit other parties to acquire control from the Government.

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

Mr. HEYBURN. Mr. President, I had not expected to take up the consideration of the measure at this time. I have had it under my watchful eye ever since it came from the committee; I regard it as one of the most important questions that we will have to meet at any time in this body, and I can not conscientiously allow it to go without consideration. The bill was reported on the 23d of this month, and I have had a copy of it, with some knowledge of what amendments were being considered, for several days longer.

Mr. WARREN. If the Senator will permit me, I will state that the original matter was introduced in a bill almost at the commencement of the present session, and it has been before the Senate—

Mr. HEYBURN. I have had it under my eye all the time.

Mr. WARREN. It has been before the Senate during the entire session.

Mr. HEYBURN. At the beginning of a session I select out such bills as, in my judgment, are of especial interest to the peculiar conditions of my own section of the country, and endeavor as fully as possible to analyze them and prepare my mind for their consideration. This is one of the measures that I have given more than passing attention to.

Mr. President, the title to water in Idaho is vested in the State, so far as the title of water can be vested anywhere. Under our law no man can acquire title in water, and that is the rule of the Supreme Court of the United States as well.

Mr. WARREN. That is precisely as the law is in Wyoming.

Mr. HEYBURN. I am laboring under some temporary disadvantage. Anticipating this and another measure upon the calendar, I have, pursuant to a resolution adopted by the Senate, had a statement from the Interior Department, giving in detail the withdrawals that have been made for the purposes of the use of water, and there is now being prepared, at the instance of the Interior Department, certain maps ordered to be printed by the Senate that are not yet completed.

I am compelled, because of the action taken by the Senate this morning, to proceed to the consideration of this very important question without having at hand that data which should be here for the purpose of giving this measure the intelligent consideration that it demands. But, Mr. President, I shall, notwithstanding the handicap, not shirk the duty of presenting the matter so that the Senate will have an opportunity of knowing the facts and the law upon the subject.

Mr. President, it is not the best manner of legislation that a matter of this kind should be forced, for nobody is suffering at all. But for reasons known best to those who are doing it, they have compelled us to take up this question. I have on former occasions in this body found myself in a similar position, and I have had to meet it. I think I can do it now.

When the enlarged homestead bill was up, it came from Wyoming. Wyoming was sponsor for it. They have conditions there as to land and water and climate that are not exactly the same as the corresponding conditions in some other States. They undertook to force through this body and compel Idaho to accept a statute that they deemed valuable to Wyoming, and I am not going to question their judgment. Idaho is not an appendage to Wyoming. I would not object for a minute to any law for Wyoming that either of the Senators from that State wished for it, but I do not propose to sit in silence here and allow what, in my judgment, is a ruinous proposition for Idaho to be passed. I shall certainly give the Senate the facts upon which to base judgment.

I will first analyze this amendment. As this matter is presented to the Senate by the amendment it reads:

That whenever, in his judgment, any part of the water supply of any reclamation project—

Now, that is not a Carey Act project—

can be disposed of so as to promote the rapid and desired development of such project the Secretary of the Interior is hereby authorized, upon such terms, including rates and charges, as he may determine just and reasonable, to contract for the delivery of any such water to irrigation systems operating under the act of August 18, 1894.

The Secretary of the Interior is authorized to sell surplus water to somebody else within the State.

Mr. WARREN. Will the Senator allow me?

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

Mr. HEYBURN. Yes; I shall not object to any interruptions, because I propose to thrash this matter out completely.

Mr. WARREN. The Senator means by that he proposes to read the bill, I assume?

Mr. HEYBURN. I certainly have read it, and I would hardly feel justified in discussing it if I had not read it.

Mr. WARREN. The statement made, in my judgment, is not correct.

Mr. HEYBURN. I was reading it from the amendment.

Mr. WARREN. I referred to the statement the Senator did not read from the bill, that the Secretary of the Interior would sell the water. He will dispose of it under the laws. The proviso provides—

That no such water shall be distributed otherwise than as prescribed by law as to lands held in private ownership within government reclamation projects.

Now, the laws of Idaho are precisely in form the same as the laws of Wyoming, and the Senator has said that the laws of Wyoming are applicable, and the laws of Idaho perhaps, and that the ownership of the water shall be with the State until it is transferred to the settler. That is exactly what can be done, and it is only what can be done under the proposed law. The Secretary of the Interior merely can dispose of the water, so far as the cost is concerned, of the ditches and reservoirs, but the right of the settler to the water comes from the State itself.

Mr. HEYBURN. It is not so provided in the bill. As to the Senator's suggestion that the Secretary of the Interior is not authorized to sell, I should like to know what interpretation is to be put upon the expression that he is to dispose of these waters "upon such terms, including rates and charges, as he may determine;" as the Secretary of the Interior may determine. He is going to dispose of the water privileges in Idaho upon such terms, including rates and charges, as he may determine. What becomes of the state law on the subject?

Mr. WARREN. The Senator need not assume that his assertion oft repeated, without the proviso, will cause Senators to forget to read it and realize that the proviso governs the disposition of the water, which is only within the law of the State.

Mr. HEYBURN. I strongly suspect that I will be able, by the time I have discussed this entire amendment, to express myself in such a way that at least some Senators will conclude that I do know what I am talking about. This proposed law provides:

The Secretary of the Interior is hereby authorized, upon such terms, including rates and charges, as he may determine just and reasonable—

Now, the party purchasing the water has nothing to do with it. The Secretary of the Interior is to determine it in the State of Idaho. The State of Idaho provides a different method of determining this question, and the State of Idaho has the right to do it, and Congress has not the right to do it. That is the difference. I will reach the proviso. The proposed law proceeds:

To contract for the delivery of any such water to irrigation systems operating under the act of August 18, 1894, known as the Carey Act.

That is, the Secretary of the Interior may corral the waters in a State under the reclamation act, and then sell it to the Carey Act people, who under existing law do not have to pay for it. He may fix the terms and the price that the Carey Act people may pay for it. The result of this would be that the Carey Act people would be at the mercy of the reclamation-act people.

While I am not here to enter into a lengthy consideration of the relative merits as between the Carey Act and the reclamation act, yet I feel justified in saying at this time that in a very large area of the country with which I am perfectly familiar the benefits derived from the Carey Act are infinitely greater than those derived from the reclamation act. The reclamation act does not authorize the location of water rights in the public streams of the States by the Government of the United States.

The Government can not locate a water right under the laws of the State of Idaho, although it did undertake to do it. It never had the temerity to undertake to enforce any claim under such a location. Yet here is a provision based upon the assumption that a water right may be located under the reclamation act by the Government of the United States.

The Supreme Court of the United States has held that the Government has no property in the waters of the State except for purposes of navigation. These streams are not navigable streams as a rule. The great bodies of water that are collected are collected from streams not within the jurisdiction of the United States even under the provision with reference to navigable waters.

Under the enabling act and under the Constitution the use of the waters may be obtained in a certain way by location and appropriation. The doctrine of riparian rights no longer exists, as it has not existed in those Western States for a long time.

Now, we are met with a proposition based upon an assertion of right on the part of the Government because the reclamation act is purely a government proposition in which the State does not participate. The Carey Act is the reverse. The State controls and distributes the rights by virtue of an act of Congress to the use of the lands but not to the use of the waters.

Mr. WARREN. Mr. President—

Mr. HEYBURN. If you undertake to enforce this in any State where men know the rights of the State you will run up against the courts.

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

Mr. HEYBURN. Certainly.

Mr. WARREN. I understood the Senator to say that the State has rights to the land but not to the water.

Mr. HEYBURN. I reversed it.

Mr. WARREN. That is what you said.

Mr. HEYBURN. No; I think not. There the Senator—

Mr. WARREN. What the Senator means is this, I take it—

Mr. HEYBURN. I will not be put in the position of saying or admitting that I made any statement of the kind. I said the State controls the waters and the Government the lands.

Mr. WARREN. Very well; in both cases, under the Carey Act or under the reclamation act, water, in the first place, starts with the ownership of the State and lands finally with the settler himself, whatever may be the route that is taken to reach the landing.

Now, whether the Carey Act people may build a reservoir or whether the Government may build it, the settler owns the water direct, and in the Government cases when a majority of settlers, owners of water, have paid for their land, they take charge of the reservoirs and ditches and the water, and the Government steps out, and it comes to the settler in a cooperative way, you may say, in an association of settlers exactly as it does under the Carey Act.

Mr. BORAH. Mr. President—

Mr. HEYBURN. Mr. President, I am perfectly familiar—

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

Mr. HEYBURN. Yes.

Mr. BORAH. I wanted to ask the Senator from Wyoming [Mr. WARREN] a question. As I understand this bill, or as I thought I understood it, this does not provide or undertake in any way to change the modus operandi by which a person gets title to water under the laws of the State, does it?

Mr. WARREN. Not at all. The Government itself only gets, as trustee, control of water by the law under the State or by grant from the State.

Mr. BORAH. And what would finally result would be that under this bill the settler alone would get title to both the land and the water.

Mr. WARREN. Nobody else would obtain the control of it.

Mr. HEYBURN. Mr. President, the Government does not get title to the use of this water under the State or under any law of the State.

Mr. BORAH. Mr. President, that undoubtedly is correct. The Government does not, but the final result of it all is, that the man who owns the land also secures title to the water. That would be true under this bill, the same as under the reclamation law. The Government can not appropriate the water and hold title to the water without applying it to a beneficial use. It can only apply it to a beneficial use through the activity of the settler, and when the settler has applied it to a beneficial use, he takes title under this bill the same as under the law.

Mr. WARREN. That is precisely what will happen under this bill, and precisely what is the condition under the law at present.

Mr. HEYBURN. Mr. President, sometimes we drift unconsciously away from our moorings, adding each recurring instance, until we find ourselves out of sight of shore and clear away from the original boundaries, and we forget what the law is unless we have occasion to refer to it. I have sent for a document, but I will not delay the Senate until it comes, and shall proceed with this proposition. This amendment is drawn on the assumption that the Government has some right to the control of the water in the streams of a State by virtue of its sovereignty.

Mr. BORAH. No, Mr. President; I do not understand that that is true. I would be the last to admit that the Government has any control over the waters of the State of Idaho. As sovereign, it has certain rights relative to navigation; as the owner of land, as a proprietor, where water flows, it has the same as any other proprietor.

Mr. HEYBURN. But, Mr. President, I know my colleague has not overlooked the fact that by our constitution and by the admission act the doctrine of riparian rights was entirely eliminated, and that the square declaration is written therein that the right to use the waters shall be by appropriation only.

Mr. BORAH. Exactly; but the Government may exercise that right the same as any other body as a proprietor.

Mr. HEYBURN. Mr. President, the right of appropriation as defined by statute, in pursuance of the constitutional provision, is that a person may do it. The Government of the United States can not locate water rights in Idaho under any law. It is absolutely true, and it ought to be true, that it requires the performance of acts that are absolutely inconsistent with possibilities of a government to perform.

Mr. NEWLANDS. Mr. President—

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

Mr. HEYBURN. Yes.

Mr. NEWLANDS. I should like to inquire of the Senator from Idaho whether a corporation can appropriate water under the constitution of Idaho?

Mr. HEYBURN. No; a corporation can not do it.

Mr. NEWLANDS. It must be a natural person, according to the Senator's idea?

Mr. HEYBURN. Yes.

Mr. BORAH. Mr. President, I do not care to get into a controversy upon that particular point here, but corporations have appropriated water in my State time out of mind, and the supreme court of our State has upheld them. A corporation is a person and is recognized as such; and there can not be any more doubt about its right to appropriate than that a person—a physical entity—may appropriate water.

Mr. NEWLANDS. Will the Senator from Idaho permit me to interrupt him?

The PRESIDING OFFICER. Does the Senator from Idaho yield further?

Mr. HEYBURN. I do.

Mr. NEWLANDS. I would suggest that if an artificial organization called a corporation be regarded as a person under the constitution of Idaho, and as such is authorized to appropriate water to a beneficial use under the constitution and laws of that State, it would be entirely proper for the United States Government, as a proprietor of land in that State and desiring to use that water for a beneficial use, to make the same appropriation of the waters under the constitution and laws of that State as could be made by any person, either natural or artificial.

Mr. SMOOT. Mr. President—

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

Mr. HEYBURN. I do.

Mr. SMOOT. In answer to the Senator from Nevada [Mr. NEWLANDS], I will state that, so far as Utah is concerned, the Government of the United States has appropriated water for the use of Indians on the Indian reservations, and they appropriated it and filed upon it, making application just the same as any private citizen.

Mr. WARREN. They have done the same in Wyoming.

Mr. HEYBURN. Mr. President, that is exactly in accord with what I have said. They have drifted so far from the true law that they really have lost sight of the starting point. I will read the water law. I have it here:

ARTICLE 15.

WATER RIGHTS.

SECTION 1. The use of all waters now appropriated, or that may hereafter be appropriated, for sale, rental, or distribution; also of all water originally appropriated for private use, but which, after such appropriation, has heretofore been, or may hereafter be, sold, rented, or distributed, is hereby declared to be a public use and subject to the regulation and control of the State in the manner prescribed by law.

I am quoting now the organic law and the law of the State, and shall put it in the Record, so that there will be no excuse hereafter for overlooking the law.

Mr. BORAH. Mr. President—

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

Mr. HEYBURN. I yield.

Mr. BORAH. Mr. President, I was going to say that this bill provides that all this shall be done, whatever is done, in accordance with the law of the State. Now, I submit to my colleague that it would be impossible for them to do otherwise than to comply with the terms of the Constitution and the statutes made under the Constitution, according to this bill.

Mr. HEYBURN. It certainly will be impossible, because the courts will stop them—

Mr. BORAH. Well, of course, that is one of the great—

Mr. HEYBURN. Just as our supreme court has had to stay the hand of the marauder within the last month in the Balder-son case.

Mr. BORAH. I was going to say that whether the court should interpose its power for the purpose of stopping them or not, according to the terms of this bill, if they should follow the terms of the bill, they would not do otherwise than to comply with our constitution and our statutes. If my colleague thinks that there is anything in this bill that provides otherwise, I should be very glad to join with him to have it eliminated.

Mr. HEYBURN. I have only to refer the Senator to the provision that the Secretary of the Interior is made the almoner of the rights of the citizen in the State of Idaho. It is subject to his discretion.

Mr. BORAH. I do not so understand it.

Mr. HEYBURN. It is stated in just as plain language as can be printed.

Mr. BORAH. Exactly; but the Secretary of the Interior must proceed to do all these things in accordance with law.

Mr. HEYBURN. No; it says according "as he may determine just and reasonable." Is the Secretary of the Interior to come in and say to the citizens of Idaho, "You may exercise these rights according to my idea of what is just and reasonable?" What business has the Secretary of the Interior of the United States in Idaho administering the laws of the State of Idaho? We have the machinery there to administrate the laws. This is an attempt to give the Secretary of the Interior the right to invade the functions of the executive officers and judicial officers, for that matter, of the State of Idaho. It is high time we stopped.

Mr. President, I object to that; and I am not going to discuss this or any other measure under any such statement, sotto voce or otherwise. I do not propose—and I do not fear to raise the question—that any Senator shall sit here under an assumption of dignity, I do not care upon what he bases it, and talk about "mere drivel" when I am addressing the Senate of the United States. Do not try it any more.

Mr. WARREN. I hope the Senator will enjoy himself.

Mr. HEYBURN. I will enjoy my rights; and I care nothing for an assumption of dignity that is based upon something as intangible as that upon which the Senator's remarks rest. There will be a cessation of that kind of thing in this body. This proposition that somebody, because, forsooth, they are older or came here earlier, is going to attempt to control the rights of the members of this body in debate or in the performance of a duty that is sacred and well-defined in them is intolerable.

Mr. President, I was reading from a law that this body is bound to respect, and I was reading from a law that lodges the power within the officers of the State to enforce it, even against the United States Government. I will proceed.

Sec. 2. The right to collect rates or compensation for the use of water supply to any county, city, or town, or water district, or the inhabitants thereof, is a franchise, and can not be exercised except by authority of and in the manner prescribed by law.

There is no latitude given there for a shifting of the right or the power to any officer, even though he be the Secretary of the Interior of the United States. These provisions have been interpreted by the highest court of the State.

APPROPRIATION OF WATER PRIORITIES.

Sec. 3. The right to divert and appropriate the unappropriated waters of any natural stream to beneficial uses shall never be denied.

To whom? I am reading now from the organic law of the State. I reread it, and I ask Senators to listen to it, because it is the keynote of this controversy:

The right to divert and appropriate the unappropriated waters of any natural stream to beneficial uses shall never be denied.

Congress said that to Idaho when it gave Idaho its charter as a State. The people of Idaho said that to Congress when

they wrote it in the organic act. It is an irrevocable act. Congress can not repeal an admission act and take back the gift of statehood or modify it. It requires the conjoint action of the two sovereignties, each according to its quality. I proceed to read further from section 3:

Priority of appropriation shall give the better right as between those using the water, but when the waters of any natural stream are not sufficient for the service of all those desiring the use of the same, those using the water for domestic purposes shall (subject to such limitations as may be prescribed by law)—

That is the law of the State and no other law—

have the preference over those claiming for any other purpose—

The domestic use of water in the State has the first right—and those using the water for agricultural purposes shall have preference over those using the same for manufacturing purposes. And in any organized mining district those using the water for mining purposes or milling processes connected with mining shall have preference over those using the same for manufacturing or agricultural purposes.

Bear that in mind. Agriculture is one of the great industries, and our hearts are in the development of it; but where the supply of water is only sufficient for domestic and mining purposes, in sections where mining is carried on, they take precedence of agriculture or manufacturing. I proceed:

But the usage by such subsequent appropriators shall be subject to such provisions of law regulating the taking of private property for public and private use as referred to in section 14 of article 1 of this constitution.

That preserves the right of eminent domain. That question was decided in a case with which my colleague is entirely familiar, the case of *Hard v. Boise City*, decided by the supreme court of Idaho. In the case of *Hill v. The Standard Mining Company*, the supreme court said, in dealing with "preferential rights to water:"

The framers of the constitution in adopting this section realized that in some sections of the State agriculture would predominate, and that the use of water for such purposes should have a preference right in such sections, while in other sections mining would be the principal industry and would be entitled to a preference right.

That is the case of *Hill* against *The Standard Mining Company* (12 Idaho, p. 233; 85 Pac. Rep.). I continue to read from these provisions:

Sec. 4. Whenever any waters have been, or shall be, appropriated or used for agricultural purposes, under a sale, rental, or distribution thereof, such sale, rental, or distribution shall be deemed an exclusive dedication to such use; and whenever such waters so dedicated shall have once been sold, rented, or distributed to any person who has settled upon or improved land for agricultural purposes with the view of receiving the benefit of such water under such dedication, such person, his heirs, executors, administrators, successors, or assigns, shall not thereafter, without his consent, be deprived of the annual use of the same, when needed for domestic purposes, or to irrigate the land so settled upon or improved, upon payment therefor, and compliance with such equitable terms and conditions as to the quantity used and times of use as may be prescribed by law.

What law? Of Congress? Never. By the law of the State of Idaho. Has anything yet been discovered in the reading of this constitution that contemplates that Congress shall administer this rich estate for the people of Idaho? It will be a sad day when such a rule shall be adopted.

PRIORITIES AND LIMITATIONS ON USE.

Sec. 5.—

You will always be able hereafter to find the law regulating water in the State of Idaho as provided in the State in the CONGRESSIONAL RECORD, and it is a good place to record it once again.

Sec. 5. Whenever more than one person has settled upon or improved land with the view of receiving water for agricultural purposes under a sale, rental, or distribution thereof, as in the last preceding section of this article provided, as among such persons priority in time shall give superiority of right to the use of such water in the numerical order of such settlements or improvements; but whenever the supply of such water shall not be sufficient to meet the demands of all those desiring to use the same, such priority of right shall be subject to such reasonable limitations as to the quantity of water used and times of use as the legislature—

Not Congress—

having due regard both to such priority of right and the necessities of those subsequent in time of settlement or improvement, may by law prescribe.

That came pretty nearly fixing the jurisdiction over this question in the state legislature. We intended to do it and we did it, and it will be a sad day when Congress can come into a State and regulate the right of the use of water in the State for any purpose whatever.

Sec. 6. The legislature shall provide by law the manner in which reasonable maximum rates may be established to be charged for the use of water sold, rented, or distributed for any useful or beneficial purpose.

Compare that with this provision that undertakes to give the Secretary of the Interior the right to do that very thing. Can they both have the right? Can the Secretary of the Interior under an act of Congress and the legislature under the

constitution of Idaho both exercise the same right? I think not. You may ravage the rights of the people of Idaho by a vote of this body; but when you do it you have not settled the question.

I want to call the attention of my colleague and others to these two provisions dealing with the same subject, one a provision in the constitution of the State of Idaho and the other a provision in this amendment. I repeat section 6:

SEC. 6. The legislature shall provide by law the manner in which reasonable maximum rates may be established to be charged for the use of water sold, rented, or distributed for any useful or beneficial purpose.

Now, take the language here:

The Secretary of the Interior is hereby authorized, upon such terms, including rates and charges, as he may determine just and reasonable, to contract for the delivery of any such water to irrigation systems operating under the act of August 18, 1894, known as the Carey Act, and to corporations, associations, and irrigation districts organized for or engaged in furnishing or distributing water for irrigation.

That is the identical power the legislature is to exercise, yet it is proposed to transfer it in this amendment to the Secretary of the Interior of the United States.

Mr. BORAH. Mr. President—

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

Mr. HEYBURN. I yield.

Mr. BORAH. Mr. President, we can not by any act of Congress transfer any power which belongs to the State of Idaho to the Secretary of the Interior. In so far as the constitution of our State fixes the question of water rights and the power of the legislature to control rights in the manner in which citizens shall appropriate water, and so forth, it being purely a domestic matter and wholly within the control of the State, no act of Congress could change the law of the State.

Mr. HEYBURN. I agree with my colleague in that.

Mr. BORAH. And I was going to say that I agree with my colleague perfectly upon the proposition that it is not within the power of Congress to take that right away from the State, and if it were within the power of Congress, I should not consent to do it, because I believe that the water of the State belongs to the State and should be controlled by the State, and by no one else. In that respect I agree perfectly with my colleague; but here is a situation where a certain relationship exists as a business proposition between the Reclamation Service and irrigation districts and corporations desiring to secure water from them. That has nothing to do with the question of fixing the right of the citizen as between the first corporation and himself; but in order that the Reclamation Service may cooperate with corporations within the State for the purpose of using their reservoirs and canals and securing water from them, this bill was prepared.

Under the present law we are in this condition; that, notwithstanding the fact that the Reclamation Service may desire to cooperate with parties in the States for the purpose of putting water upon land, it can only do so upon very strict and limited terms; but, under this proposed law, if an irrigation district should be formed and should find that it could cooperate with the National Government, it would have the power to make a contract.

Mr. HEYBURN. Where would it get the power?

Mr. BORAH. It would get it from this act of Congress.

Mr. HEYBURN. Yes; but my colleague admits that an act of Congress can not take away or divide with the State the power to do it.

Mr. BORAH. I was not discussing that feature of it just then.

Mr. HEYBURN. Well, the Senator can not separate them. Let me call my colleague's attention to this situation: Suppose some one wanted this water after the Reclamation Service was through with it, for mining or domestic purposes, and he ran up against an act of Congress authorizing them to pass over those two preferred rights and sell the water to the third in rank?

Mr. BORAH. No; Mr. President, they could not do anything of that kind.

Mr. HEYBURN. The bill says they may.

Mr. BORAH. Well, before this water title becomes stationary and fixed, there must be the indispensable element of a private citizen connecting himself with the land.

Mr. HEYBURN. It never does become fixed. The title is to use the water; and when the use ceases the title ceases.

Mr. BORAH. And that is the absolute safety and guaranty of this bill, because unless the citizen is there and using it, unless he applies it to a beneficial use, it is immaterial how much the Secretary undertakes to sell; he sells nothing, because the water reverts back into the public ownership, and Tom, Dick,

and Harry may go and appropriate it, unless a prior party has applied it to a beneficial use.

Mr. HEYBURN. This amendment does not so provide.

Mr. BORAH. It is not necessary for this amendment to so provide.

Mr. HEYBURN. This amendment precludes the possibility of it.

Mr. BORAH. It does not preclude it, Mr. President, for the reason that it is not within the power of Congress to preclude it.

Mr. HEYBURN. Now, the Senator is merely arguing along the line I stated at first. I said that I objected to this because it will be futile, because Congress has no right to do it. I would not concede for a minute that this law could be enforced in the State of Idaho. It could not be. The courts would stop it just as they have stopped the hand of the vandal in the decision of the Balderson case.

Mr. BORAH. Mr. President, may I ask my colleague this question, because this is what we are seeking to do in this bill: Suppose that the Government has constructed a reservoir and canal and has the reservoir filled with water, and suppose the citizens of the State of Idaho have organized under the laws of that State what we call an irrigation district, is there any reason why the Government should not contract with that irrigation district for the purpose of enabling it to use its reservoirs in starting its water or using its canals in carrying the water to its citizens?

Mr. HEYBURN. That is not the problem. Let us drop corporations and organizations—

Mr. BORAH. That is the problem that we are seeking to reach.

Mr. HEYBURN. Oh, no. That is not the problem; that is what they would like to have it; but that is not the problem. They have lost sight entirely of the individual in this case. Let us drop the water corporations, the Carey Act, and the reclamation schemes. Where is the right remaining in the farmer or in the man with the mill, who desires the water for the purposes of power, protected here, if this representative, not of the State of Idaho, but of the Government of the United States, can sell it to somebody else? Where is his right to go in there and appropriate this surplus water for the purpose of running the machinery of a mill, or where is there protected his right to take up the water for his own private farm?

Mr. BORAH. If this private citizen reaches the river or the stream and makes his appropriation before the water is applied to a beneficial use elsewhere, his right is perfect from that time.

Mr. HEYBURN. Suppose it has been sold by the Secretary of the Interior?

Mr. BORAH. If it has been sold by the Secretary of the Interior and not applied to a beneficial use by a settler or citizen, the other man may unquestionably appropriate it.

Mr. HEYBURN. Suppose it has been sold to a Carey Act project without considering the right and the necessities of the man with an individual holding of land or a mill?

Mr. BORAH. If it has been sold to a Carey Act proposition; if that inevitably includes the individual citizen who is going to apply it to his land—

Mr. HEYBURN. Not necessarily. He may be on the other side of the river.

Mr. BORAH. If he is on the other side of the river and can not use the water, he has not applied it to a beneficial use, and has not any title to it.

Mr. HEYBURN. He may carry it across the river, or take it out on the other side of the river.

I see through this proposition. It is an attempt to weld together the Reclamation Service as the master of all the water users in the State. That is what it would do, if they could do it. The comfort down in my heart is the knowledge that the fate of this bill is already settled, the confidence that the Supreme Court will upset it.

But, none the less do I feel called upon to stand here, so that hereafter no man shall ever charge that I stood idly by and saw the sacred rights of the State turned over to the control of an officer of the Government of the United States.

Mr. BORAH. The answer to that, it seems to me, is this: The Secretary of the Interior can only be master of the situation until the citizens of the State, under the process of law, take hold of it, because, as soon as citizens have paid for the water, the Secretary of the Interior steps out of the matter entirely and leaves it to the State of Idaho.

Mr. HEYBURN. What citizen? Is it the citizen who runs a machine shop or the citizen who has a farm to irrigate or the citizen who needs the water for domestic use? Which one of these citizens is it?

Mr. BORAH. All of those citizens.

Mr. HEYBURN. No. You see we were wise in providing in the constitution for the order in which the rights should attach.

Mr. BORAH. I assert again that this does not change it, nor can it change it.

Mr. HEYBURN. Oh, yes; in express terms.

Mr. BORAH. But my colleague has said it is not within the power of Congress to do that; and I agree with him.

Mr. HEYBURN. Would my colleague vote for the passage of a bill here which, down in his heart, he thought the courts would hold to be beyond our power?

Mr. BORAH. No, sir; neither down in my heart nor up in my brain would I vote for such a proposition; and I say that this bill does not cover that subject. But I go further and say that if the interpretation were put upon it that my colleague puts upon it, we should still be safe, because it is beyond our power to do that.

Mr. HEYBURN. How does that make it safe?

Mr. BORAH. As a matter of fact, the bill does not go to the extent my colleague contends. It does not assume to control that which it is within the power of the State to control. But if it did do so, my colleague would be perfectly safe, because it would not be within our power to do that.

Mr. HEYBURN. There is no reservation at all in this paragraph of the rights of the State. The absolute, unqualified authority is given to the Secretary of the Interior, who—
is hereby authorized, upon such terms—

Not under the laws of the State of Idaho; not in conformity with the laws of the State of Idaho—
is hereby authorized, upon such terms, including rates and charges, as he may determine—

Not as are written in the statutes, but—
as he may determine just and reasonable, to contract for the delivery—

After he has contracted for the delivery of the water and has delivered it the transaction is complete—

to contract for the delivery of any such water to irrigation systems.

There is no exception made there in favor of the preferred rights of the miner or the preferred rights of the home maker.

Mr. BORAH. My colleague will agree with me that there is no necessity for it.

Mr. HEYBURN. I am discussing a measure which it ought to be easier to defeat here than in the Supreme Court.

Mr. BORAH. No, sir—

Mr. HEYBURN. It ought to be preferable to defeat a measure of that kind here, rather than in the Supreme Court.

Mr. BORAH. It is not necessary to reenact the constitution of Idaho or the statutes of the State of Idaho in this bill in order to make them effective.

Mr. HEYBURN. I fail to see the application of that. Let us see. There is no reservation to the State. There is no concession at all to the laws or the constitution of the State. The Secretary of the Interior is to have the unlimited power—

Mr. WARREN. Oh, Mr. President, the Senator ought not to say that.

Mr. HEYBURN. Why ought not I say it?

Mr. WARREN. Here is a proviso which expressly declares otherwise. He must act under the law taken altogether, and the proviso is a part of it.

Mr. HEYBURN. The proviso is of no assistance whatever. I will read it now. I was going to read it. Line 16 of the proviso—

Mr. WARREN. It commences above that.

Mr. HEYBURN. I will read on down and come to that and discuss it. The proviso begins in line 16. Now, I will proceed:

Delivery of water under any such contracts shall be for the purpose of distribution to individual water users by the party with whom the contract is made.

In other words, if they sell the water to the Carey Act combination they are almoners of the rights of the people, notwithstanding the fact that the rights of the people were preserved to them in the constitution of the State.

Now I will read the other proviso:

Provided, however, That no such water shall be distributed otherwise than as prescribed by law to lands held in private ownership within government reclamation projects.

There are three limitations there, the last one being that it must be within a government reclamation project.

You are dealing with the waters of the Snake River, a river that flows from Wyoming and Montana down through the State of Idaho and through and along the States of Oregon and Washington to the sea.

There is absolutely no merit in the proviso as a protection to the rights to the use of the water as they are preserved under the constitution of Idaho.

Mr. WARREN. The rights to the use of water in Idaho, Wyoming, and the other States which have already vested can not be violated by any legislation.

Mr. HEYBURN. That is the worst argument in favor of the enactment of a statute that I ever heard—that because you have the assurance in your bosom that the court will hold it a violation of the power of Congress, you may enact anything. Then we do not need to discuss any law at all here.

Mr. WARREN. If it pleases the Senator to turn it in that way, I have no objection. But it is idle for him to stand here and argue that we are by this law taking away the rights of citizens in Idaho and Wyoming, when it can not be done. That is no argument as applied to this bill.

Mr. HEYBURN. Then why enact a statute here that can not be executed? Why enact a statute—

Mr. WARREN. It can be executed, and with proper reference to the rights of all settlers who now have rights under the statutes, and it can only be proceeded with in due regard to all those rights. Everything done under the proposed law by the Secretary of the Interior must be under the laws as to water of the States in which the water originates.

Mr. HEYBURN. Of course; but this bill does not provide that it shall be. I know that it must eventually. This proposed law does not provide or reserve to the States this right.

Mr. WARREN. I beg the Senator's pardon. It does preserve those rights.

Mr. NEWLANDS. Mr. President—

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

Mr. HEYBURN. I yield.

Mr. NEWLANDS. I will say to the Senator that I am somewhat in doubt about this bill. The committee was polled in regard to it, and I failed to give my assent to it. I do not know whether the committee subsequently met or the bill was simply reported upon a poll of the committee. But so far as I can understand the purpose of the bill it seems a desirable one.

I wish to ask the Senator what course he would take in a case of this kind. We will assume that the Government has entered upon a reclamation project, and that project involves the construction of a dam on an excellent reservoir site, possibly the only practicable reservoir site within a large range of country; we will assume that the Government proposes to enter upon the reclamation of an area of land which will not require more than half of the storage capacity of the reservoir; we will assume that private parties, under the Carey Act, or outside of it, are entering upon another reclamation project within a convenient distance of the government project, and they have not a convenient reservoir. I understand it to be the purpose of this bill to enable the Secretary of the Interior in such a case to enter into a contract with the promoters of the second project—

Mr. HEYBURN. Will the Senator permit me right here, because when you get beyond that then you have gone outside of the question. Under the law you do not require the consent of the Government at all to take surplus water out of the reservoir. Under the laws of any State, and of ours, you have the right to use the water, and nothing more, and if a man corrals more water than he can use, you can take it out of his reservoir.

Mr. NEWLANDS. Let us take this case—

Mr. HEYBURN. And he has no right to sell it unless he is operating a water-selling proposition.

Mr. NEWLANDS. I am sorry the Senator from Idaho did not allow me to get through with my supposed case. We will suppose this case: The Government has a reservoir site which is capable of storing double the water it actually stores.

Mr. HEYBURN. He does not get any right to it if he stores more than he can use.

Mr. NEWLANDS. Very well. But we will assume that the Government has the location, and the best location, for the dam.

Mr. HEYBURN. It can be shared in by an individual to the extent of the surplus water.

Mr. NEWLANDS. I wish to ask, in such a case, where a neighboring irrigation project, without a proper reservoir site, seeks to enter into some relation with the Government by which the dam can be doubled in height, whether the Senator would prevent the Government on the one hand and the promoters of the private irrigation project on the other from coming together and making a businesslike arrangement by which the dam site could be utilized by both parties—

Mr. HEYBURN. They do not need to do it.

Mr. NEWLANDS. For the construction—

Mr. HEYBURN. They do not need the consent of the Government. You have that right under the law. You can take a man's water ditch, by which he conveys the water to the smelter, and if you want to use more of the water and carry it you can build his banks higher; and that can be done under a decision of the Supreme Court, which is recognized as the law to-day. It went up in a Utah case. I can go up in the conduit—

Mr. NEWLANDS. Where the owner of the existing ditch does not consent that you may enter upon that ditch for the purpose of enlarging it, would not the man desiring to use it be compelled to go into court in order to get the right?

Mr. HEYBURN. He would; at least he would until he had taught enough people that they would only compel him to go into court at their own expense. They tried that in the Utah case.

Mr. NEWLANDS. Suppose they do go into court; do you question the wisdom of assenting to a thing which otherwise the Secretary of the Interior would have no power to assent to, and under his obligation to protect public property might prevent—

Mr. HEYBURN. Why do you need the consent of the Secretary of the Interior? The consent of the Emperor of Brazil would be just as effective. The Secretary of the Interior is not connected with any part of the Government which controls those rights.

Mr. NEWLANDS. I assume that where the Senator is in possession and proprietorship of a reservoir site, with a dam constructed upon it, and I am about to enter upon another reclamation project, and, lacking the storage facilities, desire to enter upon his land for the purpose of constructing a higher dam, I can not do it without his consent, except through the interposition of a court; and it strikes me that in such a case it would be a very wise thing for the Senator and myself to come together by agreement and settle such a matter amicably.

Mr. HEYBURN. How would the statute enable us to come together?

Mr. NEWLANDS. This bill, as I understand, proposes to give the Government the power to contract with private parties engaged in reclamation work in such a way as to utilize the storage reservoir now in the ownership of the Government in such a manner as to accommodate both services and to enable the Government, now in possession of the location of the main canal, we will say, which commands geographically the entire situation, to enter into a contract with the owners of the private reclamation project—

Mr. HEYBURN. In relation to what?

Mr. NEWLANDS. Which will enable both to use that dam.

Mr. HEYBURN. A contract in relation to what?

Mr. NEWLANDS. With reference to—

Mr. HEYBURN. The water?

Mr. NEWLANDS. The construction of the canal; the enlargement of it.

Mr. HEYBURN. He has that right. He does not need any contract from the Government. The courts have settled that question. He has the right.

Mr. NEWLANDS. He does not need it.

Mr. HEYBURN. Then why legislate about it?

Mr. NEWLANDS. If the Government consents—

Mr. HEYBURN. You do not have to have the consent of the Government. If the Government goes into a State and engages in private industrial enterprises, its rights are just those of the citizen.

Mr. NEWLANDS. I agree to that.

Mr. HEYBURN. It does not need the Government's consent any more than the citizen's consent. He can raise that dam or reservoir until it will include enough surplus water for his uses, and then he can take out the water, and he does not need, under existing law, the consent of anybody.

When you talk about resorting to the processes of law—that is to say, condemnation proceedings—a man may have to do that as to his own hat or coat if somebody asserts the right to control it. But here we are asked to legislate, not as to how a man may arbitrate his differences, when they are established by law. We give him the right, and he asserts it, either by arbitration or in a court, as he may see fit.

Mr. NEWLANDS. If the Senator will permit me, I will state that he has forced me into, perhaps, the unnecessary support of this bill. My mind as yet is not made up in regard to it.

Mr. HEYBURN. I am not appalled by that. I have confidence enough in the mental integrity of the Senator from Nevada to believe that there is no danger at all from that score. A man who would be impelled to support a measure because of annoyance at some person who is discussing it would not be fit to get into this body, and the people would not have confidence enough in him to put him here.

Mr. NEWLANDS. The Senator entirely mistakes me if he supposes I was annoyed.

Mr. HEYBURN. I say I am not at all fearful of that.

Mr. NEWLANDS. I was simply endeavoring to explain my apparent earnestness in this discussion, when I was simply contending for a certain provision, which does not necessarily assume that I am supporting this bill.

My mind is not yet clear regarding it, and I simply asked the questions I have asked with a view to clearing up my own mind.

Mr. HEYBURN. I trust I answered the Senator courteously. I intended to.

Mr. NEWLANDS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Nevada? The Chair permitted this colloquy to proceed in violation of the rules. Senators will please address the Chair before interrupting another Senator. Does the Senator from Idaho yield to the Senator from Nevada?

Mr. HEYBURN. Certainly.

Mr. NEWLANDS. Assuming, as I stated, that the Government of the United States is now in possession of a fine reservoir site and of a dam capable of storing only half the capacity of the watershed and is also in the possession geographically of the best place at which a diversion of the water of the stream can be made, and assuming that the Government is about to irrigate only 10,000 acres of land and that parties under the Carey Act desire to irrigate 10,000 acres more, but have no reservoir site and have no proper place of diversion, I think the Senator will agree with me that in such a case it would be eminently proper for the Government on the one side and the private parties on the other to reach some understanding regarding that reservoir site and that point of diversion, so that they could be utilized to the advantage of both. I imagine that if that is desirable, it would be necessary for them to talk together and arrange regarding it.

I want to ask the Senator whether this bill does anything more than to enable the Government to talk with these private proprietors regarding the best method of utilizing the reservoir site and the point of diversion and enter into a contract instead of getting into litigation over the subject?

Mr. HEYBURN. Why not change the title of the bill and say, "A bill to authorize the Government to talk with its citizens with regard to water rights, and things of that kind?"

Mr. NEWLANDS. I would be perfectly willing to give a power of that kind, because I can see how the—

Mr. HEYBURN. But can you give without taking? This power exists somewhere. Can you give it to the Government without taking it from the State?

Mr. NEWLANDS. I was about to complete my sentence, if the Senator will permit me. I was saying I would be perfectly willing to give the Government the limited power to which I have referred, but I should be very reluctant to enter upon legislation which might seriously diminish the power of the Government to extend a reclamation project, a national project, to the utmost extent, for as these rivers are interstate rivers and it is necessary to plan upon a large scale, regardless of state lines, I should dislike to see the Nation lose all advantage of position that would enable it to serve the entire country to a greater advantage by the adoption of a comprehensive plan, regardless of state lines. And for that reason I look with some criticism and some skepticism upon a bill of this kind, lest in the attempt to reach a given beneficial object we do that which may ultimately limit the area of the Government's activities.

Mr. HEYBURN. Mr. President, I think I gather some encouragement from the remarks of the Senator from Nevada. Those suggestions are in the right direction. It is too late, after we have enacted such a law as is proposed here, to discover these difficulties. They must be anticipated. To take up a bill like this, reported to the Senate from the committee on the 23d of March, three or four days ago, with the attention of no Senator outside of the committee having been called to it, and the great question as to the rights between the State and the Government not having been brought to the attention of the thoughtful, analytic minds of those who have and are capable of taking part in the consideration of such a measure, and to insist upon putting it through, under a rule of this body which limits debate to five minutes, would be about like a proposition to enact the Constitution under such rules.

Mr. NEWLANDS. Mr. President—

Mr. HEYBURN. Even the committee seems to have found it necessary to repudiate its original wisdom, because it struck out all after the enacting clause and proposes a new bill. I do not know how long the committee was in discovering the necessity of abandoning its original wisdom, but it certainly did

abandon it, and it comes in here with a substituted bill in the shape of an amendment.

Mr. NEWLANDS. Mr. President—

Mr. HEYBURN. I yield to the Senator from Nevada.

Mr. NEWLANDS. If I could secure the attention of the Senator from Wyoming for a moment, I wish to suggest to him that it would be well to let this bill go over until Monday. I will state my own position with reference to it.

It was first brought to my attention by a brother Senator, who was polling the Committee on Irrigation. He had secured already the signatures of a number of the members of the committee—

Mr. WARREN. Right there, the Senator will understand that the bill has been under consideration in committee. It was merely the polling of those who were not in attendance on the committee meeting.

Mr. NEWLANDS. Of course I accept the Senator's statement that it was under consideration by the committee. I do not recall that it was considered by the committee at any meeting at which I was present. It may have been.

Mr. WARREN. No; the Senator was not present at the last meeting. But it was a meeting regularly called, on the regular day.

Mr. NEWLANDS. Was it approved by a majority of the committee then in session?

Mr. WARREN. It was.

Mr. NEWLANDS. Then, of course, I can make no objection—

Mr. WARREN. I do not wish the Senator bound by anything the committee may have done in his absence.

Mr. NEWLANDS. If there was a majority of the committee there and they reported it.

Mr. WARREN. I will say to the Senator—

Mr. NEWLANDS. I had the impression it was being reported by a poll of the committee.

Mr. WARREN. I will say this to the Senator: My motive in calling up the bill this morning was, first, that we had had the subject-matter before us ever since the first day of the session, or very nearly the first day of the session, in a bill similar to this, and it has been spoken of in committee at various times and discussed. I was about to leave the city, and there was a great pressure to have the bill passed. It was believed that there was no opposition whatever and that we were a unit on it. I understand now, of course, there is objection to the bill, and those who seek to destroy it, to delay it, can perhaps accomplish that end. The bill is not any more important to me than to other Senators from the section that it is intended to benefit. It was only in the discharge of a duty, being in charge of the bill, that I called it up.

Mr. NEWLANDS. I perceive, if the Senator from Idaho will permit me, that I was under a misapprehension. I had supposed that the committee was being polled, and I did not know that a vote of the committee itself had been taken upon the bill. I do recall that I had some conversation with the Senator from Wyoming upon the general subject of utilizing the surplus waters of government projects, but I do not know that my attention was ever directed to any specific bill until the other day, when this bill was presented to me for my approval. Whilst I did not disapprove it, I stated that I would prefer time to consider it; and then I saw that the bill had been reported and was before the Senate, having learned it for the first time this morning.

Now, I do not wish to delay the Senator, and I am quite in sympathy with his purpose as I understand it. The only fear I have is that there may be language in the bill that will go away beyond, in its effect, what the Senator at present contemplates, and that it may in the end serve to practically reduce in area and extent the government operations with a view to increasing private operation. Whilst I have no objection to the latter, I would be sorry to see any government operation reduced, because I realize that the government operations are interstate, and I do not believe that the waters of these interstate rivers can ever be utilized to their highest purpose except through the action of the National Government.

Mr. WARREN. The Senator seemed to arise to ask me about putting over the consideration of the bill. I assume that it will go over anyway when displaced by the regular order at 2 o'clock, and I assume that meanwhile the time will be well occupied by the Senator from Idaho, as he seems to have quite a good deal to say about the bill, as he has a right to do. I have been waiting patiently to see if the Senator had any amendments to make. I believe so far he has suggested none, save to except the State of Idaho, which I did not feel at liberty to accept.

I think perhaps we are proceeding in the proper way to have the measure discussed. I think it is a measure that presents itself to a Senator who has not given it attention as one that if it does not need discussion, needs attention and perusal. We are not losing any time. I do not feel that we are doing any injustice to the subject to have it thoroughly discussed, as the Senator from Idaho appears to be doing.

Mr. JONES. Mr. President—

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

Mr. HEYBURN. I do.

Mr. JONES. I wish to suggest to the Senator from Nevada that the purpose of the first section of the bill is clear; it is to promote the development of the government projects. That is the very purpose of the first section of the bill. The purpose of the second section of the bill is to promote the cooperation that he referred to; for instance, in building a reservoir, to make it cover just as much land as possible.

Mr. HEYBURN. Mr. President, it might be that we would promote the welfare and benefit of this State or another by abandoning or taking away the rights under the constitution of the State and substituting the government for the state authority. I think that is hardly an argument to be heard. We are here to deal with law. We are not here to deal with a sentiment of that kind.

Mr. JONES. Mr. President—

Mr. HEYBURN. I would not like to suggest to the Senator from Washington that officers who had been chosen by the people should lay down their duties and allow the Government to go in by rules and regulations and manage it, although I think the Government probably would manage it very well.

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

Mr. HEYBURN. I have already yielded to him.

Mr. JONES. Of course, in my suggestion to the Senator from Nevada I was not discussing particularly the legal phase, but I stated in answer the purpose of the bill.

While I am on my feet I should like to add that under the first section of the bill the water that is to be disposed of to private parties or associations is water that must be secured by the Secretary of the Interior, as I understand it, under the laws of the State. For instance, under the laws of the State of Idaho the Secretary of the Interior decides that a certain government project should be inaugurated, but in order to get water for that project he must comply with the laws of the State of Idaho.

While the bill in terms, of course, provides for the disposal of a certain part of that water by the Secretary of the Interior, the water is disposed of for the very purpose of developing the government projects. In other words, it brings in private parties and private corporations to assist the Secretary of the Interior to apply the water to which he has acquired a title under the laws of the State of Idaho. If he has not complied with the laws of the State of Idaho, of course he has not the water.

Mr. HEYBURN. To whom does the Senator apply the pronoun "he?"

Mr. JONES. The Secretary of the Interior, as the agent of the Government.

Mr. HEYBURN. I know the Senator would not for a moment even suggest that the Secretary of the Interior of the United States could make a location of a water right in the State of Idaho or the State of Washington that would inure to the benefit of the Government of the United States. This is the language of the law: "Any person or persons" may secure these rights, and it enumerates what they may do. What kind of a monopoly would be suggested by that? The Government would become the biggest trust and monopoly on earth.

Mr. JONES. Oh, no; there is nothing of that sort.

Mr. HEYBURN. It would substitute this for the people. The waters of the State are for the use of the people of the State.

Mr. JONES. Certainly; I know that. The Senator need not tell me.

Mr. HEYBURN. And the more they are devoted and applied to the individual and the less they are concentrated in the possession of aggregations of individuals, whether they be corporations or governments, the better.

Mr. JONES. The Government has some reclamation projects in the State of Idaho?

Mr. HEYBURN. Yes.

Mr. JONES. How does it acquire its water?

Mr. HEYBURN. Some of them are purchased, and some are contracts for individual water rights.

Mr. JONES. Who makes the contract?

Mr. HEYBURN. I would have to take up each case. I am not advised as to who made the contract. When the Government deals with a question of that kind it deals with an individual who owns property under the laws of the State.

Mr. JONES. Who owns the water?

Mr. HEYBURN. Nobody owns the water, but who owns the right to the use of the water?

Mr. JONES. How does the Water Users' Association organize for that purpose?

Mr. HEYBURN. The Water Users' Association comes after. After a combination of men, each of them qualified under the law to acquire title, have brought the water upon the land and have paid their assessments in proportion to the benefits they receive, they are authorized to get together just as a fireman's association or an association for the protection of live stock get together, and they call themselves the Water Users' Association; that is, to administer the equitable rights which each man has under the law, as already perfected under the law, and to provide for the maintenance of ditches and reservoirs connected with it, it having been turned over, under the laws of the State of Idaho—the constitutional provision that I read to the Senator—it has become the property of the individual, and the use of the water has been attached to the land to which it has been applied, and it becomes a part of the estate, and can not be taken away.

Mr. JONES. My recollection is that under the reclamation act of June 17, 1902, the Secretary of the Interior has authority to comply with the laws of each State in order to secure the right to the use of water for government reclamation projects. What the particular procedure is in the State of Idaho I do not know, but I know that in my State he files an appropriation just like an individual would do, and he has to comply with the law with reference to prosecuting his work.

I assumed that there was something of that sort required in Idaho; and I assume that this first section applied to a proposition where the Secretary has decided that a government reclamation project should be put in, and that he has complied with the necessary requirements of the State of Idaho to secure the right to the use of the water; not to own it, of course, but the right to the use of the water.

The only purpose of this first section is to enable the Secretary of the Interior not only to use the means of the Government in developing the project and applying the water to the use intended by whatever appropriation he makes, but also to cooperate with private companies in the more rapid development of the project.

Mr. HEYBURN. Mr. President, I thoroughly agree with the Senator from Washington in regard to the statement as to the acquisition of the water to be used by the reclamation act. I would not controvert it, because it is not involved in this question. This bill commences at the end of that proposition and undertakes to deal with the water, not that the Government uses but that the Government does not use. It undertakes to authorize the Government to sell or dispose of or contract away the water that it does not use. We do not have to deal with the water it uses.

Mr. JONES. It is intended to deal with the water that the Government expects to use.

Mr. HEYBURN. Oh, no; because if it contracts it away it can not be said to expect to use it.

Mr. JONES. It is in the development of the proposed project. As the Senator knows—it is the case at least in my State, it may not be that way in Idaho—a project may include several different areas of land. One of them will be improved at one time and possibly in two or three years the other one will be taken up; yet it is all one great project. Our law recognizes the reasonable development of the project and the retention of the right to use the water until the ultimate development is carried out, if it is carried out with reasonable diligence. So, under this proposition, here is a unit, you might say, of a project, and the Secretary can not hold the funds at his disposal to take it up for perhaps several years. Private parties come in and propose to make an earlier development. He says, "All right." The bill authorizes him then to use the water that he ultimately expects to use on that unit and allow private parties to develop it.

Mr. HEYBURN. There is no title in expectation to the use of water. Your title is in the actual use of the water. I may take it up at the lower end of your tailrace and you have no control over it. When the water has passed through your use you have no control over it, and neither has the Government—not a particle—nor can you have it. The Senator knows that as a lawyer just as well as I do.

Mr. JONES. Certainly; but that is not the situation here at all.

Mr. HEYBURN. Yes; it is.

Mr. JONES. The Senator will pardon me; he does not see the actual situation of the bill.

Mr. HEYBURN. The bill provides that the Government may corral a large quantity of water in your reservoir—I will personalize it—and it may corral much more than is necessary for the uses that the Government has for the water.

Mr. JONES. Mr. President—

Mr. HEYBURN. Just a moment; let me finish my statement. It may then sell to whom? To the Carey Act people? The Government has nothing to do with the Carey Act people. That is a state proposition. That is under the control of the state land board. Now, would you give the Government the right to sell water to the Carey Act proposition without reserving the rights of the other two classes of people protected by the constitution? Suppose the Government were to contract to sell all this surplus water to a Carey Act proposition and a private individual comes in and says, "Here, under the laws of this State I am entitled to participate in the use of this water." They say, "No; we have sold all the surplus water to a Carey Act proposition, and if you want it you can go to the Carey Act for it."

Mr. JONES. The question of surplus water is not involved in the bill. It was involved in the bill as originally introduced, but the substitute does not recognize any surplus water at all.

Mr. HEYBURN. The language of the bill, I think, will have to control that.

Mr. JONES. Certainly; not the original bill, however, but the substitute.

Mr. HEYBURN. I have it all before me. It is a bill "To provide for the disposition of surplus waters."

Mr. JONES. But the committee recommend an amendment of the title. The Senator does not read the substitute; he does not read what is recommended by the committee.

Mr. HEYBURN. I know all about that.

Mr. JONES. That may be the original bill, but this bill is entirely different.

Mr. HEYBURN. I am reading from this bill. I am quite familiar with the operation of reporting bills.

Mr. JONES. If the Senator will look at the close of the substitute bill, he will see the amended title.

Mr. HEYBURN. I know, at the bottom of page 5; I am coming to it; but, as I said once before, I have never acquired the ability of speaking duets. It is proposed to amend and rebrand the bill by making the title read: "A bill authorizing contracts for the disposition of waters of projects under the reclamation act, and for other purposes." The rebranding was necessary to save the reputation of the bill. It had a bad name, and they desired to give it a name that would not be open to criticism, and they retained the venom in the new bill that was under the old title, so I am not much troubled with that proposition.

Now, we come to a provision in the bill, whatever its name may be, on page 4:

In fixing rates and charges to be fixed in such contracts—

Those are the contracts I have been animadverting upon—for delivery of water to any irrigation system, corporation, association, or district, as hereinafter provided—

I do not notice any individual owner; I do not notice any miner; I do not observe any householder at all—

said Secretary shall take into consideration the cost of construction and maintenance of the reclamation project from which such water is to be furnished.

COURT OF COMMERCE, ETC.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which is Senate bill 6737.

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

Mr. ELKINS. I should like to ask if any Senator is ready to go on this afternoon upon the bill. I have been asking and trying to find out from Senators on both sides if they are ready to proceed with the discussion. I hoped somebody would be able to proceed this afternoon.

Mr. MONEY. If the Senator will allow me, nobody is here to answer that question. The Senate is absent; there are only about half a dozen Senators here. I have heard several on this side who desire to speak, but they have not expressed a desire to speak to-day. If the Senator will make a demand for a quorum, we might get some one here who would desire to speak.

Mr. ELKINS. Well, I will suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from West Virginia suggests the absence of a quorum. The roll will be called.

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

Bacon	Chamberlain	Gallinger	Percy
Bailey	Clapp	Heyburn	Perkins
Bankhead	Clark, Wyo.	Hughes	Piles
Beveridge	Clarke, Ark.	Johnston	Rayner
Borah	Clay	Jones	Scott
Bourne	Crawford	Lodge	Shively
Bradley	Cullom	McCumber	Smith, Md.
Brandegee	Cummins	Martin	Stephenson
Bristow	Curtis	Money	Taylor
Brown	Depew	Newlands	Warner
Bulkeley	Dick	Nixon	Warren
Burkett	Dolliver	Oliver	Wetmore
Burrows	Elkins	Overman	
Burton	Flint	Page	
Carter	Frazier	Penrose	

The PRESIDING OFFICER. Fifty-seven Senators have answered to their names. A quorum of the Senate is present.

Mr. ELKINS. Mr. President, the unfinished business is the bill to establish a court of commerce, and so forth. I want to ask if there is any Senator on either side ready to go on with the discussion or make an address to the Senate this afternoon?

Mr. NEWLANDS. Mr. President, on behalf of the minority, I have to say that the senior member on the minority side, the Senator from South Carolina [Mr. TILMAN], is ill, and the second member, the Senator from Louisiana [Mr. FOSTER], has been called away by illness in his family. I do not know of any member of the minority who is ready at present to discuss the bill, and I imagine that it will be some time before Senators, on the minority side at least, will be prepared to discuss it. I will state the reason.

The bill lacked in committee the consideration that is usually given by members in executive session, a consideration which assumes a conversational form, the form of inquiry and of answer, where no member of the committee commits himself by any declaration, but is engaged simply in securing information, with a view to coming to a final conclusion. It is obvious that such a process of logical consideration can not be conducted in the Senate itself. No Senator would be inclined to engage in a discussion such as he would engage in in the executive session of the committee, for here he speaks upon his responsibility as a Senator, with a view not to securing information, but with a view to expressing the convictions which he has reached through the ordinary processes of logic. We have had thus far two speeches, illuminating speeches, on this subject.

Mr. ELKINS. Three.

Mr. NEWLANDS. Yes; three.

Mr. ELKINS. Three from members of the committee.

Mr. NEWLANDS. We have had the speeches of the Senator from Iowa [Mr. CUMMINS], the Senator from Minnesota [Mr. CLAPP], and the Senator from West Virginia [Mr. ELKINS]. Two of those speeches have only recently been published. The speech of the Senator from West Virginia appears to-day; the speech of the Senator from Iowa appeared yesterday. I assume that every Senator will desire to read those speeches, as well as the speech of the Senator from Minnesota, which was promptly published after its utterance, before taking up this question in debate, and that we will each individually have to go through the process of inquiry and of obtaining information before we speak, which we ordinarily would have gone through in the usual process of committee investigation.

So the Senator from West Virginia can not complain of the delay of the Senate in this matter, and he can not complain that Senators are not prepared to speak regarding the bill. Two, three, or four weeks will be required for these processes to be passed through by each individual. We would have reached a more prompt conclusion had we been brought in deliberation together through the ordinary form of committee action.

Mr. ELKINS. Mr. President—

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

Mr. NEWLANDS. Certainly.

Mr. ELKINS. The bill was reported on the 25th of February and it is now the 25th of March. It was reported just one month ago.

Mr. NEWLANDS. I understand.

Mr. ELKINS. It has been before the Senate and it has been pressed for consideration every time an opportunity has offered. It seems to me a whole month is sufficient time for Senators to acquaint themselves with the bill, especially as there was an elaborate report filed with the bill.

The Senator from Nevada is a member of the committee; he is familiar with these subjects, having been an honored and an able member of the committee for ten years; and what might apply to some other Senators does not apply to him, if he desires

to speak. What I want to do is to hasten the consideration, if possible, of this bill, though not unduly. There are other great measures before the Senate. The statehood bill is pressing to receive consideration, and I should like to have Senators discuss the bill, and if no Senator wishes to discuss it to-day, then fix a day for taking a vote.

Mr. CLAY. Will the Senator allow me to ask him a question? The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Georgia?

Mr. ELKINS. I do.

Mr. CLAY. Does not the Senator from West Virginia think that the proper way to dispose of this bill is to take it up by sections and to let each Senator speak as long as he wants—five, ten, fifteen, twenty, or thirty minutes on a section—for instance, on the court section? Let us take the bill up and discuss it and dispose of that section; then go to the next section and discuss that and dispose of it; and then go to the next section and discuss and dispose of that. Does the Senator from West Virginia really think we ought to sit here and wait for general speeches on this subject? This bill has been most thoroughly analyzed, in my opinion, especially by the Senators who have participated in this debate.

Take the tariff bill, which we discussed. We took it up by sections and we went through with it. Take the railroad bill which passed in 1906. We took that up by sections and went through with it. It strikes me that if the Senator in charge of the bill would take it up and place it before the Senate and let us take it section by section and discuss it, and either adopt, amend, or reject each section, we should make much better progress than by simply having a general debate. I do not know how the Senator feels about it, but it has been the rule since I have been in the Senate to take general measures of this kind and consider them by sections, to discuss each section, and thoroughly understand each section, and reach a conclusion.

Mr. BACON. Mr. President—

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

Mr. ELKINS. Certainly.

Mr. BACON. Mr. President, there is one view of this subject which I desire to present. When the Senator from West Virginia [Mr. ELKINS] says there has been an unreasonable delay, there is one thing that possibly has not occurred to him, or at least it has not been expressed by him; but it has impressed itself upon me very forcibly, and it is this: Certainly there can be no more important bill before the Senate than the one now pending, and Senators when they come to discuss it want to know what is the bill which it is proposed to pass. It has been given out in a way that we can scarcely doubt is authoritative that the bill is to be most materially amended by its advocates. We certainly ought to know before we are brought to the final discussion of this matter what is to be the final shape of this bill. We have recently had a very remarkable statement in the newspapers, which carried with it an air of authenticity, and I suppose must have been, if not inspired, at least authorized, by those who are in a position to speak for the committee. After the very elaborate and analytical speech of the Senator from Iowa [Mr. CUMMINS], when it appeared that under his discussion certain parts of this bill were utterly untenable and required amendment, the advocates of the bill themselves, it seems, recognized the fact and we had in the Washington newspapers the statement that the Senator from Iowa was not to be allowed to have the credit for having required those changes; that the fact was that the committee in the beginning intended to make those changes before the Senator from Iowa spoke.

That disclosed another most remarkable statement, which I presume was also authoritative; and that was, that the bill was reported from the committee at a time when they themselves did not approve of its provisions and when they intended to materially change them; and that this premature action was because of the fact that the committee did not have in its entire membership a majority in favor of the bill, and they had therefore prematurely reported it in order to make sure of the fact that they could report it to the Senate. That appeared in the Washington newspapers. I never heard anybody question it or dispute it; and the statements that have been made on the floor by the Senator from Rhode Island [Mr. ALDRICH] and the Senator from West Virginia [Mr. ELKINS], one of them a prominent member of the committee and the other the chairman of the committee and each of them a prominent member of the dominant party in charge of what is known as the administrative bill, have each of them given us to distinctly understand, and the Senators have so stated in their places, that there were going to be material amendments to this bill.

As I have said, to such an extent has that necessity for amendment been recognized that the committee has been jealous of the possibility that it might be recognized by the country at large that they had been forced to these amendments by the discussion which has been had in opposition by the two Senators, members of the committee, who have addressed the Senate thus far, and that the committee wished to retain to itself the credit of these amendments by stating that they had intended them from the beginning and were not forced to make them by the argument of the Senator from Iowa [Mr. CUMMINS] and the argument of the Senator from Minnesota [Mr. CLAPP].

Of course that is a private matter, with which I have no right to interfere in any way, but I only state these facts to illustrate the statement which I understand to be well understood—that there are to be material amendments to this bill by the friends of the bill. I think the first thing to be done, Mr. President, is for the friends of the bill, in a frank and candid manner, to present to us, not the bill which they have, according to the newspaper accounts, apparently published by authority, prematurely presented, but the bill which they propose to stand on. Why should we go forward and beat the air and discuss propositions if they are not intended to be finally included in the bill?

If the Senator from West Virginia will say in his place that it is not the purpose of the committee to offer material amendments to this bill, then what I have suggested goes for naught; but, in the absence of that and in view of the well-recognized understanding that there are to be these material amendments, it seems to me until they are presented to the Senate the Senator is not in a position to complain that Senators do not discuss the bill. We want to know what is the measure to be presented for our votes before we are called upon to discuss it, at least to the extent that any delay in the discussion shall be criticised.

Mr. ELKINS. Mr. President, as I stated before, this bill has been before the Senate for thirty days. The history of the bill is set forth clearly in what I had to say about what was done and how the bill was reported. Thirty days, it seems to me, is a long time in which to consider the bill. As I said before, an elaborate report was filed with the bill.

As to the conference of the Senator from Georgia [Mr. BACON] with the newspapers or the reading of newspapers and making statements, I leave him and the newspapers to settle those things. I do not think on this floor we are authorized to take notice of everything that the newspapers say. I think it will take even the Senator from Georgia a long time to keep up with what the newspapers say.

Mr. BACON. Now, Mr. President, with the permission of the learned Senator, we will leave the newspapers out of the question; and in order that those of us who may wish to say something upon this bill may have proper information by which we may guide our studies in regard to the bill, I want to ask the Senator from West Virginia now if the bill as reported from the committee and as it now stands before the Senate is the bill that the Senator and those who favor the bill propose to put to the decision of the Senate?

Mr. ELKINS. Mr. President, so far as the Senator from Georgia knows and I know at this moment, this bill is before the Senate, and it is the one he will have to discuss, if he discusses it at all in his own way and in his own time. I did say that when this bill was reported the right was reserved to every member of the committee to propose any amendment he might see fit on the floor of the Senate. I said further that there were certain members of the committee thinking about submitting some amendments. Now, if we should not submit them, the Senator would be in the desolate and forlorn position of having to discuss this bill just as it is. If I or other members of the committee or of the Senate submit amendments then the Senator will know it, for they will be printed and laid on the Senator's desk. The consideration of the bill should not be stopped or the vote on it delayed waiting for Senators to offer amendments.

Mr. BACON. Exactly.

Mr. ELKINS. I hope that answers the Senator's question.

Mr. BACON. The Senator will not answer my question. He entirely avoids it.

Mr. ELKINS. I have answered it.

Mr. BACON. No; the Senator does not answer it. On the contrary, he puts me up against—I mean all of the Senators when I say “me”—he puts the Senate up against a gambling proposition.

Mr. ELKINS. Mr. President, I did not say anything about gambling. I do not know anything about it. I am not familiar with gambling terms or gambling business, and I do not know what the Senator means about “being up against a gambling

proposition.” I should like to have him explain what he means by such language in the Senate.

Mr. BACON. The Senator from West Virginia protests too much. You know what to conclude when a man makes unnecessary protestations. We will not go into that question. I repeat, however, that it is a gambling proposition; in other words, a matter of chance when the Senator says to the Senate, as he has just said, that with no certainty as to its final shape we have the bill before us, and Senators must take their own course as to whether they shall debate it or not debate it in its present form, and that if there are amendments to be proposed, they will in due time be printed and laid before us.

In other words, Senators, with every reason to believe that the bill will be most materially amended or that there will be an effort by its friends to so amend it, must go forward and study a bill which, in their judgment, is not going to be the bill upon which the vote is to be had, and discuss a bill that the committee does not intend to present for the vote of the Senate, and, after a while, in the closing hours possibly, amendments, which are now in the mind and intention of the committee, are to be submitted. Then, as the Senator has suggested, those of us who may have discussed the bill in its present form have wasted our time and our labor.

I am satisfied that there will be amendments proposed for two reasons: In the first place, I am quite sure that the publication in the newspapers was inspired, unless the Senator will say to the contrary, and then I will withdraw it.

Mr. ELKINS. I can not speak for every member of the Senate. I can only speak for myself; and I say I did not inspire the newspaper reports the Senator refers to. I hope that will satisfy the Senator. I can not speak for the Senator or his associates or any other Senator here about what goes into the newspapers.

Mr. BACON. Then I will withdraw the suggestion, so far as it concerns the Senator from West Virginia, but not until others make a similar disclaimer will I withdraw it entirely, because the statement bore every evidence of having been based upon authoritative information. I can not conceive, Mr. President, why a newspaper would voluntarily go forward and try to detract from the honor that a Senator on this floor was entitled to, as the Senator from Iowa [Mr. CUMMINS] was entitled, in the assault which he made upon this bill. If a change resulted therefrom, if he showed the enormity of the bill, if he demonstrated its utter injustice, its utter subversion of the present law, and its utter destruction of the rights and interests of the people, and if, in accordance with that suggestion, the bill was to be amended so as to meet the difficulties and objections thus presented, he was entitled to the credit of it and the world would have been willing for him to have it. I do not know of anybody who would have been interested in taking that credit away from him except the promoters of the bill, who would be unwilling to appear to have been driven to such amendments. It is to their interest to say “The Senator from Iowa did not make us do this thing; we intended to do it from the beginning.” Therefore, I can not conceive why there should have been such a publication in a newspaper, unless those who would naturally have an interest in such a publication had inspired it, or at least had given the information upon which it was based.

Mr. ELKINS. Mr. President, I leave it to the Senator, as I said before, to settle this matter with the newspapers. His most respectful attitude toward the Senator from Iowa as to the credit he deserves and his making love to the Senator here in open Senate could go on outside of the Senate just as well, so far as I am concerned.

Mr. BACON. Mr. President—

Mr. ELKINS. I want to finish. The Senator talks so well, so ably, and, I might say, so frequently that I always have to yield when he wishes to speak. If he will allow me, I want to answer his colleague [Mr. CLAY].

Mr. BACON. I would rather the Senator would get through with my question first.

Mr. ELKINS. The Senator has been three times on his feet while I have been trying to answer one question.

Mr. BACON. The Senator now is on his feet by my courtesy.

Mr. ELKINS. I thought I had the floor to answer a question.

Mr. BACON. No.

The PRESIDING OFFICER. The Chair understands the Senator from Georgia [Mr. BACON] has the floor.

Mr. BACON. Very well, I have no objection that the Senator should interpose; but when the Senator criticises my being on the floor when he is occupying it by my courtesy, it seems to me not inappropriate that I remind him of the fact.

Mr. ELKINS. I beg the Senator's pardon. I thought I was speaking in my own time.

Mr. BACON. I do not feel any disposition, of course, to continue the matter, but I do say that the Senator, regardless of whatever may have appeared in the newspapers, now declines to say whether or not the bill which he calls upon us to discuss is the bill upon which we are going to be called to vote. So long as he declines to say that, but, on the contrary, himself holds out by his evasion of the answer the probability that there will be such amendments, the Senator has no right to complain if we do not proceed with the discussion.

Mr. ELKINS. Now, Mr. President, I wish to speak in my own time. I do not think the Senator has given any answer whatever to the proposition that this bill having been here thirty days and an elaborate report filed, at least some Senators who are going to speak ought to be prepared to speak now.

In regard to the subject of amendments, I have in my mind and other members of the committee have in their minds and are trying to prepare amendments to this bill. There are probably 100 amendments proposed to it and now on the table, which are to be discussed, I take it.

I am willing to fix a day now to vote on this bill and all amendments so that ample time will be given for the discussion. Instead of taking up the bill by sections, as suggested by the junior Senator from Georgia [Mr. CLAY], I think probably the end he seeks would be reached by the discussion of the amendments when they come up. That will bring up all the questions.

So far as I am concerned, as soon as I can get the time to prepare the amendments that I am considering, I will submit them. I do not know what other Senators may do, but every member of the committee has reserved the right to submit amendments. Some of the members of the committee who are not here to-day, I understand, are thinking about offering amendments. We have been discussing them amongst ourselves, but I do not see why that should hinder the debate on the general proposition. It is no ground for delay in discussing the bill or voting on it because Senators may or may not file amendments. I take it all through the debate on the bill amendments will be offered.

It is possible the Senator from Georgia may convince us, in his argument—he is an able lawyer and always illuminates any question he speaks upon—that amendments should be incorporated in the bill, probably along the same lines as those of the Senator from Iowa. Would this be taking credit from the Senator from Iowa?

Mr. BACON. I would suggest to the Senator, if he will pardon me—

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

Mr. ELKINS. Yes; for a question.

Mr. BACON. I would suggest one amendment right now, if the Senator will accept it, which would, I think, relieve us of the entire difficulty, and that is to strike out all after the enacting clause.

Mr. ELKINS. The Senator then, I think, is opposed to proper railroad legislation and better regulation of railroads.

Mr. BACON. I am opposed to improper legislation of any kind.

Mr. ELKINS. The Senator may be opposed to improper legislation, but we think this is a bill distinctly in aid of the better regulation of railroads, and I would regret to see the Senator strike out everything but the enacting clause, thereby defeating the bill, and oppose all the provisions that correct abuses and are in the public interest and the interest of the people.

Mr. BACON. I do not think, Mr. President, that it is in the interest of the people to pass a bill which nullifies the most important part of the existing Sherman antitrust law, and that is what this bill does, as I understand.

Mr. ELKINS. The Senator, I take it, will have ample opportunity to prove that proposition. I deny it absolutely; it does not.

Mr. BURKETT. Mr. President—

Mr. ELKINS. Allow me to finish, and then I will yield to the Senator. Now, if there is no Senator desiring to speak, I should like to have some early day fixed on which to vote upon this bill, but which will give ample time to discuss the bill and all amendments. I inquire what day will be satisfactory?

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

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

Mr. ELKINS. Certainly.

Mr. CLAY. The Senator has been a member of the Senate longer than I have, but I have been a member of this body for thirteen years. If we have ever fixed a day to vote upon a general bill before considering that bill by sections, I am not aware of it. We have passed two tariff bills since I have been

a member of the Senate, and two general railroad bills. I am sure that all four of those bills were taken up section by section and considered, and, after we were practically through with each section then a day ahead was fixed to vote upon the bill.

Take the court feature of this bill. That could be easily discussed. That is a question of expense, and that feature alone would not keep me from voting for this bill. I am going to vote against the court, but that is a question of expense. If there are other features in this bill, general principles of great and paramount importance to the people of the United States, which shall be changed so as to keep in view the best interest of the American people, regardless of the court provision, I should vote in favor of the bill. I do not believe the court to be necessary. I believe it involves a hundred thousand dollars of expense that it is not necessary to incur to take care of the interests of the American people.

You have a bill now pending for a land court in every State where there are public lands that will cost a quarter million of dollars per year. You have provided for a customs court that will cost \$125,000 a year. You have pending on the calendar a bill providing for a patent court of five judges that will cost \$100,000 per year.

We have reached the point in the Senate when we spend one-third of our time creating new offices at the expense of the American people that, in my judgment, are not needed for taking care of the interests of the American people. We have become, in my judgment, the most reckless and extravagant nation on the face of the earth; and the day will come in a few years, Mr. President, when the American people will call Congress to account for its reckless expenditure of public funds and for the creation of new offices not needed to take care of the interests of the American people.

Sir, to-day you talk about economy. We have ceased to think about economy. We have passed a bill providing for the issue of \$30,000,000 of bonds for the Reclamation Service, and Mr. Hill, son of James J. Hill, who is one of the great men of the country, has said in an interview that the service has been an absolute failure. We considered that bill only a few hours. We do not hesitate to pass a bill creating a dozen or two dozen judges.

Take the courts. There is a proposition to create a land court, providing for a court in each State where there are public lands, and for an appellate court. You have passed a bill creating a customs court; and I believe to-day the best judgment of the Senate is against such a court. The act creating that court provided salaries for the judges of \$10,000 per year each.

In the thirteen years since I have been a member of this body I have seen the appropriations for the navy increase from \$23,000,000 to \$150,000,000 a year. We stand here recklessly spending the public funds with hardly a moment's consideration. I believe the conscience and the judgment of the American people are waking up on this subject.

I am against the court of commerce, not because it is fundamentally wrong, but because I believe that the district courts and the circuit courts now in existence are amply able to do this business and to take care of this litigation, and I believe it is a waste of the public funds to create five new judges, who will not have more than eight or ten cases a year to try.

Let us discuss this bill section by section, and let us amend it section by section. I do not care who drew it or who recommends it, whether the President recommends it or the Attorney-General. If it is a good measure and has in view the best interests of the American people I am for it. It does not affect me in the least where it originated. The question I desire answered is: Is it right; is it just and best for the American people?

I am amazed that the Senator from West Virginia should ask that a vote be taken on the entire bill before a single section of it has been considered by the Senate.

Mr. ELKINS. Mr. President, while the Senator from Georgia started to ask me a question he has made a good speech. His speech was a discussion of the bill, and we have made this much progress anyhow.

In regard to the expenditures of the Government, the Senator has no monopoly of reducing expenses or wanting them reduced. I agree with him about the expenses of the Government, and I will work hand in hand with him to reduce them wherever I can.

Mr. President, the question now is, Can we fix a time to vote on this bill. I do not want a vote to-day or to-morrow. I want to be reasonable about this; but four weeks have been given to the consideration of this bill, and it is reasonable that we should begin to think about a time to vote on it, especially when no Senator wishes or is ready to speak. I would not say a word so long as any Senator wished to speak on the bill or was ready or desired to speak. I am quite willing now to delay

asking until Monday's session that a day certain be fixed when the bill shall be voted upon. I do not know about voting on it by sections, but I heartily agree with the Senator in his idea of economy. Whether a court of this importance is the place to begin economy I do not know, in view of the fact that we do not hesitate to appropriate thirteen or fourteen million dollars for a battle ship, and large appropriations, reaching up to millions, in directions—

Mr. BAILEY. Mr. President—

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

Mr. ELKINS. Yes.

Mr. BAILEY. Will the Senator vote for or against the battle ships?

Mr. ELKINS. I am going to look at that, as the Senator says, with a great deal of care. I may have to look into the newspapers to see if some one has said anything about who is going to get the credit.

Mr. BAILEY. But, after you have looked into it with great care, you will vote for the battle ships. You have been doing that.

Mr. ELKINS. I think at one time I voted against them.

Mr. BAILEY. I very much hope the Senator will reform in that particular.

Mr. ELKINS. Well, perhaps; I favor anything to reduce expenses—

Mr. BANKHEAD. Mr. President—

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

Mr. ELKINS. Mr. President, before I yield I will state that I will call up this bill at the next session of the Senate, just as I have done to-day. There will be an adjournment until Monday, but I hope by that time there will be some Senator ready to address the Senate on the bill; if not, I will ask a day be fixed on which to take the vote.

The PRESIDING OFFICER. Does the Senator from West Virginia ask that the bill be laid aside temporarily?

Mr. ELKINS. I want to hear from the Senator from Alabama first.

Mr. BANKHEAD. I desire to speak on another proposition.

Mr. ELKINS. Then, I ask that the bill be temporarily laid aside.

Mr. BURKETT. Before that is done I want to ask the Senator a question.

Mr. MONEY. Mr. President, before this matter is disposed of, I want to say that I was out of the Chamber for a moment, and I do not know whether consent has been given to fix a day for a vote on this bill.

Mr. ELKINS. No.

Mr. MONEY. I was going to suggest to the Senator from West Virginia a difficulty as to that, as amendments are coming in all the time, and we do not know what moment the Attorney-General may send in his amendments. They might be of such importance as to demand speeches from those who have already spoken. I have heard that the Attorney-General is prepared to support the bill as it stands now, and of course, if it is changed very much more speeches will be made. While there is no disposition at all on this side to delay the passage of the bill, I should like to ask the Senator if he thinks it would be good policy to fix a day, especially when we have conference reports and appropriation bills coming in which may consume time; and whatever new amendments may be offered certainly will lead to a good deal of debate. I would be glad to see a day fixed as soon as possible.

Mr. BURKETT. I should like to ask the Senator from West Virginia a question. What would happen if we should go on with this bill; if the Senator should not ask from time to time that the bill be laid aside? The Senator himself seems very desirous of going on with it, and I sympathize with him in that, and I am rather embarrassed myself at the way in which the Senator has been buffeted about with this bill here for thirty days.

Mr. ELKINS. You see, now I am rebuked for allowing delay on voting.

Mr. BURKETT. What would happen if the Senator from West Virginia did not ask that the bill be laid aside and if we just went on and considered the bill?

Mr. BACON. Will the Senator from Nebraska permit me to answer the question?

Mr. BURKETT. I should prefer to have the answer of the Senator from West Virginia.

Mr. ELKINS. We should have to vote on it. The Senator knows that.

Mr. BURKETT. Then, I should like to ask the Senator, if he desires it why should we not go ahead?

Mr. ELKINS. And vote?

Mr. BURKETT. Why should the Senator ask that the bill be laid aside? Why not take it up with the amendments and get through with it?

Mr. ELKINS. Several Senators have expressed a desire to speak upon the bill, but they are not ready. They have amendments to offer, and from what I heard just now—

Mr. BURKETT. As to that, I thought that was one of the things the Senator had not been able to learn—who wanted to speak at any time.

Mr. ELKINS. Not in particular. I know the Senator from Nevada wishes to speak, and he is a member of the committee.

Mr. BURKETT. It seems to me we could go on and make some progress with the bill at least. We will probably not shut off debate at any time in the consideration of this bill, and it occurred to me that somebody ought to come to the rescue of the chairman in this matter and object to laying aside the bill day after day and let us get down to its consideration. There is a good deal to be done.

As the Senator has repeatedly said, we have the statehood bill pending. In some way or other we do not seem to be able to reach that bill until this is out of the way. There is some other legislation coming on that is important; and if we are going to dally along in this way we will not get away from here until Congress will be called on to convene next December. I know exactly what will happen as the days get longer and the sun gets hotter. We will find a great deal of difficulty in keeping a quorum in this body or in the other House of Congress, and we will be compelled to adjourn.

Knowing the anxiety of Senators to adjourn, it seems to me it is the duty of some Senator to come to the rescue of the chairman of the committee and object to this bill being temporarily laid aside every day. Let its consideration proceed and let us see what will happen.

Mr. BEVERIDGE. Why does not the Senator do it?

Mr. BURKETT. I was rather debating it. I do not want to take any radical step here which might disturb Senators, but I will say frankly that I have been considering in my own mind whether I would not object to laying the bill aside, in order to see if we could not get something out of it.

Mr. BANKHEAD. I understood the Senator from West Virginia to say he would let the bill be laid aside for the present and would yield to me.

The PRESIDING OFFICER. No such request has been made of the Chair.

Mr. BANKHEAD. Then I misunderstood it.

Mr. ELKINS. The Chair did not hear me. I asked that the bill be laid aside temporarily in order that the Senator from Alabama might proceed.

The PRESIDING OFFICER. The Senator from West Virginia asks unanimous consent that the bill may be temporarily laid aside. Is there objection?

Mr. BURKETT. I understand the Senator from Alabama wishes to go on with a speech or address of some sort, and to that I shall not object; or if any other Senator wants to address himself to the Senate; but, as I said a moment ago, the next day this matter comes up, as the Senator from West Virginia seems to be overpowered in the matter, I think I will object to the laying aside of the bill.

Mr. JONES. I should like to ask the Senator from Nebraska if we are operating under any rule of any kind here in this honorable body—

Mr. BEVERIDGE. Certainly. This bill is the unfinished business.

Mr. JONES (continuing). By which we might expedite the progress of the bill?

Mr. BURKETT. I did not understand the question of the Senator from Washington.

Mr. JONES. Are there any rules of this body by which he might proceed to expedite the passage of his measure?

Mr. BURKETT. I think if we just kept considering the bill we would expedite it. All that is necessary is to keep it before the Senate.

Mr. BEVERIDGE. I was going to suggest to the Senator from Nebraska, as well as the Senator from West Virginia, that it is not at all necessary for the bill to be laid aside in order to enable the Senator from Alabama to proceed. Under the rules he can proceed with the bill still before the Senate as the unfinished business. After he is through with any address he wishes to make, the bill would still be the unfinished business; and if the Senator from Nebraska wishes to expedite it and thinks that by objecting to the request that the bill be temporarily laid aside it would be expedited, then it could be laid aside only on motion. So it is all in the Senator's hands. And neither the Senator from West Virginia nor the Senator

from Nebraska is extending any courtesy to the Senator from Alabama, without which he otherwise would not have the right to proceed. It is all in the Senator's hands.

Mr. BURKETT. I see by the calendar that notice was given, and I conclude that the Senator from Alabama wishes to call up the bill at this time. The Senator from Alabama having given notice to that effect, I would not feel justified under any circumstances in objecting.

Mr. BAILEY. Before the matter is concluded I want to tender the friendly advice that it would make progress to let the Senator from West Virginia manage this bill with his usual amiability, because it is absolutely certain that an attempt to force the Senate, by objection to the request that the bill be laid aside from time to time until Senators are ready to speak, would not further its progress. I sympathize with the Senator who wants to get ready to speak, because I have heard so many speak without being ready, that I am always inclined to accede to that sort of a request.

I wish to say to the Senator from Nebraska and the Senator from West Virginia that I made the intimation a few days ago that they might have some trouble in reaching a vote on this bill; and I did that in the interest of another measure which I thought it was important should be disposed of. I myself have received assurances, with which I am satisfied, that before the session adjourns that bill will be disposed of in an orderly way, and I am ready now to proceed to a vote on this bill whenever the Senators who desire to address the Senate shall have done so. Consequently, I say to the Senator from Nebraska and the Senator in charge of the bill that there is no motive for filibustering, and that there will be no delay in the consideration of this bill, except such as is necessary to accord with the convenience of Senators.

Mr. BURKETT. I hope the Senator from Texas did not infer from anything I said that I sought to prevent anybody from addressing the Senate on this matter or any other matter before the Senate. But, as I gathered from the discussion on the other side of the House, I will say there was no objection anywhere to proceeding with the consideration of this bill. Such addresses as are to be made could be made just as well during the further consideration of the bill as before we take it up for consideration section by section and for amendment.

It seemed to me to be simply a difference as to the method—whether we should go on with the consideration of the bill or whether we should hold back the consideration of its details until the Senators who wish to speak had made their addresses. In that event, it seemed to me, the regular rules of the Senate, the proper order of the Senate, ought to control; and in making any objection, I certainly would not make it with a view of depriving any Senator of the opportunity to address the Senate whenever he wants to. It would only be made in order to assist the Senator from West Virginia, who seems very anxious that the Senate should proceed with the consideration of the bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and the bill is temporarily laid aside.

EXPERIMENTAL IMPROVEMENT OF HIGHWAYS.

Mr. BANKHEAD. Mr. President, I ask that the bill (S. 6931) to provide for an experiment in the improvement of certain highways by the Secretary of Agriculture, in cooperation with the Postmaster-General, and for other purposes, be laid before the Senate.

The PRESIDING OFFICER. The Chair lays before the Senate the bill indicated by the Senator from Alabama.

Mr. BANKHEAD. It is a short bill, and I ask that it be read.

The PRESIDING OFFICER. The bill will be read.

The Secretary read the bill, as follows:

Be it enacted, etc., That there is hereby appropriated out of the Treasury the sum of \$500,000, not otherwise appropriated, to be expended by the Secretary of Agriculture, in cooperation with the Postmaster-General, in improving the condition of the roads over which rural delivery is or may hereafter be established, to be selected by them for the purpose of ascertaining the possible increase in the territory which could be served by one carrier and the possible increase of the number of delivery days each year, the amount required for proper maintenance in excess of local expenditure for rural delivery routes, and the relative saving to the Government in the maintenance of rural delivery routes by reason of such improvements, and also the relative saving in the cost of the transportation of agricultural and other products from the farms or other points of production to the usual market place by reason of such improvements: *Provided,* That the State or county or counties which may be selected for improvement of rural delivery routes therein under this provision shall furnish an equal amount of money for the improvement of the rural route or routes so selected.

Mr. BANKHEAD. Mr. President, on a former occasion I addressed the Senate advocating national aid in cooperation with the States and counties in the improvement of post-roads

and highways over which the United States mails are carried, and over which 90 per cent of the internal commerce of the country must first or last be moved. It is not my purpose to repeat the reasons then submitted why the National Government should contribute its fair share to road construction.

At that time I quoted a resolution passed by Congress on March 14, 1818, as follows:

Resolved, That Congress has power under the Constitution to appropriate money for the construction of post-roads and other roads and of canals and for the improvement of waterways.

I called attention to the declarations of Jefferson, Clay, and Webster in advocacy of appropriations from the National Treasury to be applied to road construction and pointed out that Mr. Calhoun, who was a staunch advocate of the doctrine of States rights and who believed in a strict construction of the Constitution, was equally as pronounced in his belief that the Federal Government should take a hand in building and improving our common highways. In 1817 he introduced a bill in Congress to provide a permanent fund for the construction of roads. In support of this bill he said, in part:

Let it not be said that internal improvements may be wholly left to the enterprise of the States or individuals. They require resources and general superintendence of the Government to effect and complete them. There are higher and more powerful considerations why Congress should take charge of the subject. If we were to only consider the pecuniary advantages of a system of good roads, it might indeed admit of some doubt whether they ought to be left alone wholly to individual exertion. But when we come to consider how intimately the strength and political prosperity of the Republic are connected with this subject we find the most urgent reasons why we should apply our revenues to them. Let us, then, bind the Republic together with a perfect system of roads and canals.

In 1819, while Secretary of War, he made a report to Congress on roads and canals, in which he said:

No object of the kind is more important, and there is none to which state and individual capacity is more inadequate. It must be perfected by the General Government or not perfected at all.

Mr. President, the reasons which actuated these great statesmen at that time to favor appropriations from the National Treasury exist also to-day, and are stronger because of the increase in production and population. The time was when it was thought that all the country needed was a system of railroads, but it is now recognized that they are only the main arteries of commerce, whereas the dirt roads are the initial sources of commerce, which extend everywhere, distributing the products of fields, forests, and factories. If all the railroads in the United States were destroyed, it would demoralize our commerce. If all our dirt roads were abandoned or impassable, it would not only demoralize and destroy our commerce, but our civilization as well.

Our national revenues are raised largely from duties levied on articles of consumption, and are therefore distributed among consumers, and hence an appropriation of money from the Federal Treasury for aid in building and improving our roads would require every consumer to bear his proportion of the cost, whether living in the city, town, or in the rural districts.

Mr. President, the bill which I submit, favorably reported by the Agriculture Committee, relates to a subject in which the American people are profoundly interested. It deals with an economic subject of legislation and is closely identified with the commercial prosperity of all classes of our people. If it is adopted, the Government is not committed to an inauguration of a system of road building or federal aid, but we will have before us the actual results of a practical experiment of federal cooperation with local communities in road construction and maintenance, and sufficient information at hand to enable the Government, through the Agriculture Department, to broaden and enlarge its work along these important lines.

This is not a new question. In former legislation by Congress we find there is ample precedent and abundant authority for road construction. Prior to the advent of railroads Congress realized the necessity for highways as a means of transportation and communication, and until the construction of railroads rendered a continuation of appropriations from the National Treasury unnecessary, between 1806 and 1838, more than \$6,824,919—a large sum for those days—was applied to the construction of a highway from a point beginning near this city westward through the States of Maryland, Pennsylvania, Ohio, and Indiana to the Mississippi River. Revenues derived from the sale of public lands have been set aside for aid in road construction, and up to 1845 the States of Louisiana, Indiana, Mississippi, Illinois, and Iowa were the beneficiaries to the extent of about \$5,000,000. Between 1854 and the outbreak of the civil war Congress appropriated \$1,600,000 for building roads, which was expended chiefly on roads within the Territories. Thus up to the civil war the Government had assisted in road building to the extent of \$14,000,000.

Following the war conditions were such that the question of road building and development were held in abeyance until the rapid and wonderful growth of the railroads, stimulated by liberal donations from the Government and favorable state legislation, affording ready and expeditious methods of transportation, rendered the immediate demand for further appropriations by Congress for road building unnecessary.

The development, growth, and the wealth of the United States within the last quarter of a century have far exceeded the expectations of the most optimistic. Our national resources are the greatest of any nation in the world, and our possibilities for wealth are beyond comprehension. It is within the province of our Government to contribute and materially aid in conserving these extensive resources, to the end that our people will realize and enjoy the greatest benefit.

The question of transportation is a practical business one and only requires practical business consideration. Railroad facilities for promptly handling the products of the farm and factory are in a measure sufficiently adequate and far in advance of the development of water transportation. The latter, however, is perhaps receiving all the consideration and assistance we are able to extend, and in a few years the present comprehensive plan outlined by Congress will have progressed sufficiently to meet the urgent demands of our growing and constantly increasing commerce.

The country is demanding recognition and assistance in the remaining method of transportation, that of the highways or dirt roads, where the greatest embargo in the cost of transportation is levied. The cost of delivering to the market place from the farm or other point of production this enormous amount of traffic is conservatively estimated to exceed \$300,000,000 more than it would be if the dirt roads were improved to only a moderate extent. In other words, every day in the year we sustain a loss of a million dollars which could and would be saved by a system of improved highways, to say nothing of the manifold disadvantages endured in numerous other ways.

Within a recent period, and notably within the last two or three years, the sentiment for an improved system of roads has assumed wonderful proportions. The national platforms of the two leading political parties in 1908 recognized the almost universal demand for legislation of some character in aid of road building and improvement, and each of them contained a plank favoring and indorsing it. In the Republican platform we find this language:

We recognize the social and economic advantages of good country roads, maintained more and more largely at public expense and less and less at the expense of the abutting property owner. In this work we commend the growing practice of state aid, and we approve the efforts of the National Agricultural Department, by experiment and otherwise, to make clear to the public the best methods of road construction.

Mr. President, that is exactly the purpose of the bill I am discussing.

I desire to call attention to that declaration as compared with this bill, which, in effect, enables the Good Roads Division of the Agricultural Department to make clear, by experiment and otherwise, to the public the best methods of road construction by building in the various States of the Union sample roads, and thereby furnishing them in a concrete form object lessons of road building and maintenance that would be valuable. This department is already engaged in constructing sample roads, utilizing material at hand in the various localities in the States, which has resulted in the saving of large sums of money. I recall an instance at Union Springs, Ala., where the construction of a road system had already begun under the direction of local authorities, when the engineer from this division was called in and constructed for them a mile of sample road from material at hand and saved that county several thousand dollars. This Good Roads Division should be enlarged. There is no appropriation made by Congress which is of greater benefit to the people than made for this division, which should become an independent bureau. I call attention to the gentlemen on the other side that this bill fulfills their promise to the people on this subject.

The declaration contained in the Democratic platform is still more emphatic, and is in the following language:

We favor federal aid to state and local authorities in the construction and maintenance of post roads.

This agitation for better roads, confined until recently to farm journals and the weekly country papers, has grown until we now find it a prominent subject in our leading magazines, national journals, and great influential newspapers. Nor is it these publications alone that have taken hold of the farmers' demand, often expressed through the farmers' union organizations, as is the case in my State, and throughout the South, and the National Grange and other farmers' organizations, but

the demand comes from the manufacturers, the merchants, and business men everywhere, who realize that the prosperity of the whole country is closely identified with the prosperity of the agricultural classes and that better roads contribute to that condition, ameliorates the hardships of country life, and prevents the congestion of population in the cities more than any other suggested reform. Indeed, it is now a great national movement, which is destined to bring about in this country a complete system of improved roads.

The question of road improvement has gone beyond that stage where its advocates are content with an enumeration of its benefits. Everybody recognizes and concedes that. Therefore the real question which confronts us, and with which we must deal in an earnest and serious manner, is the practical one of providing the funds and the adoption of the best, most efficient, and economical method of its expenditure.

Accurate and definite information of the progress and expenditures for road construction in the various States are not at hand, but there is ample evidence of a wonderful impetus to this movement within the last four or five years and of a popular demand for further development.

I am indebted to the Good Roads Magazine of New York City for a review of road improvement in the United States for the year 1909. It is found to be difficult to obtain information from every section, but enough is at hand to demonstrate conclusively that the American people are interested in the subject, that rapid development and progress is being made, and that a spirit is manifested which will result in a system of improved roads throughout the country. An examination shows that every State in the Union is giving more attention to this question than at any time heretofore, and in many of them the expenditures, either by way of state aid or by the efforts of local communities independently, the amounts expended are double that of previous years.

A notable example is the State of Georgia, where 4,700 convicts are working on the roads in 110 counties; that these counties own and use about 3,500 mules for this purpose alone, besides having invested recently an average of about \$5,000 in each county for road machinery. In addition, during the year 1909 the several counties issued \$2,110,000 of road bonds, and in a few years that State will be the equal of any in the matter of improved roads.

In Alabama an amendment to the state constitution was recently adopted by an overwhelming vote authorizing the state legislature to apply the proceeds of the convict fund, amounting to about \$400,000 annually, and other funds for road construction and maintenance. The Good Roads Association, composed of active representative men from every section of the State, is now preparing to go before the legislature, which meets next January, to seek the enactment of suitable laws for putting the amendment in force. It is believed that to apply the proceeds of the convict labor distributed among the several counties is the best means of its application. Many counties can not profitably work convict labor on the public roads because of the cost of guarding, feeding, and caring for them; but it is found that the funds arising from their labor, distributed to the several counties, would enable them to pay the interest on bonds issued for road improvement without an additional tax levy for that purpose. This encouragement on the part of the State would give an impetus to road building such as to induce all the counties to undertake the work, and if this is supplemented by an appropriation from the National Treasury, in cooperation with the States and counties, it would be only a few years until a perfect system of highways throughout the State would be secured. However, that State is already alive to the question, and wonderful progress has and is being made. In a few counties during the past year more than \$850,000 in bonds was issued for road construction, and one county alone, Montgomery, has expended more than \$2,000,000 in road improvement. They are enthusiastic on the question, and no one has yet raised his voice in protest that it was not a wise expenditure of the public funds.

In Indiana, under the provisions of the good-roads law, work was planned calling for an expenditure of about \$5,000,000, which was temporarily held up because of some question of its constitutionality, but since the Supreme Court has held the law valid the work as originally planned will proceed as soon as the season opens up. In the State of Iowa there was spent last year about \$5,000,000 on roads and bridges. In Kansas sentiment is growing for better roads, so reports the highway engineer of the Agricultural College. In Kentucky recently a constitutional amendment was adopted similar to the one in Alabama, which manifests a growing interest in that State, while in Louisiana, where a form of state aid is maintained, work in some of the parishes is progressing most favorably, and

it is reported from that State that the legislature will be requested to enact a more comprehensive and enlarged system of cooperation by the State and parishes. During 1909 counties and parishes issued road bonds amounting to \$208,000. In Tennessee there was expended in 1909 nearly \$6,000,000, and larger improvements are contemplated this year. In Virginia, in addition to about \$100,000 having been expended through a system of state aid, the counties in 1909 voted \$1,196,000 of road bonds. In Washington the legislature appropriated \$640,000 for state roads, and the tax levy of 1 mill is expended to provide \$900,000 for that purpose in 1910. In Ohio every county in the State has applied for state funds for road improvement in 1910. In the State of New Jersey, where a large state-aid fund is provided, there was expended last year for road construction \$820,549, and for repairs and maintenance \$1,039,822. In Pennsylvania there was expended last year for construction \$1,649,033, and there is available for use during the year 1910 \$900,000 for construction and \$1,000,000 for maintenance.

A recent report of the highway commission for the State of New York, which has expended more money through a system of state aid to the counties and towns for road improvement than any other in the Union, shows that for 1909 the amount expended for state and county construction and maintenance and repair, for machinery, bridges, and miscellaneous purposes aggregate the stupendous sum of between \$7,000,000 and \$8,000,000, which is all disbursed according to one general plan of improvement. This system has been in vogue for a number of years, and we hear of no desire for a backward step in road improvement in that State. On the contrary, the results have been so gratifying that the amount expended has increased with each succeeding year.

In the various counties in the Southern States during the year 1909 up to October 1, \$17,000,000 have been issued in bonds for the building of improved roads. In 11 counties in east Tennessee over \$4,000,000 of bonds have been issued for the purpose of transforming the red mud and water lines, heretofore called roads in that section, into a magnificent system of highways. In a majority of these counties an issue of bonds or a direct tax has been voted by the people more than once in order to carry on the work of improvement after once they realize the advantages of improved roads. Here, then, is a most striking object lesson of what might be accomplished in every section of the Union. The greatest argument advanced and the most difficult obstacle to overcome for inaugurating a system of road improvement in any community is the one of cost, but once begun there is no difficulty in convincing the people of its importance as a factor for promoting the prosperity of the section affected and securing the numerous comforts and benefits resulting thereby.

In the fertility of the soil, in the variety of its products, that section known as the Southern States compares most favorably with the farming lands of Ohio, New Jersey, or Indiana, where the average market value of land is from \$55 to \$65 per acre, whereas those of the Southern States range from \$11 to \$16. However, in those communities in the Southern States where an improved system of roads obtains the market price of the farm lands measures up with those States I have mentioned, where good roads have been maintained for a number of years. This largely accounts for the increased demand from all sections of the Southern States for better highways.

The South is enjoying an era of growth and expansion. Its prosperity is greater than at any time since the civil war; its population is increasing; its manufacturers and industrial enterprises are growing both in number and in extent; its agricultural interests are expanding and enlarging; and in order to facilitate and make permanent and secure this wonderful growth, its thoughtful, conservative citizens realize the importance of connecting every community with a system of roads, commensurate and in keeping with its advancement along other lines of development. Fortunately in these States there is to be found in all of them suitable and abundant material for road construction, which will enable them to build a road system at much smaller cost than in many other States. Sand-clay roads, which it has been demonstrated by the Division of Public Roads, are among the best for all purposes and the most economical, may be constructed from material at hand in every Southern State. Labor is cheaper, and the climate permits the farmer to engage in this work when not otherwise employed on his farm.

During the last session of Congress a number of bills were introduced having for their purpose in one way or another the cooperation of the National Government in road construction. The bill which I propose, and favorably reported by the committee, seeks to obtain some definite plan of procedure by which this work may be accomplished.

One of the most significant features connected with the progress of road construction in this country is the recent wonderful increase in the manufacture of road-working machinery. Millions of dollars are invested in plants of this character, and in every commercial publication advertisements may be found explaining special features of the machinery made for that purpose.

Within recent periods chairs of road engineering have been established in a number of the colleges and universities of various States and state highway commissions have been provided by legislatures, all of which shows that our people are awakening to a realization of the importance of this question.

The experience of all counties, excepting in isolated instances, due to mismanagement or misapplication, where funds have been raised either by bond issues or a direct taxation, and often over strenuous and determined opposition, the people readily agree to the raising of further and oftentimes greater amounts for an extension and expansion of a more complete and better system of roads than first intended. This is due, of course, to the various good results. The effect is always an increase in values of real estate in the community and improved facilities for travel and traffic.

The principle that funds for this purpose should be raised by general taxation, either by an issue of bonds or a property tax, is now generally accepted. It is a question therefore of the amount that the various localities are able to raise and the extent to which additional funds may be provided from other sources. Certain States, particularly those of the Northeast, have made large appropriations to the counties, but a majority of the States contribute nothing for road improvement, or at most only trifling amounts. It is doubtful, however, whether the resources of many of the States are equal alone to provide funds necessary to construct and maintain proper road systems.

Experience in a number of States shows that the working of convicts on the roads or an appropriation of the funds arising from their labor is a very satisfactory solution of the best method of handling convict labor and enabling the States to render assistance in road improvement.

There is an obligation on the part of Congress to assist the States and counties by aiding in the construction and maintenance of those roads over which it sends the mails and which it proposes to enlarge by the adoption of a parcels post. The latter proceeds upon the idea of contributing to the comforts and necessities of the rural population. How much more effectively would these objects be aided and promoted by the Government contributing its equitable proportion in the maintenance of a system of good roads? With the rapid expansion of the Rural Delivery Service a system of parcels post is imperative.

Many other governments maintain it even along more liberal plans than has been suggested for the United States. It would be of great benefit to the rural inhabitants and the local merchant by affording a method of delivery for small packages, either to the local merchant or to any portion of the rural route, when to send or go for them would entail a loss of time and expense. It is a mistaken idea that it would injure the local merchants, since its operation, as proposed, is limited to those who reside on the rural route and points from which they emanate. The successful operation of a system of this character, as well as that of the rural delivery, is limited and handicapped by a lack of better roads. The Rural Delivery Service, being one of the most important branches of the Post-Office Department, the benefits of which can not be measured in dollars and cents, should be improved and enlarged to the fullest extent. It should be extended so as to serve every rural citizen, however remote. The compensation of its carriers, whose duties are more onerous and more valuable than the city carrier, should be increased. The high cost of living is forcing many of them out of the service, thereby injuring its efficiency. I trust this Congress will recognize this necessity and include in the post-office appropriation bill an amendment to increase their pay. The benefits of the service and a large item of expense in its cost and maintenance would be obviated by improving the roads over which the mails are carried, and the successful operation of a parcels post depends largely upon the condition of the roads over which it is to operate.

As pointed out by the recent report of the Commission on Country Life, the farmers need to be placed on a level with the organized interests with whom they do business. Agriculture is the basis of the prosperity of this or any other nation. Much is said and written about the promotion of the business prosperity, but every business industry, every manufacturing concern, every transportation line, is dependent upon the activity of those who cultivate the soil. It is our proud boast that we own one-fourth of the world's wealth and

that we supply one-third of the manufactured goods of the world, but that supremacy in manufacture is dependent upon the activity and success of the farmer, and whatever contributes to the promotion of agriculture also contributes to the highest development of the industrial independence of the Nation, and, therefore, whatever we may or can do to promote that industry is a patriotic duty manifesting the broadest type of constructive statesmanship.

During the year 1909 the value of the products of the American farm aggregated the enormous sum of over \$8,000,000,000—more than double the value ten years ago—which readily shows the important place the farmer in the United States occupies in the affairs of this Nation. He is broadening his sphere of operation; improving his methods of cultivation; becoming a more intelligent, better-informed, and thoughtful citizen, and because of his increasing prosperity is beginning to assert his independence of thought and action; and whereas a few years ago he was compelled to accept as a price for the products of his toil whatever was tendered him, he now declares his intention to name a price commensurate with its value, and if not accepted, is prepared and able to withhold it from the market. He is not situated so as to enjoy the social and educational advantages afforded people engaged in other fields of industry. A comfortable and easy means of communication, which shortens the time and distance between his home and that of his neighbors, his church, schoolhouse, and market place, is one of his most urgent needs; and, realizing this, he is now demanding an improved system of roads and highways, and, as heretofore stated, in this movement he has with him many other classes of our complex system of business. The railroads are ready and willing to contribute; the citizens and business men in the towns and cities are ready to cooperate; the manufacturing industries are interested because all, directly and indirectly, share in the benefits. The Government, which avails itself of the use of these roads, should also lend a helping hand, not only because of the improvement of its service, but as a military and strategic necessity. We are building for the future, and no contemplated action by its representatives would contribute more to the welfare of the Republic during times of peace or become such an advantage during times of war and invasion than a comprehensive improved system of highways.

The time is rapidly approaching when a great system of international highways connecting every section of the country will become a public necessity, in order that the different sections of the country may be more closely united and bound together for the purposes of commerce, communication, and the national defense. Nothing promotes good-fellowship so much as social intercourse, and to its accomplishment the efforts of our statesmen should be directed. In a century from now the population of the United States will be 500,000,000 souls, and the struggle for existence will then begin. This vast population must be distributed. We can not permit its concentration in cities and towns. It must go out and cultivate the soil to produce food and clothing for this increasing population. But this distribution of population can not be secured without easy, cheap, and convenient means of transportation and communication. To that end we should begin to direct our efforts. It will not do to say that the future will take care of itself. Our duty as lawmakers is to give proper direction to efforts that will maintain and continue our agricultural and commercial supremacy. It will not do to say that the National Government has no power to assume, at least, an equitable share in the great work that is before us. The unprecedented growth and development in this country is largely due to national influences, such as liberal appropriations from the Federal Treasury for the construction of highways; the improvement of rivers; the deepening of harbors, and the construction of railroads intended to settle and develop a vast area of country between the Mississippi and the Pacific, out of which numerous and populous States have been carved. Some of the richest and most prosperous States of the Union would yet be frontiers had it not been for the aid given in the construction of railroads and the development of water transportation. No one can be found at this time who would say that this was not wise and constructive legislation, whatever may have been said with reference to it at the time of its enactment.

If the cost of constructing and maintaining a road system is compensated by the increased values of farm lands; lessens the cost of delivering products to the market place; improves the public-school system; increases the efficiency of rural delivery; facilitates the operation of parcels post, and promotes the moral, social, and educational condition of the community, no one can complain at the cost, since the outlay for their improvement is an investment constituting only a small per cent of the enhanced value of property. Lands within easy and accessible

reach of centers of populations, churches, and schools command a much better price than those more distant, even though lands 10 miles removed from such point are more fertile and productive, the only reason being the distance and means of transportation. Experience in thousands of localities where road improvement obtains invariably shows that farm lands in reach of the improved roads immediately increase from 50 per cent to 100 per cent, because the reasons for their depressed valuations are removed and they are placed in reach of those advantages enjoyed by those who reside near centers of social refinement, culture, and education. Good roads are the earmarks of civilization; the emblem of intelligence, education, and refinement, whereas bad roads are the sign of backwardness, indolence, and indifferent citizenship. The type of one is the highway dotted with Christian homes, in which there prevails a sentiment of peacefulness, happiness, and contentment; the type of the other is the poorly constructed dwelling, unimproved, neglected farms, and an uneducated, apathetic people. Lord Bacon once explained there were three things that made a nation great and prosperous—a fertile soil, busy workshops, and easy conveyance for man and goods from place to place.

The contention I make and my plea for the passage of this bill is for and on behalf of that large and important class of citizens, composing 50 per cent of our population, the rural inhabitant, whose business requires communication with centers of population in every portion of the United States.

The Public Roads Division of the Agricultural Department is engaged in lending most valuable aid in the best methods of road building and fostering and stimulating interests for better highways. This work is along practical and scientific lines, but they are limited with funds and their activity is thereby crippled, though wonderful good has been accomplished.

The bill reported seeks to appropriate \$500,000 with which to make experiments looking to the formulation and adoption of a plan of cooperation by the Government and the States and counties in a comprehensive system of road construction and maintenance. A system or policy of this kind must necessarily begin as was the case with rural delivery, when a small appropriation was made for experimental purposes only. The results were such that the people demanded their extension, until now it is one of the most important branches of the Post-Office Department, and its discontinuance would not be considered for a moment. If the Government should inaugurate a system of cooperation with the States in improving the roads over which these mails are carried, aggregating more than 1,000,000 miles, and which would soon be increased to 2,000,000 miles, it would be a wonderful incentive to the States and counties in road construction. In a few years that class of our population, the farmer, would be enjoying some of the benefits he deserves at the hands of the National Government, many of which are denied him.

The point is made and argued that the Government can not adopt the policy of road construction in the various States, because of an infringement upon the rights of the States, and that to do so would be a policy of paternalism that would do violence to our democratic form and principles of government. In the provisions of the bill reported, as in many measures adopted by Congress and others now pending, participation by the Government is not invoked until local subdivisions have evinced sufficient interest and manifested a spirit of self-help by donating an equal amount and inviting the assistance of the Government through the agency of the Public Roads Division of the Agricultural Department, a bureau specifically established and prepared to perform this work along scientific lines.

Here is a bureau which has been actively engaged in a systematic study of this important work for many years, with a staff of experienced road engineers, with valuable information and data at hand to enable it to prosecute the work in a judicious and effective manner, and with all the facilities necessary to utilize the materials of road construction found in every locality in the United States. The result of this work along the lines provided for in the bill would be a wonderful incentive to the States; would enlist an increased local interest and enthusiasm; would be object lessons and valuable in those communities as samples of road construction, where road improvement would follow along lines of independent action. The resources of many of the counties and communities where better roads are desired are not sufficient to provide the necessary funds, though they are willing to cooperate with others who are likewise benefited and whose use of them is as imperative as those who reside along them, and it is this popular demand which I am endeavoring to meet by working out a plan or scheme whereby the Government shall contribute its fair and proportionate share. It would be valuable in disseminating information, would give an impetus to road improvement, and would stimu-

late and quicken action in local communities, counties, and States, and would, in my opinion, inaugurate the movement which would in a few years result in securing an improved system of highways, permeating every section of the country, that would be the pride of our Nation, a medium of exchange and intercourse among our people, and, in addition to the comforts of travel and transportation, contribute to our permanent prosperity.

I ask permission to have inserted in the RECORD the report accompanying the bill.

There being no objection, the report (No. 438) submitted by Mr. BANKHEAD on the 23d instant was ordered to be printed in the RECORD, as follows:

Mr. BANKHEAD, from the Committee on Agriculture, submitted the following report, to accompany S. 6931:

The Committee on Agriculture, to whom was referred the bill (S. 6931) providing for experiments on certain highways by the Secretary of Agriculture, in cooperation with the Postmaster-General, and for other purposes, have had the same under consideration, and hereby report it without amendment.

REASONS FOR REPORTING BILL.

The last quarter of a century has witnessed the awakening of the public to the necessity for better country roads. With the increase of production has come a corresponding increase in transportation over the country roads. The fallacy that the greater our railroad mileage the less our dependence upon the wagon road has given place to a realization that the greater the railroad mileage the greater the movement of freight on the common roads, which are feeders to the railroads. In France, by actual traffic census, it has been found that the tonnage over the wagon roads is one and a half times as great as on the railroads.

Over the bad roads in the United States a team in the worst hauling season is able to transport on an average only about 800 or 900 pounds, while in France every good draft horse is expected to be able to draw 3,306 pounds a distance of 18½ miles any day in the year. It is this realization of the financial burden of bad roads that is largely responsible for the widespread public sentiment in favor of definite and prompt action looking to the betterment of the public roads. Another potent factor in bringing about this attitude of the public is the growing tendency of the people to concentrate in the great cities. Already one-third of our population is crowded together in cities, leaving millions of acres of land unproductive which otherwise might be adding to the national wealth and prosperity. These two causes taken together, namely, the great cost of hauling, and the scarcity of labor in the country, are probably as much responsible for the high cost of living as any factors that could be cited.

Public sentiment has become organized and various commercial, agricultural, and road associations have specifically taken up the question of improving the public roads and have repeatedly called upon the National Government for some action that will aid in bringing about this result. Since the establishment of the Rural Free Delivery Service the National Government has become more directly connected with the subject of road improvement. The appropriation for rural free delivery amounted last year to \$35,673,000, and it is evident, therefore, that the question of economy in the expenditures for rural free delivery is materially affected by the condition of the roads over which the service operates. The necessity for action is so apparent, the demand so universal and insistent, and the subject of such vast importance to the general welfare of the country that recognition and indorsement has been given in the national platforms of both political parties in 1909, and the committee now feels that the subject should, through the bill in question, be definitely submitted to the Senate for its consideration.

EXPERIMENTAL VALUE.

While this bill, if enacted into law, will, it is hoped, result in widespread and permanent reforms in road administration and methods of construction and maintenance and also a certain mileage of adequately improved road, its primary purpose is to render more effective the rural delivery service and to indicate lines along which economy and efficiency can be attained through the improvement, locally or otherwise, of the roads on which rural delivery routes are located. The experiments contemplated in this bill will indicate clearly the increase in territory which one carrier can serve by reason of a uniformly good road without increase in cost to the Government.

The results will further indicate the possible increase in the number of delivery days each year without increase in appropriation. In explanation of this it should be borne in mind that some of the routes have biweekly, some triweekly, and some daily deliveries. The experiments in construction and maintenance will be so thorough as to indicate clearly to the local authorities the amounts necessary, if any, in excess of their local expenditure to place the roads in the highest state of efficiency. This point is of the greatest importance, as the annual expenditure for public roads in the United States from all sources at the present time probably exceeds \$90,000,000 outside of municipalities, and it is estimated that half of this sum is wasted through unwise administration and incorrect methods of construction and maintenance. If the purposes of this bill are carried out, it is quite probable that many communities will as a result adopt such reforms in methods as to bring about the improvements contemplated in this bill without any increase in expenditure, either local or otherwise.

In carrying out the provisions of this bill it is contemplated that the most thorough cooperation shall be brought about between the representatives of the National Government and the local authorities, so that the educational value of the work may be as lasting and thorough as possible. When it is considered that the amount proposed to be appropriated by this bill is but little more than 1 per cent of the total appropriation for rural delivery, it would seem no more than wise business policy to make such an outlay for the purpose of determining the lines along which saving may be effected amounting annually to many times the amount of this appropriation, even if its benefits were confined to this feature alone.

The actual roads constructed and maintained under the provisions of this bill will be of inestimable value as object lessons in types and methods of construction and maintenance. The work of this character now being done by the Office of Public Roads of the United States Department of Agriculture on a small scale, as compared with the possible work under this bill, demonstrates the correctness of this assertion.

CONSTRUCTIVE VALUE.

In many investigative projects the results, while amply justifying the outlay, are confined to the scientific data or the acquisition of knowledge. It is a point strongly in favor of this work that while the practical and economic data obtained will be of inestimable value every dollar expended will be represented at the close of the investigation by a tangible equivalent value in the form of improved roadways, so that, in a commercial sense, the utility acquired will at least equal that which has been expended. In fact, the constructive value will be even greater, for the bill provides that for every dollar appropriated by this bill an equivalent amount shall be appropriated by the States or their civil subdivisions, so that the net result of the operation of this bill will be, in addition to its primary administrative and economic benefit, \$1,000,000 worth of improved roads over which the Rural Delivery Service operates, and the net saving to the Government as a direct result of such expenditure will, in all probability, far exceed the interest on the outlay.

INCENTIVE TO FUTURE IMPROVEMENT.

No incentive to the building and maintenance of improved roads is so effective as an actual specimen of good road over which the people may travel and which is so located as to afford a direct comparison with the unimproved and incorrectly maintained highways. The moral effect of these experimental stretches of improved roads such as are contemplated by this bill will be incalculable in arousing and directing public sentiment along the right lines and causing the various localities to emulate the methods and the outlay represented by the experimental stretches of road.

ECONOMIC VALUE OF PROPOSED WORK.

The farming element of the country is vitally concerned over the condition of the highways. This class embraces about 40 per cent of our population and represents about 20 per cent of our national wealth. They constitute our rural population, which is dependent on the 2,155,000 miles of public road in the United States for their daily intercourse, for the transportation of their farm products to market, for the daily delivery of their mails, and for the most effective operation of their public school system. The condition of these roads, therefore, is a very material factor in determining the social and economic status of every rural community, and as the value of the farm products of the United States now amounts to more than \$8,000,000,000 annually, and as these products constitute the main source of supply of raw materials for our factories and of foodstuffs for our consuming public, and must first be transported to shipping or consuming point over the public highways, the condition of these roads becomes a matter of vital interest to the industrial world and to the consuming public.

The national governments of all the principal nations of the world except the United States actively aid and encourage the building and maintenance of public roads. France has the most superb system of roads in the world, completed at a total cost of \$612,775,000. The effect of these roads upon the material prosperity of the French people is indicated in the following extract from a report by Francis B. Loomis, commercial agent at St. Etienne, France, dated April 23, 1891:

"The road system of France has been of far greater value to the country as a means of raising the value of lands and of putting the small peasant proprietors in easy communication with their markets than have the railways. It is the opinion of well-informed Frenchmen who have made a practical study of economic problems that the superb roads of France have been one of the most steady and potent contributions to the material development and marvelous financial elasticity of the country. The far-reaching and splendidly maintained road system has distinctly favored the success of the small landed proprietors, and in their prosperity and in the ensuing distribution of wealth lies the key to the secret of the wonderful financial vitality and solid prosperity of the French nation."

As a result of the improved condition of the roads in these countries, their farmers haul produce to market at an average cost of only 10 cents per ton per mile, and in some cases it is as low as 7 cents; while, as a result of the bad condition of American roads, our farmers are forced to pay an average expense of 23 cents per ton per mile on every ton of produce hauled to market or shipping point.

According to the report of the Interstate Commerce Commission for the year 1907, there originated on the railroads of the country about 893,000,000 tons of freight. Of this enormous freight tonnage about one-third consisted of agricultural, forest, and miscellaneous products, or nearly 300,000,000 tons. No data is available to show the freightage on our inland waterways, but it is apparent that this, too, reaches an enormous total.

It is probable, of course, that some of the agricultural and miscellaneous products are not first hauled over the country roads to railroad stations; but, as an offset to this, much of the mining and manufactured products are hauled over the roads, and also many millions of tons which are transported by water are first hauled over the roads. The average haul from farms to shipping point being 9.4 miles and the cost 23 cents per ton per mile, the total cost of hauling the huge tonnage is over \$600,000,000. If we should improve our roads to a point of excellence equal to those of England, France, Germany, and Switzerland, and should thereby reduce the average cost of transportation in the United States to the same basis as in the European countries named, it would therefore result in an annual saving of over \$300,000,000, or three and a third times as much as is now spent on the roads throughout the country every year.

The burden imposed upon our farmers by reason of bad roads is well illustrated by the fact that although ocean rates were slightly higher than usual during 1905-6, the mean charge for transporting wheat by regular steamship lines from New York to Liverpool, a distance of 3,100 miles, was 1.6 cents less per bushel than it cost the farmer to haul his wheat 9.4 miles to a neighboring railroad station.

From an administrative standpoint, the saving through the substitution of wise administration and correct methods of construction and maintenance would equal at least \$30,000,000 or \$40,000,000 annually.

The condition of the highways is also an important factor in determining the value of farm lands. Wherever good roads have been built land values have increased. It is rarely the case that the average increase is less than 20 per cent of the total value, while numerous examples can be cited of increases exceeding 100 per cent. An example illustrative of this point is given in the following extract from a report of the Maryland geological survey:

"The last federal census, taken in 1900, shows that there has been an increase in the farm values of the United States amounting to 27 per cent, and that only four States of the Union show a depreciation of farm values. Massachusetts shows the largest percentage of increase in these values, and this increase has developed since the road

improvements there were begun. Prior to that time the farm values in that State were also depreciating."

The trend of population from country to city is most apparent in those sections of country which are isolated by reason of bad roads. An example illustrating this point has been cited by the United States Office of Public Roads, in which it is set forth that in 25 counties showing an increase in population, from 1890 to 1900, averaging 30,000 to the county, 40 per cent of the roads were improved and maintained in first-class condition, while in 25 counties in the same States, showing a loss in population in the same period of 3,000 to the county, only a little over 1 per cent of the roads were adequately improved.

The effect of bad roads on education, and consequently the standard of citizenship, is too obvious to be overlooked, and it is a significant fact that in five States which are ranked among the foremost in the mileage of improved roads the school attendance is 78 out of every 100 enrolled, while in five States which have scarcely made an effort in the improvement of their public roads the school attendance averages only 59 out of each 100 pupils enrolled.

Without stating additional facts, the foregoing demonstrates the necessity for and the value of highway improvement. The points brought out and the facts cited also tend to show that as an educational force the work contemplated in this bill would be of immense value to the people of the country, while the concrete results in the collection of data useful to the Rural Delivery Service and the benefits resulting from the actual roads constructed justify the wisdom of this appropriation from the standpoint of business economy.

This bill provides for an appropriation of \$500,000, to be supplemented by an equal sum from the States or county or counties in which the rural routes selected for improvement are located, making a fund of \$1,000,000 to be expended by the Secretary of Agriculture in cooperation with the Postmaster-General in an experimental improvement of rural routes. This will bring about a cooperation between the two departments of the Government most interested, and will enlist the cooperation of other units of government, namely, the State and the county, so that the influence and effects will be most widespread.

FACILITIES OF DEPARTMENT OF AGRICULTURE FOR CARRYING ON THE WORK.

The execution of the objects and purposes of this bill should naturally fall to the Department of Agriculture, and, to render it more effective, the cooperation of the Post-Office Department is also provided for. The Office of Public Roads in the Department of Agriculture already has an effective organization and a corps of trained highway engineers who will be able to carry out this work. By utilizing the Office of Public Roads as the instrument for carrying out the provisions of this bill, the creation of a new bureau will be avoided and the costly expenditure and unavoidable delay incident to forming new organizations and new lines of work will be eliminated. In fact, this bill is to a certain extent a broadening of the scope of the Office of Public Roads and will increase its usefulness along conservative lines, with the added advantage of the great benefit contemplated to the Rural Delivery Service.

EXECUTIVE SESSION.

Mr. HEYBURN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 3 o'clock and 35 minutes p. m.) the Senate adjourned until Monday, March 28, 1910, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate March 25, 1910.

JUDGE OF THE POLICE COURT.

George P. Hoover, of the District of Columbia, to be judge of the police court of the District of Columbia, vice Ivory G. Kimball, whose term has expired.

SECRETARIES OF EMBASSIES.

Gustave Scholle, of Minnesota, now third secretary of the embassy at Berlin, to be second secretary of the embassy of the United States of America at Paris, France, vice Irwin B. Laughlin, appointed secretary of the embassy at Berlin.

George T. Weitzel, of Missouri, now secretary of the legation at Panama, to be second secretary of the embassy of the United States of America at Mexico, Mexico, vice Thomas Ewing Dabney, nominated to be secretary of the legation and consul-general at San Salvador.

Perry Belden, of New York, to be third secretary of the embassy of the United States of America at Berlin, Germany, vice Gustave Scholle, nominated to be second secretary of the embassy at Paris.

Sheldon L. Crosby, of New York, to be third secretary of the embassy of the United States of America at London, England, vice Arthur Orr, nominated to be secretary of the legation to Greece and Montenegro.

William Walker Smith, of Ohio, to be third secretary of the embassy of the United States of America at Constantinople, Turkey, vice Charles B. Curtis, nominated to be secretary of the legation at Christiania.

Willing Spencer, of Pennsylvania, to be third secretary of the embassy of the United States of America at St. Petersburg, Russia, vice Henry Coleman May, appointed secretary of the legation at Stockholm.

SECRETARIES OF LEGATIONS.

Richard C. Bundy, of Ohio, to be secretary of the legation of the United States of America at Monrovia, Liberia, vice George W. Ellis.

Charles B. Curtis, of New York, now third secretary of the embassy at Constantinople, to be secretary of the legation of the United States of America at Christiania, Norway, vice Charles Dunning White, nominated to be secretary of the legation at Habana.

Richard O. Marsh, of Illinois, to be secretary of the legation of the United States of America at Panama, Panama, vice George T. Weitzel, nominated to be second secretary of the embassy at Mexico.

Arthur Orr, of Illinois, now third secretary of the embassy at London, to be secretary of the legation of the United States of America to Greece and Montenegro, vice Robert M. Winthrop, resigned.

Charles Dunning White, of New Jersey, now secretary of the legation at Christiania, to be secretary of the legation of the United States of America at Habana, Cuba, vice Fred Morris Dearing, appointed second secretary of the embassy at London.

Thomas Ewing Dabney, of Louisiana, now second secretary of the embassy at Mexico, to be secretary of the legation and consul-general of the United States of America at San Salvador, Salvador, vice Arthur Hugh Frazier, appointed secretary of the legation at Bogota.

UNITED STATES DISTRICT JUDGE.

John C. Rose, of Maryland, to be United States district judge for the district of Maryland. An original vacancy provided by the act of Congress approved February 24, 1910.

UNITED STATES ATTORNEYS.

John Philip Hill, of Maryland, to be United States attorney for the district of Maryland, vice John C. Rose, nominated to be United States district judge, Maryland.

Clarence R. Wilson, of the District of Columbia, to be United States attorney for the District of Columbia, vice Daniel W. Baker, whose term has expired.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 25, 1910.

PROMOTIONS IN THE ARMY.

TO BE LIEUTENANT-COLONELS ON THE RETIRED LIST.

Maj. Ferdinand E. De Courcy,
Maj. Henry F. Brewerton,
Maj. Lafayette E. Campbell,
Maj. William M. Waterbury,
Maj. John R. Brincklé,
Maj. Edward G. Mathey,
Maj. James N. Morgan,
Maj. Edmund K. Russell,
Maj. Henry M. Kendall,
Maj. Thomas Sharp,
Maj. Washington I. Sanborn,
Maj. Henry P. Ritzius,
Maj. James M. Burns, and
Maj. William H. Kell.

TO BE MAJORS ON THE RETIRED LIST.

Capt. John A. Payne,
Capt. George K. Spencer,
Capt. William W. Tyler,
Capt. Dillard H. Clark,
Capt. William O. Cory,
Capt. Christopher W. Harrold,
Capt. Lewis Merriam,
Capt. William M. Williams,
Capt. John H. Gifford, and
Capt. Edward I. Grumley.

APPOINTMENT IN THE ARMY.

GENERAL OFFICER.

Col. Ralph W. Hoyt to be brigadier-general.

POSTMASTERS.

INDIANA.

Lyman D. Heavenridge, at Spencer, Ind.
Charles P. Hornaday, at Danville, Ind.
Commodore D. Houchin, at Petersburg, Ind.
John O. Stark, at Clinton, Ind.

MISSOURI.

C. A. Chambers, at Butler, Mo.

MONTANA.

W. W. Harper, at Anaconda, Mont.

HOUSE OF REPRESENTATIVES.

FRIDAY, *March 25, 1910.*

The House met at 12 o'clock noon.

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

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

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted—

To Mr. GARDNER of Massachusetts, for ten days, on account of illness.

COMMITTEE ON RULES.

Mr. CURRIER. Mr. Speaker, I offer a privileged resolution.

The SPEAKER. The gentleman from New Hampshire presents the following privileged resolution (H. Res. 506), which the Clerk will report.

The Clerk read as follows:

House resolution 506.

Resolved, That the following-named Representatives be elected as members of the Committee on Rules:

Hon. JOHN DALZELL, of Pennsylvania; Hon. WALTER I. SMITH, of Iowa; Hon. HENRY S. BOUTELL, of Illinois; Hon. GEORGE P. LAWRENCE, of Massachusetts; Hon. J. SLOAT FASSETT, of New York; Hon. SYLVESTER C. SMITH, of California; Hon. CHAMP CLARK, of Missouri; Hon. OSCAR W. UNDERWOOD, of Alabama; Hon. LINCOLN DIXON, of Indiana; and Hon. JOHN J. FITZGERALD, of New York.

Mr. CURRIER. Mr. Speaker, the resolution I have offered provides for the election of the Committee on Rules ordered by the House. The six gentlemen first named in the resolution were selected in the Republican caucus, and the rank given them on the committee is in accordance with a resolution adopted in that caucus. When it happened that two gentlemen had the same length of service, they agreed as to the rank they were to have.

The four other gentlemen named in the resolution were selected in the Democratic caucus, and they are ranked on the committee in accordance with a report of the proceedings of that caucus, a copy of which was handed me by its secretary, the gentleman from Arkansas [Mr. ROBINSON].

Mr. TAWNEY. Will the gentleman from New Hampshire allow me to ask him a question?

Mr. CURRIER. I yield for a question.

Mr. TAWNEY. Is it not a fact that the Republican caucus instructed you, as its chairman, to report to the House the names selected by the Republican caucus in the order which you have, naming the two Members now on the Committee on Rules in the order in which their rank is on that committee, and that you were also to present the four names selected by the Democratic caucus, in addition to the six, in the same order, and if there were two on the committee with the same seniority—

Mr. CLAYTON. May I interrupt the gentleman? We do not concede on this side the right even of the majority in this particular matter to say how we shall rank the Democratic members.

Mr. TAWNEY. In the absence of any action of the Democratic caucus—

Mr. CLAYTON. I desire, with the permission of the gentleman from New Hampshire, to state exactly how the Democratic members are ranked and the reasons therefor.

Mr. CURRIER. In a moment. Let me answer the gentleman from Minnesota. I did not understand that I was to have the responsibility of ranking the Democratic members on this committee.

Mr. TAWNEY. In the absence of the Democratic caucus taking any action at all, which was a fact.

Mr. CURRIER. I have ranked them in accordance with the report handed me.

Mr. MURDOCK. If the gentleman will allow me, I want to say that the rank has nothing to do with the selection of chairman.

Mr. CURRIER. Oh, nothing at all. I may say to the gentleman from Alabama that I ranked them just as they were ranked in the report handed me of the proceedings of the Democratic caucus. I did not feel that any obligation rested upon me to rank the Democratic members. Now, I will yield to the gentleman from Alabama. How much time does the gentleman want?

Mr. CLAYTON. A few moments.

Mr. CURRIER. I will yield five minutes to the gentleman from Alabama.

Mr. CLAYTON. Mr. Speaker, the Democratic caucus was held last night and selected four candidates for members of the Committee on Rules. In pursuance of the action of that caucus I, together with the secretary of the caucus, signed a certificate and handed it to the gentleman from New Hamp-

shire [Mr. CURRIER] this morning certifying that the Hon. CHAMP CLARK, the Hon. OSCAR W. UNDERWOOD, the Hon. LINCOLN DIXON, and the Hon. JOHN J. FITZGERALD were selected as the Democratic members of this committee. They have been elected as Democratic members of this committee. They have been ranked, Mr. Speaker, according to the votes which they received in the Democratic caucus, namely, Mr. CLARK having received the highest vote, Mr. UNDERWOOD the next highest vote, Mr. DIXON the next highest vote, and then came Mr. FITZGERALD. Without any instructions by the Democratic caucus on that subject at all, it occurred to me as chairman of that caucus that that was the proper way to rank the Democratic members of the committee, and hence I so certified them in the order to the distinguished gentleman from New Hampshire, and I assume all responsibility for the rank given to the Democrats on the committee.

Mr. CURRIER. I might say, Mr. Speaker, that had the Democratic side asked for the privilege of presenting the names of the members of this committee I should have yielded at once to that request and named the Republicans alone, leaving the minority to name the other four members; but when they said to me that they were content that all should be named in the resolution so that it might pass without amendment, I agreed.

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

Mr. CURRIER. I will.

Mr. MANN. Was not the gentleman instructed by the Republican caucus in reference to this matter? Is the gentleman acting on his own motion or by the instruction of the Republican caucus?

Mr. CURRIER. The gentleman is acting, or has acted, as he understood, in accordance with the desires of the Republican caucus as expressed in the caucus.

Mr. MANN. I understand; but the action of the Republican caucus was a direction to the gentleman to present the list of names selected by the Republican caucus and the Democratic caucus in one resolution. The gentleman was not authorized to make any change in that.

Mr. CURRIER. The gentleman thinks that had they desired it the minority would have had the right to present their own men.

Mr. MANN. And I suppose no one would have had any objection, but the gentleman from New Hampshire would not have been authorized to change the resolution of the Republican caucus.

Mr. CURRIER. Mr. Speaker, I move the previous question on the adoption of the resolution.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the Speaker announced that the ayes had it.

Mr. TAWNEY demanded a division.

Mr. CURRIER. I demand the yeas and nays.

Mr. TAWNEY. Mr. Speaker, I withdraw that demand.

The SPEAKER. But the gentleman from New Hampshire demanded the yeas and nays.

Mr. CURRIER. I will withdraw the demand for the yeas and nays.

The question was then taken, and the Speaker announced that the resolution was unanimously agreed to.

REPUBLIC OF LIBERIA.

The Speaker laid before the House the following message from the President of the United States (S. Doc. No. 457), which was read and, with accompanying papers, referred to the Committee on Foreign Affairs and ordered printed.

To the Senate and House of Representatives:

I lay before the Congress herewith a report submitted by the commission which visited Liberia in pursuance of the provisions of the deficiency act of March 4, 1909, "to investigate the interests of the United States and its citizens in the Republic of Liberia, with the consent of the authorities of said Republic."

This report is accompanied by a communication of the Secretary of State reciting the conditions under which the Liberian Commonwealth was founded through the efforts of the Government of the United States and American citizens, and commenting on the recommendations of the commission touching the course to be pursued by this Government in aid of Liberia at this juncture of stress and need. I cordially concur in the views of the Secretary of State, and trust that the policy of the United States toward Liberia will be so shaped as to fulfill our national duty to the Liberian people, who, by the efforts of this Government and through the material enterprise of Ameri-

can citizens, were established on the African coast and set on the pathway to sovereign statehood.

THE WHITE HOUSE, March 25, 1910.

WM. H. TAFT.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 22643. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1911, and for other purposes.

HOUSE BILL WITH SENATE AMENDMENTS REFERRED.

Under clause 2 of Rule XXIV, House bill (H. R. 22643) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1911, and for other purposes, with Senate amendments, was taken from the Speaker's table and referred to the Committee on Appropriations.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills and joint resolution of the following titles:

On March 15, 1910:

H. R. 11580. An act for the erection of a monument over the grave of Brig. Gen. James Shields in St. Mary's Cemetery, Carrollton, Mo.;

H. R. 17838. An act for the relief of George W. Flack;

H. R. 20180. An act for the relief of Patrick Shields; and

H. R. 21693. An act for the relief of William H. Hawley.

On March 23, 1910:

H. R. 11878. An act to change the name of Twenty-third street north of Calvert street, in the District of Columbia, to Woodley place;

H. R. 13893. An act to authorize the extension of Forty-first street NW.;

H. R. 16915. An act to direct that Jefferson street NW. between Fourteenth street and Colorado avenue be stricken from the plan of the permanent system of highways for the District of Columbia;

H. R. 16916. An act to authorize certain changes in the permanent system of highways plan, District of Columbia;

H. R. 19785. An act to authorize the extension of Columbia road NW., in the District of Columbia;

H. R. 20164. An act authorizing the extension of Military road NW., in the District of Columbia;

H. R. 16824. An act for the relief of Daniel H. Wiggin;

H. R. 18006. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors;

H. R. 18902. An act to amend an act approved August 13, 1894, entitled "An act relative to recognizances, stipulations, bonds, and undertakings, and to allow certain corporations to be accepted as surety thereon;"

H. R. 21221. An act to authorize the city of St. Joseph, Mich., to construct a bridge across Morrison Channel of the St. Joseph River, Michigan;

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

H. R. 13864. An act to extend Fourth street SE.; and

H. R. 15384. An act making appropriation for the support of the army for the fiscal year ending June 30, 1911.

On March 24, 1910:

H. R. 19959. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

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

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

ENROLLED BILL SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 16037. An act to amend section 810 of the Revised Statutes.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. GILLETT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 22643) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1911, and for other purposes, disagree to all Senate amendments, and ask for a conference.

The SPEAKER. Is there objection?

Mr. FITZGERALD. Mr. Speaker, reserving the right to object, I wish to inquire if this bill carries an amendment to the so-called publicity feature of the corporation-tax act.

Mr. GILLETT. Mr. Speaker, I did not see any. I will state to the gentleman that I have not looked through all of the amendments of the bill.

Mr. TAWNEY. It does carry such an amendment.

Mr. MANN. It carries an amendment providing, first, that the publication may be made by the direction of the President; and, second, may be called for by either House of Congress.

Mr. FITZGERALD. Mr. Speaker, I wish to say this: The corporation-tax law was incorporated into the tariff bill and enacted into law without this House ever having had an opportunity to discuss it. Now, that it has become offensive to some persons and to some parts of the country, an attempt is made to patch it up without giving the House an opportunity to discuss even the changes; and in order to give the House an opportunity for thorough discussion of this amendment and the law which it proposes to change, I shall object to the request.

The SPEAKER. The gentleman from New York objects. The conference report will be referred to the Committee on Appropriations.

PENSIONS.

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

The SPEAKER. The gentleman from New Hampshire asks unanimous consent that bills on the Private Calendar, in order to-day, be considered in the House as in Committee of the Whole House. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from New Hampshire how many bills there are on the Private Calendar, if he knows, reported from the Committee on Military Affairs, practically removing the charge of desertion.

Mr. SULLOWAY. Mr. Speaker, I will say that I have not any knowledge of any. I have not looked at the calendar.

Mr. MANN. Is there any member of the Committee on Military Affairs here who can give me that information?

Mr. TILSON. Mr. Speaker, I will say that I have personal knowledge of two.

Mr. MANN. Oh, I have personal knowledge of more than two. Mr. Speaker, I find that the Committee on Military Affairs is resuming an old practice it had of reporting bills intending to remove charges of desertion in effect, a practice which was discontinued for several years, with great benefit and comfort to the Members of Congress and their constituents, but if it be the intention to renew that old practice of bringing in a great many of these reports, like other Members of Congress I shall either insist upon my share, or object to the consideration of the bills in the House hereafter.

Mr. SULLOWAY. Mr. Speaker, I suppose that is a matter resting between the gentleman and the gentlemen on that committee, with which I have nothing to do.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the first bill.

The Clerk read as follows:

A bill (H. R. 23095) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of John W. Vannatta, late first lieutenant Company C, Eighty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John M. Wild, late of Company C, Third Regiment North Carolina Volunteer Mounted Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William Collins, late of Company F, Eighth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Luke Tabor, late of Company I, Second Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Harvey Walters, late of Company B, Seventy-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Charlotte Meyer, former widow of Thomas Hunn, late of Company D, One hundred and twenty-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Enoch Tibbetts, late of Company C, Ninth Regiment, and Company C, Sixth Regiment, New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James H. Weatherby, late of Company C, Eleventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Martin Moore, late of Company D, Sixth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Thomas C. Lumm, late of Company H, Fourteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Jacob Zimmermann, late of Company B, Thirty-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Susan M. Hayes, widow of Samuel P. Hayes, late of Company A, Eleventh Regiment, and Company F, Forty-sixth Regiment, Illinois Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Charles S. Munger, late captain Company I, One hundred and eighty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Winfield S. Howe, late of Company B, Thirty-second Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John F. Sutphin, late of Company H, Ninth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Paul Cariker, late of Company A, One hundred and forty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$12 per month.

The name of Lee Lafavor, late of Company A, Fifth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Augustus W. Patterson, late of Company A, Fifth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of George T. Jones, late of Company H, One hundred and forty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Elias J. Everett, late of Company H, Thirty-eighth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Joseph H. Jewett, late of Company D, and first lieutenant and adjutant, Eighth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of James R. Stroup, late of Company D, Fortieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Charles A. Clark, late of Company K, Eighty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Edward M. Smith, late of Company G, Ninth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Elisha S. Singer, late of Company C, Fifty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Charles McCallister, late of Company F, Third Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Edward Reubeno, late of Company A, Ninety-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Andrew F. Byers, late of Company H, First Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Frank Oleson, late of Company B, Fourth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of James R. Hutton, late of Company G, First Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Edward C. Marsh, late of Company H, Eighth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Perry Metheny, late of Company I, Fourth Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Arnold Shaffer, late of Company C, Twenty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John Neebes, late of Company B, Seventy-second Regiment Illinois Volunteer Infantry, and One hundred and seventh Company, Second Battalion, Veteran Reserve Corps, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Silas R. Nugen, jr., late of Company K, Twenty-fifth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Sarah E. Johns, former widow of Irvin M. Morgan, late of Company G, Ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Perry Kains, late of Company K, Fourteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Alexander Hanner, late of Company B, Twenty-second Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Hovey B. Campbell, late of Company D, Fourth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Martha Edwards, widow of William Edwards, late of Company E, Fifth Regiment Massachusetts Volunteer Cavalry, and pay her a pension at the rate of \$12 per month.

The name of Andrew T. Smith, late of Company I, Eleventh Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John W. Manning, late of Company E, Ringgold Battalion, Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Emerson O. Place, late of Company H, Eighty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Alester D. Sly, late of Company A, One hundred and eighty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Foster Drake, late of Company G, Eleventh Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William Bishop, late of Company K, Seventh Regiment, and Company D, Forty-seventh Regiment, Kentucky Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Anthony W. Sefton, late of Company G, Eighth Regiment Illinois Volunteer Cavalry, and Seventeenth Company, Second Battalion, Veteran Reserve Corps, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of James Jones, late of Company A, Fourth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Lewis M. Borla, late of Companies E and A, First Regiment Vermont Volunteer Heavy Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Franklin Lear, late of Company F, Seventy-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John W. Shewalter, late of Company C, Eighth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Chancey R. Hayes, late of Company M, Second Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James H. Pope, late of Company D, Nineteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Daniel T. Wellington, late second lieutenant Company B, Third Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

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

The name of Christopher C. Layman, late of Company B, Twentieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Michael S. Robey, late of Company C, Fortieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Charles Allen, late of Company E, One hundred and forty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Thomas P. Overly, late of Company C, Tenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Henry Knoll, late of Company I, Thirty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Michael Manning, late of Company D, Fifth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of George E. Mayhew, late of Company C, First Regiment New Hampshire Volunteer Heavy Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Thomas McGinnin, late of Company G, Seventeenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Albert N. Clough, late of Company A, Third Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Horace H. Hause, late of Company G, Tenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Charles A. Smith, late of Company L, Eighth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Albert A. Funk, late of Company D, One hundredth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William H. Pence, late of Company K, Eighty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John D. W. Henderson, late of Company A, Forty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Jesse McFarland, late of Company I, One hundred and twenty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Nathan L. Brass, late of Company D, First Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Minerva I. Sikes, widow of Thomas Sikes, late first lieutenant and captain Company E and major, Thirty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$25 per month in lieu of that she is now receiving.

The name of Baty Collins, late of Company E, Eighth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of George W. Willis, jr., late of U. S. S. North Carolina, Iroquois, and Arles, United States Navy, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Catharine A. Chapman, widow of Bazzellel W. Chapman, late captain Company I, First Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of William H. Johnson, late of Company B, Fifteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Elisha Bowlby, late of Company H, Eighth Regiment New Jersey Volunteer Infantry, and pay him a pension of \$24 per month in lieu of that he is now receiving.

The name of Leonard Mowers, late of Company F, First Regiment Wisconsin Volunteer Cavalry, and Company A, Second Regiment United States Veteran Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William F. Bard, late of Company I, Seventeenth Regiment, and Company E, One hundred and thirty-third Regiment, Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of James E. Hamler, late of Company K, Ninth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Henry Winebrenner, late of Company I, Forty-eighth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John W. Pugh, late of Company F, Twenty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John C. Schuler, late of Company K, Thirty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Jacob Krieger, late of Company K, One hundred and first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Marcus Crossman, late of Company I, One hundred and forty-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Daniel Swisher, late of Company K, Seventy-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Francis M. Kaylor, late of Company I, Eighth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of Hezekiah W. Kelley, late of Company F, Thirty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John H. Moore, late of Company A, First Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John Gessner, late of Company K, One hundred and nineteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William Blair, late of Company A, Ninety-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Jeremiah Book, late of Company A, First Regiment Missouri Volunteer Engineers, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Isham M. Tabor, late of Company D, Twenty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Hallie Turner, helpless and dependent child of William H. Turner, late of Company M, Seventh Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of \$12 per month.

The name of Jacob G. Hill, late of Company E, Nineteenth Regiment Ohio Volunteer Infantry, and Company K, One hundred and forty-third Regiment Ohio National Guard Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William M. May, late first lieutenant Company B, First Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John Hogan, late of Company F, Thirty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Elijah Wells, late of Company I, Forty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Rees Davis, late of U. S. S. Princeton, New Hampshire, and Mary Sanford, United States Navy, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Absalom F. Brown, late of Company E, First Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Louis C. Oulmynn, late of U. S. S. St. Lawrence and Michigan, United States Navy, and Companies H and D, Third Regiment Massachusetts Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Jacob Young, late of Company B, Seventeenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Joseph H. Feinour, late unassigned, Third Regiment Pennsylvania Heavy Artillery, and Company F, One hundred and eighty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John B. Moore, late of Company E, Fourteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John Anderson, late of Company H, One hundred and thirtieth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Michael Fanley, late of Company G, Tenth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John C. Holley, late of Company I, Forty-seventh Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Anna Ogg Lindsay, late nurse, Medical Department, United States Volunteers, and pay her a pension at the rate of \$12 per month.

The name of Blanche Irene Buckwalter, helpless and dependent child of Jesse S. Buckwalter, late of Company H, Fifty-second Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

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

The name of Edgar B. Lake, late of Company I, Eighteenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James Cumberlidge, late of Oneida County New York Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Varnum H. Hill, late captain and assistant quartermaster, United States Volunteers, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Andrew McGrath, late of Company L, Second Regiment Connecticut Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James H. Hadden, late of Company A, One hundred and forty-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Sandford Tyler, late of Company D, Fifty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William H. Jaquish, late of Company A, Third Regiment Massachusetts Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William B. Conley, late of Company A, First Regiment Michigan Volunteer Engineers and Mechanics, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Michael Gaffney, late of Company B, Second Regiment New Jersey Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Clarence M. Spalding, late assistant surgeon, Eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John Hester, late of Company D, Thirteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$20 per month, the same to be paid to him under the rules of the Pension Bureau as to mode and times of payment without any deduction or rebate on account of former alleged overpayments or erroneous payments of pension.

The name of Benoni Lachance, late of Company F, Seventh Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Ary Louisa Dunn, widow of Richard Dunn, late of Company B, First Regiment Delaware Volunteer Cavalry, and pay her a pension at the rate of \$12 per month.

The name of Americus Infield, late of Company G, Twenty-second Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of John Crowe, late of Seventh Independent Company, Ohio Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William G. Stuart, late of Company E, First Regiment Eastern Shore, Company D, Eleventh Regiment, and Company B, Second Regiment, Maryland Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Alfred Melvin, late of Smith's independent company, Maryland Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Charles C. Hartline, late of Company A, Ninety-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John F. Armstrong, late of Company H, Sixty-seventh Regiment, and Company E, One hundred and thirty-fourth Regiment, Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of David H. Mellinger, late of Company A, One hundred and thirty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John W. Morris, late of Company H, Twenty-first Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Alexis Snow, late of Companies G and E, First Regiment Vermont Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Aaron Lautzenheiser, late of Company I, Fourth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Emma Brown, widow of Alexander Brown, late of Company E, First Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of \$12 per month.

The name of Louis C. Olson, late of U. S. S. Great Western, Lafayette, and General Price, United States Navy, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John F. Spence, late of Company C, Seventy-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Elizabeth Gaunt, widow of Nev Gaunt, late of Company A, Eighth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Annie Belle Gaunt, helpless and dependent daughter of said Nev Gaunt, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Elizabeth Gaunt the name of said Annie Belle Gaunt shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of \$12 per month from and after the date of death of said Elizabeth Gaunt.

The name of Joseph M. Stevenson, late of Company L, Fourth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Amos W. Lanning, late of Company F, One hundred and forty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Jacob Werley, late of Company A, One hundred and eighty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Henry B. Whiting, late captain Company E, Twenty-fourth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John K. Moffet, late of Company C, Eighth Regiment New York State Militia, and Company C, Eighth Regiment New York National Guard Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Jeremiah Bruton, late of Company J, First Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Ann McNeal, widow of James McNeal, late of Company A, One hundred and fifty-fourth Regiment Ohio National Guard In-

fantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Charles Critchell, late of Company G, Forty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of George D. Arthur, late of Company H, Seventh Regiment United States Veteran Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Alice Dittman, widow of John H. Dittman, late second Lieutenant Company A, First Regiment Maryland Veteran Volunteer Cavalry, and pay her a pension at the rate of \$15 per month in lieu of that she is now receiving.

The name of John C. Whitehill, late of Company M, Third Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Augustus Brown, late unassigned, First Regiment Maine Veteran Volunteer Infantry, and pay him a pension at the rate of \$12 per month.

The name of Francis M. Loper, late of Company H, One hundred and forty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John R. Ash, late of Company C, Fortieth Regiment, and second Lieutenant Company F, One hundred and sixth Regiment, Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Nelson C. Teeter, late of Lieutenant Olney's company Oregon Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Elias W. Adams, late of Company F, Eighteenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Sophia I. McLeod, widow of Donald McLeod, late of Company F, Ninety-eighth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Alice McLeod, helpless and dependent daughter of said Donald McLeod, the additional pension herein granted shall cease and determine.

The name of Orin Hill, late of Company K, Ninety-third Regiment Ohio Volunteer Infantry, and One hundred and sixtieth Company, Second Battalion Veteran Reserve Corps, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Isaac M. Glasford, late of Company A, Twenty-ninth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Charles P. Mattocks, late colonel Seventeenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

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

The name of Albert W. Locklin, second lieutenant Company I, Ninety-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Edward Hohfeld, late of Company A, Fifth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Eliza J. Higby, dependent mother of George Higby, late of Company I, One hundred and twenty-third Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Phillip Jones, late of Company K, Eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John G. Sandbach, late of Company D, One hundred and seventeenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Phillip L. Shouse, late of Company D, Ninety-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

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

The name of Sumner Starks, late of Companies E and K, Fifth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Patrick Costin, late of Company D, Sixteenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of Phillip McCann, late of Company D, Fifth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Charles Sommers, late of Company C, Seventh Regiment New York Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Norman A. Hamilton, late of Company C, One hundred and thirty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of David Hancock, late of Company K, and drum major, Third Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of Caroline E. Tanner, widow of Martin J. Tanner, late of Company B, Fifth Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of John Hildebrand, late of Company H, Tenth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John Parke, late of Company G, Fourth Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John Weaver, late of Company G, Thirty-eighth Regiment, and Company G, Thirty-fourth Regiment, Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Jonas J. Boal, late of Company I, Fourth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Catharine Alter, widow of David Alter, late of Company K, Fifty-fourth Regiment Pennsylvania Emergency Militia, and of David Alter, alias William Brechbill, late of Company E, Dale's battalion, Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of \$12 per month.

The name of Zelofes Foster, late of Company C, Tenth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Adam Vesper, late of Company D, Eleventh Regiment, and Company F, Second Regiment, Missouri State Militia Cavalry, and Company K, Thirteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Charles H. Barr, late of Company A, Forty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$20 per month, the same to be paid to him under the rules of the Pension Bureau as to mode and times of payment, without any deduction or rebate on account of former alleged overpayments or erroneous payments of pension.

The name of Micajah T. Gillespie, late of Fourth Battery Indiana Volunteer Light Artillery, and pay him a pension at the of \$30 per month in lieu of that he is now receiving.

The name of J. Wilson Irwin, late of Company A, First Regiment Pennsylvania Reserve Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Thomas M. Jones, late of Company B, Eighth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Cordelia P. Hull, widow of Franklin U. Hull, late first lieutenant Company B, Tenth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Joseph R. Scott, late of Company G, Forty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Clara D. Miller, widow of John Miller, late second lieutenant and major, Fourth Regiment United States Infantry, and pay her a pension at the rate of \$25 per month in lieu of that she is now receiving.

The name of Andrew Galligen, late of Company G, Forty-eighth Regiment Pennsylvania Volunteer Infantry, and Company D, Sixteenth Regiment Veteran Reserve Corps, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of George E. Koch, late of Battery D, Pennsylvania Volunteer Light Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

This bill is a substitute for the following House bills referred to said committee:

- H. R. 146. John W. Vannatta;
- H. R. 371. John M. Wild;
- H. R. 396. William Collins;
- H. R. 572. Luke Tabor;
- H. R. 623. Harvey Walters;
- H. R. 829. Charlotte Meyer;
- H. R. 935. Enoch Tibbetts;
- H. R. 1270. James H. Weatherby;
- H. R. 1596. Martin Moore;
- H. R. 1604. Thomas C. Lumm;
- H. R. 1804. Jacob Zimmermann;
- H. R. 2025. Susan M. Hayes;
- H. R. 2515. Charles S. Munger;
- H. R. 2598. Winfield S. Howe;
- H. R. 2639. John F. Sutphin;
- H. R. 3281. Paul Cariker;
- H. R. 3311. Lee Lafavor;
- H. R. 3313. Augustus W. Patterson;
- H. R. 3702. George T. Jones;
- H. R. 3876. Elias J. Everett;
- H. R. 4358. Joseph H. Jewett;
- H. R. 4561. James R. Stroup;
- H. R. 5034. Charles A. Clark;
- H. R. 5037. Edward M. Smith;
- H. R. 5270. Elisha S. Singer;
- H. R. 5531. Charles McCallister;
- H. R. 6170. Edward Reubeno;
- H. R. 6612. Andrew F. Byers;
- H. R. 6727. Frank Oleson;
- H. R. 7044. James R. Hutton;
- H. R. 7045. Edward C. Marsh;
- H. R. 7071. Perry Metheny;
- H. R. 7152. Arnold Shaffer;
- H. R. 7332. John Neebes;
- H. R. 7434. Silas R. Nugen, jr.;
- H. R. 7517. Sarah E. Johns;
- H. R. 7811. Perry Kains;
- H. R. 7819. Alexander Hanner;
- H. R. 7934. Hovey B. Campbell;
- H. R. 8092. Martha Edwards;
- H. R. 8284. Andrew T. Smith;
- H. R. 8720. John W. Manning;
- H. R. 8740. Emerson O. Place;
- H. R. 9210. Alester D. Sly;
- H. R. 9694. Foster Drake;
- H. R. 10155. William Bishop;
- H. R. 10391. Anthony W. Sefton;
- H. R. 10636. James Jones;
- H. R. 10658. Lewis M. Boria;
- H. R. 11038. Franklin Lear;
- H. R. 11143. John W. Shewalter;
- H. R. 11657. Chancey R. Hayes;
- H. R. 12116. James H. Pope;
- H. R. 12211. Daniel T. Wellington;
- H. R. 12485. Leander Smith;
- H. R. 12494. Christopher C. Layman;
- H. R. 12535. Michael S. Robey;
- H. R. 12651. Charles Allen;
- H. R. 12653. Thomas P. Overly;
- H. R. 12660. Henry Knoll;
- H. R. 12711. Michael Manning;
- H. R. 12923. George E. Mayhew;
- H. R. 12931. Thomas McGinnin;
- H. R. 12947. Albert N. Clough;
- H. R. 13056. Horace H. Hause;
- H. R. 13214. Charles A. Smith;
- H. R. 13377. Albert A. Funk;
- H. R. 13515. William H. Pence;
- H. R. 13647. John D. W. Henderson;
- H. R. 14051. Jesse McFarland;
- H. R. 14189. Nathan L. Brass;
- H. R. 14240. Minerva I. Sikes;
- H. R. 14715. Baty Collins;
- H. R. 14902. George W. Willis, jr.;

H. R. 14996. Catharine A. Chapman;
 H. R. 15003. William H. Johnson;
 H. R. 15121. Elisha Bowlby;
 H. R. 15353. Leonard Mowers;
 H. R. 15364. William F. Bard;
 H. R. 15623. James E. Hamler;
 H. R. 15785. Henry Winebrenner;
 H. R. 15892. John W. Pugh;
 H. R. 15897. John C. Schuler;
 H. R. 16045. Jacob Krieger;
 H. R. 16126. Marcus Crossman;
 H. R. 16157. Daniel Swisher;
 H. R. 16164. Francis M. Kaylor;
 H. R. 16233. Hezekiah W. Kelley;
 H. R. 16270. John H. Moore;
 H. R. 16401. John Gessner;
 H. R. 16548. William Blair;
 H. R. 16685. Jeremiah Book;
 H. R. 16712. Isham M. Tabor;
 H. R. 16787. Hallie Turner;
 H. R. 16805. Jacob G. Hill;
 H. R. 16813. William M. May;
 H. R. 16839. John Hogan;
 H. R. 17117. Elijah Wells;
 H. R. 17118. Rees Davis;
 H. R. 17152. Absalom F. Brown;
 H. R. 17238. Louis C. Oulmann;
 H. R. 17243. Jacob Young;
 H. R. 17402. Joseph H. Feinour;
 H. R. 17715. John B. Moore;
 H. R. 17841. John Anderson;
 H. R. 17999. Michael Fanley;
 H. R. 18002. John C. Holley;
 H. R. 18140. Anna Ogg Lindsay;
 H. R. 18147. Blanche Irene Buckwalter;
 H. R. 18355. Dallas Colvin;
 H. R. 18505. Edgar B. Lake;
 H. R. 18571. James Cumberlandidge;
 H. R. 18656. Varnum H. Hill;
 H. R. 18843. Andrew McGrath;
 H. R. 19089. James H. Hadden;
 H. R. 19090. Sandford Tyler;
 H. R. 19091. William H. Jaquish;
 H. R. 19124. William B. Conley;
 H. R. 19143. Michael Gaffney;
 H. R. 19312. Clarence M. Spalding;
 H. R. 19383. John Hester;
 H. R. 19386. Benoni Lachance;
 H. R. 19428. Ary Louisa Dunn;
 H. R. 19692. Americus Infield;
 H. R. 19720. John Crowe;
 H. R. 19770. William G. Stuart;
 H. R. 19895. Alfred Melvin;
 H. R. 19943. Charles C. Hartline;
 H. R. 19948. John F. Armstrong;
 H. R. 19975. David H. Mellinger;
 H. R. 20035. John W. Morris;
 H. R. 20095. Alexis Snow;
 H. R. 20167. Aaron Lautzenheiser;
 H. R. 20235. Emma Brown;
 H. R. 20311. Louis C. Olson;
 H. R. 20454. John F. Spence;
 H. R. 20455. Elizabeth Gaunt;
 H. R. 20532. Joseph M. Stevenson;
 H. R. 20540. Amos W. Lanning;
 H. R. 20604. Jacob Werley;
 H. R. 20690. Henry R. Whiting;
 H. R. 20701. John K. Moffet;
 H. R. 20897. Jeremiah Bruton;
 H. R. 20901. Ann McNeal;
 H. R. 20957. Charles Critchell;
 H. R. 20975. George D. Arthur;
 H. R. 21034. Alice Dittman;
 H. R. 21080. John C. Whitehill;
 H. R. 21085. Augustus Brown;
 H. R. 21127. Francis M. Loper.
 H. R. 21194. John R. Ash;
 H. R. 21290. Nelson C. Teeter;
 H. R. 21405. Elias W. Adams;
 H. R. 21505. Sophia I. McLeod;
 H. R. 21521. Orlin Hill;
 H. R. 21551. Isaac M. Glasford;
 H. R. 21594. Charles P. Mattocks;
 H. R. 21611. George W. Mayfield;
 H. R. 21616. Albert W. Locklin;
 H. R. 21628. Edward Hohfeld;
 H. R. 21645. Eliza J. Higby;
 H. R. 21692. Phillip Jones;
 H. R. 21730. John G. Sandbach;
 H. R. 21806. Phillip L. Shouse;
 H. R. 21863. Isaac Coles;
 H. R. 21879. Sumner Starks;
 H. R. 21886. Patrick Costin;
 H. R. 21948. Phillip McCann;
 H. R. 22027. Charles Sommers;
 H. R. 22041. Norman A. Hamilton;
 H. R. 22094. David Hancock;
 H. R. 22098. Caroline E. Tanner;
 H. R. 22194. John Hildebrand;
 H. R. 22195. John Parke;
 H. R. 22208. John Weaver;
 H. R. 22213. Jonas J. Boal;
 H. R. 22217. Catharine Alter;
 H. R. 22224. Zelotes Foster;
 H. R. 22276. Adam Vesper;
 H. R. 22277. Charles H. Barr;
 H. R. 22283. Micajah T. Gillespie;
 H. R. 22288. J. Wilson Irwin;
 H. R. 22336. Thomas M. Jones;
 H. R. 22519. Cordelia P. Hull;
 H. R. 22533. Joseph R. Scott;
 H. R. 22612. Clara D. Miller;
 H. R. 22662. Andrew Galligen; and
 H. R. 22663. George E. Koch.

Mr. SULLOWAY. Mr. Speaker, on page 28, line 5, in the case of Elias W. Adams, I move to amend by striking out, in line 5, the word "thirty" and inserting in lieu thereof the word "forty," additional evidence having been filed in that case.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Line 5, page 28, strike out "thirty" and insert "forty."

The SPEAKER. The question is on agreeing to the amendment.

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

The SPEAKER. The question now is on the engrossment and third reading of the bill.

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

GEORGE BAKER.

The next business on the Private Calendar was the bill (S. 4689) for the relief of George Baker.

The Clerk read as follows:

Be it enacted, etc., That in the administration of the pension laws George Baker shall hereafter be held and considered to have been honorably discharged as a private of Company H, Third Regiment Delaware Volunteer Infantry, as to date October 1, 1862: *Provided*, That no pay, bounty, or other emoluments shall accrue or become payable by virtue of the passage of this act.

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

EDWARD D. GILBERT.

The next business on the Private Calendar was the bill (S. 6089) to correct the military record of Edward D. Gilbert.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to review the military record of Edward D. Gilbert, late a private in Company I, Twenty-first Regiment Connecticut Volunteer Infantry, and to grant him an honorable discharge as of date March 17, 1863.

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

THOMAS CLUNEX.

The next business on the Private Calendar was the bill (H. R. 18359) for the relief of Thomas Clunex.

The Clerk read as follows:

Be it enacted, etc., That in the administration of the pension laws Thomas Clunex shall hereafter be held and considered to have been honorably discharged from the military service of the United States as captain of the Forty-ninth Regiment New York Infantry on the 24th day of May, 1864.

The committee amendment was read, as follows:

Amend by adding at the end of the bill the following:

Provided, That no pension shall accrue prior to the passage of this act."

The amendment was agreed to.

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

JACOB WHITLOCK.

The next business on the Private Calendar was the bill (H. R. 23217) repealing part of the act of March 5, 1910, relating to an increase of pension to Jacob Whitlock.

The Clerk read as follows:

Be it enacted, etc., That so much of the act of Congress approved March 5, 1910 (Private, No. 19), increasing the pension of Jacob Whitlock, late of Company B, First Regiment New Jersey Volunteer Infantry, and unassigned, First Battalion Veteran Reserve Corps, be, and the same is hereby, repealed.

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

PENSIONS AND INCREASE OF PENSIONS.

The next business on the Private Calendar was the bill (H. R. 23371) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Calvin L. Randall, late of Company H, Eighty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James C. England, late of Company C, First Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Joseph L. Whiting, late of Companies C and D, Tenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John A. Wyers, late of Company G, First Regiment Alabama Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Stephen P. Moore, late of Company D, Thirteenth Regiment Illinois Volunteer Infantry, and hospital steward, United States Army, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Thomas Cassins, late of Company E, Fourteenth Regiment, and Company E, Eighth Regiment, Missouri State Militia Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

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

The name of William Voorhes, late of Company D, Eighty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of David W. Henderson, late surgeon, Ninety-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of James Smithson, late of Company A, Fifth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Moses L. Bunnell, late of Company B, Seventy-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Jane Patterson, widow of Samuel R. Patterson, late of Company I, Thirty-sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of William Tongue, late of Company G, One hundred and sixty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James K. Snyder, late of Companies I and A, Forty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Franklin Tyler, late of U. S. S. Antona and Portsmouth, United States Navy, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Washington A. Bell, late of Company K, Sixteenth Regiment, and Company K, Eighth Regiment, Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Cassius C. Warren, late of Company H, Forty-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of George W. Chidester, late of Company F, Sixth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Pierson Hendrickson, jr., late of Company D, Twenty-third Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Thomas G. Gillespie, late of Company E, One hundred and thirtieth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Leonard E. Fowler, late of Company H, First Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of \$12 per month.

The name of Peter V. Gruesbeck, late of Fifth Battery Indiana Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Ernest von Daniels, late of Company C, Seventh Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Elkana Tester, late of Company F, Thirteenth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Joseph Lynn, late of Companies B and M, Thirteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Samuel J. Frye, late of Company K, First Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Timothy Quinn, late of Company F, Eleventh Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Julian O. Bradley, late of Company A, Ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William L. E. Trueax, late of Company D, Fortieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Levi Ferrel, late of Company F, Thirty-second Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John Jackson, late of Company G, Fourth Regiment Kentucky Volunteer Mounted Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Joseph Swihart, late of Company I, First Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Almon N. Keeney, late of Company A, Seventh Regiment Connecticut Volunteer Infantry, and One hundred and twenty-eighth Company, Second Battalion Veteran Reserve Corps, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Frank M. Amos, late of Company I, One hundred and ninety-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of George C. McKeen, late of Company C, Seventh Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John M. Miller, late of Company G, Fifty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William Bowman, late of Company B, East Tennessee National Guards, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of Edmond Ryan, late of U. S. S. Octorora, Sciota, and Milwaukee, United States Navy, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Alexander Hough, late of Company D, Eighty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Henry Hotchkiss, late of Company K, Sixteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Walter Hogle, late of Companies E and L, Eighth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Howard M. Fletcher, late of Company H, One hundred and ninety-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Albert McCool, late of Company C, One hundred and eighty-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Thomas H. Scott, late of Company D, Ninety-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John C. Caldwell, late brigadier-general, United States Volunteers, and pay him a pension at the rate of \$100 per month in lieu of that he is now receiving.

The name of William L. Kingrey, late of Company E, Ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of John R. Thomas, late of Company G, Second Regiment West Virginia Volunteer Infantry, and principal musician, Fifth Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Thomas M. Youngblood, late of Company G, First Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

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

The name of William S. Owen, late of Company D, Twenty-fourth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Abram E. Hahn, late of Company I, Forty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Leroy Reed, late of Company G, Ninety-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Henry S. Evans, late of Company F, Fourth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William A. Walker, late first lieutenant Company C, One hundred and forty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Elisha T. Tourtillott, late of Company F, Seventy-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Thornton F. Males, late of Company E, One hundred and thirty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Marshall Wheldon, late of Company D, Second Regiment California Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Simon Reeder, late of Company H, One hundred and eighty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Elisha Young, late of Company C, Fourteenth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Levi Owen, late of Companies F and C, Nineteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Thomas A. Tribble, late captain Company L, Fifth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Robert Dougherty, late of Company K, Twenty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Albert Cebell, late of Company D, Twenty-ninth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William Wiley, late of Company K, Fourth Regiment, and Company B, Seventh Regiment, Rhode Island Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Zachariah Pickels, late of First Battery, Delaware Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Joseph S. Le Hew, late of Company H, Fifteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Peter M. Jumper, late of Company K, Third Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Larkin W. McGough, late of Company D, Seventeenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Francis Jangraw, late of Third Battery, Vermont Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Hartman Coleman, late of United States Marine Corps, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Jacob J. Sheffer, late sergeant-major, One hundred and seventy-first Regiment Ohio National Guard Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Matilda Parkhurst, helpless and dependent child of Elisha D. Parkhurst, late of Company K, First Regiment Wisconsin Volunteer Heavy Artillery, and pay her a pension at the rate of \$12 per month.

The name of George Kloutz, late of Company G, Forty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of George W. Snead, late second lieutenant Company C, Sixth Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Jeremiah Runkle, late of Company A, First Battalion, Sixteenth Regiment United States Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Lucena D. Hussey, widow of William F. Hussey, late of Company B, Fourth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Alvin Eck, late of Company A, Twelfth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Ella Schnurstein, helpless and dependent child of Theodore C. Kavel, late first lieutenant Company H, Forty-fifth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of John C. Mayers, late of Company G, One hundred and twenty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Benjamin F. Wood, late of Company G, First Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Dora Seaberry, former widow of Henry Seaberry, late of Company E, First Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of \$12 per month.

The name of James H. Johnson, late of Company C, One hundred and eighteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Joah W. Mercer, late of Company I, Twelfth Regiment, and second lieutenant, Company K, One hundred and eighty-fifth Regiment, New York Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Edgar B. Henshaw, late of Companies F and D, Second Regiment New York Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Susan H. Donaldson, widow of Walter A. Donaldson, late captain Company F, Seventy-first Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of James McGinn, late of Company I, Fifth Regiment, and Company K, Ninth Regiment, Michigan Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Michael J. Breyfogel, late of Company C, Ninety-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Anthony Healey, late of Company G, Fifty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Lewis F. Sasseen, late quartermaster-sergeant, Forty-eighth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of James H. Campbell, late of Company G, Third Regiment Provisional Enrolled Missouri Militia, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of George S. Bamford, late of Company B, First Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of Horace B. Emery, late of Company M, First Regiment Maine Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Mary O. Corey, widow of Vaughn B. Corey, late hospital steward, One hundred and eighteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of John T. Corey, helpless and dependent son of said Vaughn B. Corey, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Mary O. Corey the name of said John T. Corey shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of \$12 per month from and after the date of death of said Mary O. Corey.

The name of Ellen Sheehan, widow of Edward D. Sheehan, alias Smith, late of U. S. S. Juniata, United States Navy, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Frederick L. Fake, late first lieutenant and quartermaster, Eighty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of George W. Webster, late of Company H, Forty-fourth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of George C. Robinson, late of Company F, Seventy-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John C. West, late of U. S. S. North Carolina, Minnesota, and Governor Buckingham, United States Navy, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Frank F. Goodwin, late of Company D, Fiftieth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Daniel H. Smith, late of Company A, One hundred and fifty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Charles T. Ostrander, late of Company I, One hundred and third Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Harry B. Gorman, helpless and dependent child of John Gorman, late of Company G, Third Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Rebecca C. Bowles, widow of George H. Bowles, late of Company D, Forty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Zella E. Bowles, helpless and dependent daughter of said George H. Bowles, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Rebecca C. Bowles the name of said Zella E. Bowles shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of \$12 per month from and after the date of death of said Rebecca C. Bowles.

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

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

The name of Sarah Rebecca Mowbray, widow of Clement T. Mowbray, late second lieutenant Company A, First Regiment Eastern Shore Maryland Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of William Scott, late of Company C, Eighteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Andrew J. Wallis, late of Company G, Twelfth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Jacob Geibig, late of Company I, One hundred and eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Charles R. Gum, late of Battery B, West Virginia Volunteer Light Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Jeremiah E. Easterling, late of Company H, Forty-fifth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of George A. Russ, late of Company D, Eighth Regiment United States Veteran Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Sarah A. Giles, widow of Cyrenius Giles, late of Company G, One hundred and twenty-fourth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of John H. Welsh, late acting master, United States Navy, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of William A. Kennedy, late of Company D, Eighth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William D. Kinser, late of Company F, Eighth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Margaret E. Gray, widow of Jesse S. Gray, late of Company M, and first lieutenant and adjutant, Third Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of \$25 per month in lieu of that she is now receiving.

The name of William L. Martin, late of Company D, One hundred and twenty-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Reuben M. Hills, late of Company F, One hundred and nineteenth Regiment Illinois Volunteer Infantry, and Company C, Fourth Regiment Veteran Reserve Corps, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William W. Purcell, late of Company C, One hundred and thirty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William F. Triloff, late of Company I, One hundred and fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Samuel Pollock, late of Company A, First Battalion California Mountaineers Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Napoleon B. Warner, late of Company F, One hundred and twenty-fourth Regiment Pennsylvania Volunteer Infantry, and Company C, Fiftieth Regiment Pennsylvania Emergency Militia, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Mesheck P. Fish, late of Company H, Tenth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John Ives, late of Company D, Fourth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of August Schley, late of Company H, Forty-fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Albert Hawkins, late first lieutenant Company C, Seventy-second Regiment Illinois Volunteer Infantry, and late of Company C, Ninth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James R. Johnson, late of Company F, Seventh Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Frederick Lutz, late of Captain Hopkins's Company H, First United States Reserve Corps, Missouri Home Guards, and pay him a pension at the rate of \$12 per month.

The name of Martilus Hill, late of Company E, Twenty-first Regiment Illinois Volunteer Infantry, and Company B, Seventh Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of George S. Royal, late of Company F, First Regiment Maine Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Frederick J. Wisemann, late of Company G, Twenty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James T. Kissinger, late of Company B, Twenty-third Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Addison L. Brown, late of Company C, Twelfth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Paul W. B. Kiddey, late of Company B, Second Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of James M. Harr, late of Signal Corps, United States Army, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Helen C. Evans, widow of John H. Evans, late of Company B, Fourteenth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Helen L. Evans, helpless and dependent daughter of said John H. Evans, the additional pension herein granted shall cease and determine.

The name of Mary Church, widow of Alfred Church, late of Company I, Third Regiment North Carolina Volunteer Mounted Infantry, and pay her a pension at the rate of \$12 per month: *Provided, however*, That such pension shall cease upon proof that the soldier is living.

This bill is a substitute for the following House bills referred to the Committee on Invalid Pensions:

H. R. 149. Calvin L. Randall;
 H. R. 391. James C. England;
 H. R. 619. Joseph L. Whiting;
 H. R. 738. John A. Wyers;
 H. R. 1169. Stephen P. Moore;
 H. R. 1688. Thomas Cassins;
 H. R. 2596. James Siddinger;
 H. R. 2768. William Voorhes;
 H. R. 3239. David W. Henderson;
 H. R. 3318. James Smithson;
 H. R. 3324. Moses L. Bunnell;
 H. R. 3684. Jane Patterson;
 H. R. 3741. William Tongue;
 H. R. 3773. James K. Snyder;
 H. R. 3820. Franklin Tyler;
 H. R. 4061. Washington A. Bell;
 H. R. 4272. Cassius C. Warren;
 H. R. 4698. George W. Chidester;
 H. R. 5279. Pierson Hendrickson, jr.;
 H. R. 5299. Thomas G. Gillespie;
 H. R. 5734. Leonard E. Fowler;
 H. R. 6778. Peter V. Guesbeck;
 H. R. 6816. Ernest Von Daniels;
 H. R. 8601. Elkana Tester;
 H. R. 8741. Joseph Lynn;
 H. R. 9476. Samuel J. Frye;
 H. R. 9605. Timothy Quinn;
 H. R. 9980. Julian O. Bradley;
 H. R. 10957. William L. E. Trueax;
 H. R. 10177. Levi Ferrel;
 H. R. 10181. John Jackson;
 H. R. 10610. Joseph Swihart;
 H. R. 10923. Almon N. Keeney;
 H. R. 11037. Frank M. Amos;
 H. R. 11224. George C. McKeen;
 H. R. 11226. John M. Miller;
 H. R. 11620. William Bowman;
 H. R. 11881. Edmond Ryan;
 H. R. 12611. Alexander Hough;
 H. R. 12758. Henry Hotchkiss;
 H. R. 13215. Walter Hogle;
 H. R. 13227. Howard M. Fletcher;
 H. R. 14157. Albert McCool;
 H. R. 14423. Thomas H. Scott;
 H. R. 14656. John C. Caldwell;
 H. R. 15007. William L. Kingrey;
 H. R. 15372. John E. Thomas;
 H. R. 15700. Thomas M. Youngblood;
 H. R. 15741. Samuel Donaldson;
 H. R. 16244. William S. Owen;
 H. R. 16302. Abram E. Hahn;
 H. R. 16565. Leroy Reed;
 H. R. 16958. Henry S. Evans;
 H. R. 17040. William A. Walker;
 H. R. 17249. Elisha T. Tourtellott;
 H. R. 17288. Thornton F. Males;
 H. R. 17355. Marshall Wheldon;
 H. R. 17452. Simon Reeder;
 H. R. 17678. Elisha Young;
 H. R. 17722. Levi Owen;
 H. R. 17786. Thomas A. Tribble;
 H. R. 17962. Robert Dougherty;
 H. R. 17967. Albert Cebell;
 H. R. 18041. William Wiley;
 H. R. 18320. Zachariah Pickels;
 H. R. 18862. Joseph S. Le Hew;
 H. R. 18870. Peter M. Jumper;
 H. R. 19159. Larkin W. McGough;
 H. R. 19226. Francis Jangraw;
 H. R. 19292. Hartman Coleman;
 H. R. 19384. Jacob J. Sheffer;
 H. R. 19411. Matilda Parkhurst;
 H. R. 19512. George Kloutz;
 H. R. 19666. George W. Snead;
 H. R. 19734. Jeremiah Runkle;
 H. R. 19924. Lucena D. Hussey;
 H. R. 19947. Alvin Eck;
 H. R. 19983. Ella Schnurstein;
 H. R. 20005. John C. Mayers;
 H. R. 20097. Benjamin F. Wood;
 H. R. 20303. Dora Seaberry;
 H. R. 20332. James H. Johnson;
 H. R. 20536. Joah W. Mercer;
 H. R. 20971. Edgar B. Henshaw;
 H. R. 21042. Susan H. Donaldson;
 H. R. 21146. James McGinn;
 H. R. 21391. Michael J. Breyfogel;
 H. R. 21403. Anthony Healey;
 H. R. 21432. Lewis F. Sasseen;
 H. R. 21434. James H. Campbell;
 H. R. 21464. George S. Bamford;
 H. R. 21549. Horace B. Emery;
 H. R. 21562. Mary O. Corey;
 H. R. 21564. Ellen Sheehan;
 H. R. 21565. Frederick L. Fake;
 H. R. 21578. George W. Webster;
 H. R. 21602. George C. Robinson;
 H. R. 21743. John C. West;
 H. R. 21781. Frank F. Goodwin;
 H. R. 21782. Daniel H. Smith;
 H. R. 21787. Charles T. Ostrander;
 H. R. 21812. Harry B. Gorman;
 H. R. 21868. Rebecca C. Bowles;
 H. R. 21875. William Batchelor;
 H. R. 21944. Richard McMahon;
 H. R. 22026. Sarah Rebecca Mowbray;
 H. R. 22043. William Scott;
 H. R. 22050. Andrew J. Wallis;
 H. R. 22055. Jacob Geibig;
 H. R. 22105. Charles R. Gum;
 H. R. 22112. Jeremiah E. Easterling;

H. R. 22137. George A. Russ;
 H. R. 22167. Sarah A. Giles;
 H. R. 22182. John H. Welsh.
 H. R. 22262. William A. Kennedy;
 H. R. 22275. William D. Kinser;
 H. R. 22290. Margaret E. Gray;
 H. R. 22333. William L. Martin;
 H. R. 22368. Reuben M. Hills;
 H. R. 22409. William W. Purcell;
 H. R. 22448. William F. Triloff;
 H. R. 22510. Samuel Pollock;
 H. R. 22516. Napoleon B. Warner;
 H. R. 22531. Mesheck P. Fish;
 H. R. 22613. John Ives;
 H. R. 22617. August Schley;
 H. R. 22653. Albert Hawkins;
 H. R. 22671. James R. Johnson;
 H. R. 22672. Frederick Lutz;
 H. R. 22678. Martilus Hill;
 H. R. 22696. George S. Royal;
 H. R. 22713. Frederick J. Wisemann;
 H. R. 22717. James T. Kissinger;
 H. R. 22726. Addison L. Brown;
 H. R. 22826. Paul W. B. Kiddey;
 H. R. 22964. James M. Harr;
 H. R. 22990. Helen C. Evans; and
 H. R. 23032. Mary Church.

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

WILLIAM J. M'GHEE.

The next business on the Private Calendar was the bill (H. R. 20872) to correct the military record of William J. McGhee.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and hereby is, authorized and directed to correct the military record of Jasper McGhee, alias William J. McGhee, by showing his enlistment and muster in as a private in Company F, Eighty-eighth Regiment Illinois Volunteer Infantry, to serve three years, and by removing the charge of desertion and substituting therefor "Absented himself without proper authority, and remained so absent from November 5, 1862, to August 15, 1863, when he enlisted under the name of William J. McGhee and was mustered in Company F, Forty-eighth Regiment Kentucky Volunteer Infantry, October 26, 1863, to serve twelve months, and was mustered out as hospital steward December 19, 1864, and was mustered into the service April 8, 1865, as first Lieutenant Company G, Seventeenth Regiment Kentucky Volunteer Cavalry, and was mustered out September 20, 1865, as first Lieutenant."

The committee amendment was read, as follows:

Amend by striking out all after the enacting clause and inserting in lieu thereof the following:

"That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, William J. McGhee shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company F, Eighty-eighth Regiment Illinois Volunteer Infantry, on the 5th day of November, 1862: *Provided*, That no pension shall accrue prior to the passage of this act."

The committee amendment was agreed to.

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

The title was amended so as to read: "A bill for the relief of William J. McGhee."

REED B. GRANGER.

The next business on the Private Calendar was the bill (H. R. 9197) for the relief of Reed B. Granger.

The Clerk read as follows:

A bill (H. R. 9197) for the relief of Reed B. Granger.

Be it enacted, etc., That Reed B. Granger, late hospital steward, Ninth Regiment Massachusetts Volunteer Infantry, shall, for all purposes in the administration of the pension laws, be held and considered to have been honorably discharged as of the 31st day of January, 1862: *Provided*, That no pay, bounty, or other emoluments shall become due or payable by the reason of the passage of this act.

Also the following committee amendment was read:

Amend by striking out all after the word "*Provided*," in line 8, and inserting in lieu thereof the words "That no pension shall accrue prior to the passage of this act."

The SPEAKER. The question is on agreeing to the committee amendment.

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

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

CHARLES J. SMITH.

The next business on the Private Calendar was the bill (S. 5752) to correct the military record of Charles J. Smith.

The Clerk read as follows:

Be it enacted, etc., That Charles J. Smith shall hereafter be held and considered to have been honorably discharged as a private in Company F, Third Regiment New Jersey Volunteer Cavalry, as of date August 1, 1865, and that the Secretary of War be, and he is hereby, authorized and directed to issue to said Charles J. Smith an honorable discharge as of that date: *Provided*, That no pay, bounty, or other emoluments shall accrue or become payable by virtue of the passage of this act.

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

PENSIONS AND INCREASE OF PENSIONS.

The next business on the Private Calendar was the bill H. R. 23376.

The Clerk read as follows:

A bill (H. R. 23376) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to the widows and dependent relatives of such soldiers and sailors.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Asa B. Greenland, late of Company F, First Territorial Regiment United States Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$17 per month.

The name of George Parker, late of Company A, Thirty-ninth Regiment United States Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$12 per month.

The name of Alexander M. Rainey, late of Company E, Second Regiment Oregon Mounted Volunteers, and Company D, First Recruiting Battalion, Second Regiment Oregon Mounted Volunteers, Oregon and Washington Territory Indian war, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

The name of Isaac Williams, late of Capt. John S. Ford's company, Texas Mounted Volunteers, Texas and New Mexico Indian war, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

The name of John Burton, late of Captain Hunter's company, Nauvoo Legion, Utah Volunteers, Utah Indian disturbances, and pay him a pension at the rate of \$16 per month.

The name of Dudley R. Sloan, late of Company B, Seventh Regiment United States Infantry, and pay him a pension at the rate of \$12 per month.

The name of Charles S. Kinman, late of Company C, Seventh Regiment United States Infantry, and pay him a pension at the rate of \$6 per month.

The name of Lillian D. Shank, widow of Henry Shank, late of Hospital Corps, United States Army, and pay her a pension at the rate of \$12 per month, and \$2 per month additional on account of the minor child of said Henry Shank until she reaches the age of 16 years.

The name of Joseph McClair, late of Troop B, Sixth Regiment United States Cavalry, and pay him a pension at the rate of \$24 per month.

The name of Luther Detwiler, late of Twenty-second Company, United States Coast Artillery, and pay him a pension at the rate of \$17 per month.

The name of Charles Benson, late of Troop G, Seventh Regiment United States Cavalry, war with Spain, and pay him a pension at the rate of \$12 per month.

The name of Frank B. Gray, late of Company M, First Regiment Wisconsin Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$30 per month.

The name of Richard Palmer, late of Capt. Lyman L. Stevens's company, Col. George A. Smith's regiment of cavalry, Nauvoo Legion, Utah Indian disturbances, and pay him a pension at the rate of \$8 per month.

The name of Ora Sherrill Mitchell, widow of Robert E. Mitchell, late of Company B, Forty-fourth Regiment United States Volunteer Infantry, war with Spain, and pay her a pension at the rate of \$12 per month, and \$2 per month additional on account of the minor child of said Robert E. Mitchell until she reaches the age of 16 years.

The name of Silas V. Mitchell, late of Hospital Corps, United States Army, war with Spain, and pay him a pension at the rate of \$12 per month.

The name of Stephen P. Solloway, late of Company H, First Regiment Delaware Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$17 per month.

The name of Kayeton Stravink, late of Ordnance Department, United States Army, and pay him a pension at the rate of \$40 per month.

The name of William D. Mathews, late of Capt. J. S. Ford's first company, Texas Volunteers, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

The name of James P. Holsclaw, late of Captain Tracy's company B, Second Battalion California Volunteers, California Indian disturbance, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

The above bill is a substitute for the following House bills referred to the Committee on Invalid Pensions:

- H. R. 985. Asa B. Greenland;
- H. R. 2051. George Parker;
- H. R. 2778. Alexander M. Rainey;
- H. R. 3108. Isaac Williams;
- H. R. 4510. John Burton;
- H. R. 10210. Dudley R. Sloan;
- H. R. 13196. Charles S. Kinman;
- H. R. 14634. Lillian D. Shank;
- H. R. 14737. Joseph McClair;
- H. R. 17321. Luther Detwiler;
- H. R. 17781. Charles Benson;
- H. R. 18116. Frank B. Gray;
- H. R. 18327. Richard Palmer;
- H. R. 18752. Ora Sherrill Mitchell;
- H. R. 19325. Silas V. Mitchell;
- H. R. 19482. Stephen P. Solloway;
- H. R. 20382. Kayeton Stravink;
- H. R. 20848. William D. Mathews; and
- H. R. 21614. James P. Holsclaw.

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

The next business on the Private Calendar was the bill S. 6932.

The Clerk read as follows:

An act (S. 6932) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of R. Ella Cooper, widow of Stearns F. Cooper, late captain Company M, Second Regiment Nebraska Volunteer Cavalry, and pay her

a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of William H. Hall, late of Company F, Sixth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Ambrose F. Wade, late of Company A, Fourteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John Ryan, alias John Connell, late of Company C, Eleventh Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Isaac Hollister, late of Company B, Twenty-ninth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Francis M. Johnson, late second lieutenant Company D, Eleventh Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Auguste E. Bourquin, late of Company K, First Regiment Missouri Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William Myers, late of Company H, Ninety-ninth and Fiftieth Regiments Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Joseph A. Root, late of Company G, Third Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Jacob Christina, late of Company B, Forty-third Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Thomas Uttley, late of Company A, Forty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Benjamin C. Sparks, late of Company D, Fortieth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William G. Lewis, late of Company F, Sixty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Augustus F. French, late of Company F, Fifteenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Margaret Rice Sanford, widow of Henry H. Rice, late of Company H, Eighth Regiment Massachusetts Militia Infantry, and pay her a pension at the rate of \$12 per month.

The name of Davis W. Webb, late of Companies H and A, Tenth Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Daniel B. Morris, late of Company D, Seventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of David Cole, late of Company B, Seventeenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Harlan P. Sherwin, late of Company H, Fourteenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Willoughby Schaffer, late of Company G, One hundred and seventy-sixth Regiment Pennsylvania Drafted Militia Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Neil McDougall, late of Company C, Fifth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John S. Herwick, late of Company I, Second Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of William H. Ashwill, late of Company G, Eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of George W. Rollman, late of Company K, One hundred and thirty-first Regiment, and Company C, Twenty-ninth Regiment, Illinois Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The name of John Lang, late of Company F, Third Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Hiram B. Gould, late of Company I, First Regiment New Hampshire Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of James Martin, late of Company D, Sixth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of David E. Cross, late of Company C, Tenth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Mary E. Howe, widow of Hiram Howe, late of Company E, Twentieth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Chancey Williams, late of Company A, Fifty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of George W. Boggs, late second lieutenant Company G, Tenth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Peter J. Dresser, late of Company K, First Regiment District of Columbia Volunteer Cavalry, and Company A, First Regiment Maine Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William M. Post, late of Company C, Second Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Henry T. Snyder, late of Company D, Fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Thomas J. Carr, late of Company B, Seventy-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Joseph Pyles, late of Company H, First Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Henry K. Murphy, late of Company G, Fifteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John Stephens, late of Company K, Nineteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Thomas J. Ausbourne, late of Company K, Fourteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Henry C. Babb, late of Company B, Eighth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Augustus S. Boughton, late of Company A, Fortyninth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John McCracken, late of Company H, Fourteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of George B. Pearl, late of Company F, Twenty-third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John D. Hobron, late captain of hold, U. S. S. North Carolina, Somerset, and Savannah, United States Navy, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Frank Morgan, late of Company G, Second Battalion, Fourteenth Regiment United States Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Catharine Cahill, widow of Edward Cahill, late of Company E, Ninth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of \$16 per month in lieu of that she is now receiving.

The name of Frank M. Barry, late of Company E, Eighty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Cassel E. McCoy, late of Company G, One hundred and twelfth Regiment Illinois Volunteer Infantry, and unassigned, Seventyninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Almont Silsby, late of Company K, Eighth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John C. Bettis, late of Company F, First Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Joseph David, late of Company E, First Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Ella Palmer, widow of Frank Palmer, late second lieutenant Company D, Eighteenth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of John H. Morgan, late of Company G, Fifty-third Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Samuel Willard, late surgeon Ninety-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Leonard B. Corliss, late of Troop A, Second Regiment United States Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Charles G. Hastings, late of Company G, Fifteenth Regiment New York Volunteer Engineers, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of William H. Pleasant, late of Company B, Fourth Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Minnie E. Lloyd, widow of Edward F. Lloyd, late lieutenant-colonel One hundred and nineteenth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of William Wansbrough, late first lieutenant Company D, One hundred and thirty-fifth Regiment Ohio National Guard Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Charles W. Culbertson, late first lieutenant Company D, One hundred and Eleventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of George W. Graves, late first lieutenant Company A, Sixteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Susan E. Gaffney, helpless and dependent daughter of Patrick Gaffney, late of U. S. S. Chimo, United States Navy, and pay her a pension at the rate of \$12 per month.

The name of George W. Sparks, late of Company D, Second Regiment Colorado Volunteer Infantry and Company F, First Regiment Colorado Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of John Murray, late musician, band, Ninth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Henry Walters, late of Company M, Fourteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Lewis J. Laws, late of Company E, One hundred and eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The name of Catharine Cooper, widow of James B. Cooper, late of Company H and captain Company K, Thirty-fifth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Henry M. Ramsey, late of Company G, Forty-seventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Adda M. Conner, widow of Josiah Conner, alias Cyrus B. Millett, late of Company H, First Regiment Maine Volunteer Heavy Artillery, and pay her a pension at the rate of \$12 per month.

The name of Joseph Coates, late of Company G, One hundred and fiftieth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Sarah S. Mendenhall, widow of Alexander Mendenhall, late of Company K, Forty-second Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Samuel P. Dale, late of Company K, One hundred and thirty-seventh Regiment Indiana Volunteer Infantry, and pay him a

pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Eliza Brainard, widow of John M. Brainard, late of Company C, Twelfth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Susanna A. Johnson, widow of Eugene W. Johnson, late acting assistant surgeon, United States Army, and pay her a pension at the rate of \$12 per month.

The name of Orville V. Percy, late of Company L, Eleventh Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Henry Hoss, late of Company H, Eighth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Joseph M. Kimball, late of Companies B and H, Seventeenth Regiment United States Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Thomas S. Stephens, late of Company E, Thirty-second Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Celia Jenks, widow of Marcellus Jenks, late of Company L, First Regiment Vermont Volunteer Heavy Artillery, and Company K, First Regiment New Hampshire Volunteer Cavalry, and pay her a pension at the rate of \$12 per month.

The name of Charles M. Long, alias Max Von Rogester, late of Company H, Fourth Regiment, and Company B, Ninth Regiment, New York Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Mary L. B. McBride, widow of Robert M. McBride, late captain Company F, Seventy-second Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Warren I. Buzzell, late of Company C, Twenty-eighth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Samuel E. Tuttle, late principal musician, band, One hundred and seventeenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Albert Siler, late of Company B, Seventy-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Samuel Brockway, late of Company F, One hundred and eighty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of George W. Farrington, late of Company K, Eleventh Regiment United States Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of David Barcus, late of Company G, First Regiment West Virginia Volunteer Infantry, and Company D, Second Regiment West Virginia Veteran Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Thomas Welsh, late of Battery B, Second Regiment Illinois Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Sarah R. Helsby, widow of Thomas H. Helsby, late assistant surgeon, United States Army, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The above bill is a substitute for the following Senate bills referred to the Committee on Invalid Pensions:

- S. 250. R. Ella Cooper;
- S. 606. William H. Hall;
- S. 720. Ambrose F. Wade;
- S. 828. John Ryan, alias John Connell;
- S. 1292. Isaac Hollister;
- S. 1351. Francis M. Johnson;
- S. 1956. Auguste E. Bourquin;
- S. 1963. William Myers;
- S. 1999. Joseph A. Root;
- S. 2347. Jacob Christina;
- S. 2385. Thomas Uttley;
- S. 2461. Benjamin C. Sparks;
- S. 2462. William G. Lewis;
- S. 2599. Augustus F. French;
- S. 2836. Margaret Rice Sanford;
- S. 2865. Davis W. Webb;
- S. 2949. Daniel B. Morris;
- S. 2971. David Cole;
- S. 2999. Harlan P. Sherwin;
- S. 3027. Willoughby Schaffer;
- S. 3197. Neil McDougall;
- S. 3223. John S. Herwick;
- S. 3231. William H. Ashwill;
- S. 3241. George W. Rollman;
- S. 3278. John Lang;
- S. 3372. Hiram B. Gould;
- S. 3385. James Martin;
- S. 3391. David E. Cross;
- S. 3393. Mary E. Hows;
- S. 3400. Chancey Williams;
- S. 3405. George W. Boggs;
- S. 3542. Peter J. Dresser;
- S. 3827. William M. Post;
- S. 4001. Henry T. Snyder;
- S. 4127. Thomas J. Carr;
- S. 4160. Joseph Pyles;
- S. 4164. Henry K. Murphy;
- S. 4227. John Stephens;
- S. 4406. Thomas J. Ausbourne;
- S. 4406. Henry C. Babb;
- S. 4408. Augustus S. Boughton;
- S. 4442. John McCracken;
- S. 4602. George B. Pearl;
- S. 4753. John D. Hobron;
- S. 4758. Frank Morgan;
- S. 4766. Catharine Cahill;
- S. 5181. Frank M. Barry;
- S. 5192. Cassel E. McCoy;
- S. 5261. Almont Silsby;
- S. 5262. John C. Bettis;
- S. 5263. Joseph David;
- S. 5545. Ella Palmer;

S. 5600. John H. Morgan;
 S. 5639. Samuel Willard;
 S. 5644. Leonard B. Corliss;
 S. 5674. Charles G. Hastings;
 S. 5719. William H. Pleasant;
 S. 5808. Minnie E. Lloyd;
 S. 5821. William Wansbrough;
 S. 5924. Charles W. Culbertson;
 S. 5925. George W. Graves;
 S. 5934. Susan E. Gaffney;
 S. 5948. George W. Sparks;
 S. 5953. John Murray;
 S. 5956. Henry Walters;
 S. 5958. Lewis J. Laws;
 S. 5960. Catharine Cooper;
 S. 5965. Henry M. Ramsey;
 S. 6077. Adda M. Conner;
 S. 6108. Joseph Coates;
 S. 6124. Sarah S. Mendenhall;
 S. 6207. Samuel P. Dale;
 S. 6298. Eliza Brainard;
 S. 6299. Susanna A. Johnson;
 S. 6300. Orville V. Percy;
 S. 6320. Henry Hoss;
 S. 6348. Joseph M. Kimball;
 S. 6354. Thomas S. Stephens;
 S. 6463. Celia Jenks;
 S. 6468. Charles M. Long, alias Max von Rogester;
 S. 6519. Mary L. B. McBride;
 S. 6537. Warren I. Buzzell;
 S. 6618. Samuel E. Tuttle;
 S. 6623. Albert Siler;
 S. 6634. Samuel Brockway;
 S. 6664. George W. Farrington;
 S. 6666. David Barcus;
 S. 6683. Thomas Welsh; and
 S. 6684. Sarah R. Helsby.

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

On motion of Mr. SULLOWAY, a motion to reconsider the votes by which the various bills were passed was laid on the table.

PENSIONS AND INCREASE OF PENSIONS.

The SPEAKER laid before the House the bill (H. R. 21754) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors, with Senate amendments.

The Senate amendments were read.

Mr. LOUDENSLAGER. Mr. Speaker, I move that the House disagree to the Senate amendments and ask for a conference.

The motion was agreed to.

The SPEAKER announced the following conferees:

Mr. LOUDENSLAGER, Mr. DRAPER, and Mr. RICHARDSON.

INDIAN APPROPRIATION BILL.

Mr. BURKE of South Dakota. Mr. Speaker, I desire to call up the conference report on the bill H. R. 19023, the Indian appropriation bill, and ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read the statement.

The statement was read.

[For conference report and statement see House proceedings of March 24, 1910.]

Mr. BURKE of South Dakota. Mr. Speaker, I desire to make a correction in amendment 52. Where it is printed 25,000 it should be 15,000.

The SPEAKER. Is that correction in the statement, or in the report?

Mr. BURKE of South Dakota. In the statement. It is a typographical error by the printer, Mr. Speaker, in which 25,000 should be 15,000. It is found on page 3697 of the RECORD.

The SPEAKER. The Chair understands the conference report is correct?

Mr. BURKE of South Dakota. Yes, sir.

The SPEAKER. The original document, as it is in the signed part of the conference report, is correct?

Mr. BURKE of South Dakota. Yes, sir.

The SPEAKER. And what the gentleman desires to correct is in the RECORD, in the statement, at the paragraph indicated?

Mr. BURKE of South Dakota. Yes, sir.

The SPEAKER. Without objection, it will be corrected.

There was no objection.

The SPEAKER. The question is on agreeing to the conference report.

Mr. MANN. Mr. Speaker—

The SPEAKER. Does the gentleman yield to the gentleman from Illinois?

Mr. BURKE of South Dakota. Certainly.

Mr. MANN. Mr. Speaker, I would like to ask the gentleman what was done with reference to the appropriation in regard to the Pottawatomies. As I recall the conference report, it strikes

out the Senate amendment, and makes a direct appropriation of \$25,000 to the Pottawatomies in Wisconsin, or wherever they are east of the Mississippi River.

Mr. BURKE of South Dakota. I will say in reply to the gentleman from Illinois that the Senate amendment proposed an appropriation of \$447,000; that amount was to be placed in the Treasury and draw interest at 5 per cent, which was to be expended for the benefit of the Indians. The amendment was proposed on the theory that there was due to these Indians that amount of money on account of annuities that the Government had not paid. The conferees did not recognize that there was any legal claim, and on the theory that these Indians were wards of the Government, and in distress, we made an appropriation of \$25,000 to be expended for their support and civilization.

Mr. MANN. Now, will the gentleman allow me just a moment?

Mr. BURKE of South Dakota. I yield the gentleman such time as he wants.

Mr. MANN. As I understand, there is a claim being made by the Pottawatomie Indians east of the Mississippi River—I presume mainly located in Wisconsin—growing out of a treaty between the Pottawatomies and the United States, under which treaty the Pottawatomies ceded the land where Chicago is now located, including a total of about 5,000,000 acres, which treaty, as I recall it, provided for the cession of territory along the shore of Lake Michigan and extending from the western shore of Lake Michigan to other limits or boundaries defined in the treaty. The claim is now made that that land which the Government ceded to the Indians in exchange for the lands ceded by the Indians to the Government was never, in fact, taken possession of by the Indians, and that the Government is claiming that these eastern Indians forfeited their right to the Iowa land that the Government ceded to the tribe. I do not wish to discuss that question, but in any settlement which may be made in the future of this claim—and I apprehend it will be up before Congress for a long time to come unless settled—as the gentleman is on the committee, where I hope he will remain to grace and honor it for a long time to come.

I want to call his attention to the fact that although unquestionably in the original treaty between the Pottawatomies and the Government it was the intention to cede all the land along the western shore of Lake Michigan within north and south limits, yet in recent years new land having been made in Lake Michigan—and more or less of it is occupied—the Pottawatomies have given a power of attorney, or a deed of conveyance, undertaking to convey all their rights in the land newly made east of the original western shore of the lake, claiming that in the original treaty they had only granted the lands from the then western shore of the lake west, and retaining all their rights in the bed of Lake Michigan, and that having retained their rights in the bed of Lake Michigan, they are now the owners of any newly made land. That land to-day is worth millions of dollars. Upon some of it there have been squatters. In some cases there has been bloodshed in defense of it, where officers of the law were attempting to interfere with the rights of the squatters; and if there is any settlement made with these Indians in reference to their claims concerning the Iowa lands, then they ought to clear the title to the land on the western shore of Lake Michigan before the Government pays them anything more.

Mr. DAWSON. I wanted to inquire if this so-called Streeter territory is involved in this matter.

Mr. MANN. The so-called Streeter territory is involved in it, and a good deal more land than the Streeter territory.

All along the shore of Lake Michigan in Chicago the lake has at times washed out a considerable portion of the shore in patches. There are many places where the entire original fractional section has disappeared at some time or other, and some places where it has disappeared now. In other places it has considerably filled in. Wherever on the western shore an obstruction is placed running out into the lake, it immediately fills in north of that obstruction, the current on the western shore of Lake Michigan at its southern end strangely being from the north toward the south. Besides, a considerable portion of land has been actually made on the lake front at Chicago. I call the attention of the gentleman, so that it will not slip through at some time without this matter being considered.

Mr. BURKE of South Dakota. I will say, Mr. Speaker, that speaking for myself I have very grave doubt about the merits of the claim made by the Pottawatomie Indians for unpaid annuities.

Mr. MANN. Speaking for myself, I may say that I have but little doubt about it. I have been over the matter quite carefully, and I do not think there is any valid claim there.

Mr. BURKE of South Dakota. I have much greater doubt about the merits of the claims to which the gentleman has referred.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

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

ORDER OF BUSINESS.

Mr. OLMSTED. Regular order!

Mr. SULZER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House for the purpose of proceeding to the consideration of bills on the Private Calendar.

The SPEAKER. The gentleman from New York moves that the House resolve itself into the Committee of the Whole House for consideration of business in order on the Private Calendar.

Mr. MANN. Mr. Speaker, I raise a point of order in reference to that.

The SPEAKER. To which motion the gentleman raises a point of order. What is the point of order?

Mr. MANN. All the business on the Private Calendar in order to-day, as I understand it, has been disposed of.

The SPEAKER. The gentleman will recollect that two years ago, during the last Congress, the gentleman from Illinois [Mr. MANN] and the gentleman from New York [Mr. FITZGERALD] raised the question which the gentleman now raises, and after consideration a ruling was made, a copy of which ruling the Chair has in his hand, holding that the motion was in order after pension bills had been disposed of. The Chair will have the precedent read, if the gentleman desires.

Mr. MANN. No; I do not ask to have the opinion read. Let the Chair rule.

The SPEAKER. The Chair overrules the point of order. The gentleman from New York moves that the House resolve itself into the Committee of the Whole House for the consideration of bills on the Private Calendar.

The question being taken, the Speaker announced that the "ayes" appeared to have it.

Mr. MANN. Division!

The House divided; and there were—ayes 53, noes 20.

Mr. MANN. I make the point of order that there is no quorum present.

Mr. BENNET of New York. I make the additional point of order that the absence of a quorum is disclosed on a vote.

Mr. MANN. The gentleman does not need to make that.

Mr. BENNET of New York. Under the rules of the House he does.

Mr. MANN. Oh, no.

The SPEAKER. The gentleman makes the point of order that there is no quorum present. Evidently there is no quorum present. The Doorkeeper will close the doors; the Sergeant-at-Arms will notify absent Members. As many as favor the motion will, as their names are called, say "aye," as many as are opposed will say "no," and the Clerk will call the roll.

The question was taken; and there were—ayes 167, noes 92, answered "present" 26, not voting 103, as follows:

YEAS—167.

Adair	Currier	Higgins	McHenry
Anderson	Davis	Hollingsworth	McKinley, III.
Ansberry	Dent	Houston	McKinney
Ashbrook	Dickinson	Howard	McLachlan, Cal.
Austin	Dickson, Miss.	Howell, Utah	McMorran
Barchfeld	Dies	Howland	Maguire, Nebr.
Barnhart	Dodds	Huff	Malby
Bartlett, Ga.	Driscoll, D. A.	Hughes, Ga.	Martin, Colo.
Bates	Durey	Hughes, W. Va.	Martin, S. Dak.
Bell, Ga.	Dwight	Hull, Tenn.	Millington
Bennet, N. Y.	Ellerbe	Humphrey, Wash.	Moon, Pa.
Boehne	Ellis	Johnson, Ky.	Moore, Tex.
Boober	Englebright	Jones	Morgan, Mo.
Bradley	Ferris	Joyce	Morrison
Brantley	Fitzgerald	Keifer	Morse
Broussard	Flood, Va.	Kelther	Moss
Burleigh	Floyd, Ark.	Kennedy, Ohio	Nicholls
Burleson	Fornes	Kinkaid, Nebr.	O'Connell
Byrns	Foster, III.	Kinkead, N. J.	Olcott
Calder	Foster, Vt.	Knapp	Oldfield
Calderhead	Fuller	Knowland	Padgett
Campbell	Gardner, N. J.	Kopp	Palmer, A. M.
Carter	Garrett	Korbly	Parsons
Cary	Gill, Mo.	Langham	Peters
Chapman	Gillespie	Langley	Pou
Clayton	Godwin	Lee	Pratt
Cole	Goulden	Lindsay	Pray
Conry	Greene	Livingston	Prince
Cox, Ind.	Guernsey	Loud	Pujo
Cox, Ohio	Hammond	Lowden	Ransdell, La.
Creager	Hanna	McCall	Reid
Crow	Hayes	McCreary	Richardson
Cullop	Helm	McCredie	Roddenbery

Rodenberg	Smith, Iowa	Taylor, Ohio	Volstead
Rucker, Mo.	Smith, Tex.	Tener	Watkins
Sabath	Sparkman	Thistlewood	Wheeler
Scott	Stanley	Thomas, N. C.	Wilson, III.
Sheppard	Sulloway	Thomas, Ohio	Wilson, Pa.
Sherwood	Sulzer	Tou Velle	Wood, N. J.
Simmons	Swasey	Townsend	Young, Mich.
Sims	Talbot	Turnbull	Young, N. Y.
Slemp	Taylor, Colo.	Underwood	

NAYS—92.

Alexander, Mo.	Elvins	Kronmiller	Patterson
Allen	Finley	Kuftermann	Payne
Bartholdt	Fish	Latta	Pickett
Beall, Tex.	Foss	Lawrence	Poindexter
Brownlow	Gaines	Lenroot	Rainey
Burgess	Garner, Tex.	Lever	Reeder
Burke, Pa.	Gillett	Lindbergh	Roberts
Butler	Graff	Lloyd	Shackleford
Byrd	Gregg	Longworth	Sheffield
Candler	Gronna	Loudenslager	Sisson
Carlin	Hamer	McLaughlin, Mich.	Smith, Cal.
Cassidy	Hamlin	Mann	Sperry
Clark, Mo.	Hardy	Miller, Kans.	Spight
Collier	Haugen	Miller, Minn.	Steenerson
Cook	Hay	Morgan, Okla.	Sterling
Cooper, Pa.	Heald	Murdock	Stevens, Minn.
Coudrey	Henry, Conn.	Murphy	Sturgiss
Crumpacker	Henry, Tex.	Needham	Tawney
Dalzell	Hubbard, Iowa	Nelson	Vreeland
Dawson	James	Norris	Washburn
Diekema	Kahn	Nye	Webb
Driscoll, M. E.	Kendall	Olmsted	Weeks
Edwards, Ky.	Kennedy, Iowa	Page	Woods, Iowa

ANSWERED "PRESENT"—26.

Aiken	Cowles	Johnson, S. C.	Sharp
Boutell	Dixon, Ind.	Lamb	Sherley
Burke, S. Dak.	Edwards, Ga.	McDermott	Tilson
Burnett	Gardner, Mich.	Rauch	Tirrell
Cline	Glass	Riordan	Woodyard
Cocks, N. Y.	Goebel	Robinson	
Cooper, Wis.	Hughes, N. J.	Rothermel	

NOT VOTING—103.

Adamson	Fassett	Hitchcock	Palmer, H. W.
Alexander, N. Y.	Focht	Hobson	Parker
Ames	Foelker	Howell, N. J.	Pearre
Andrus	Fordney	Hubbard, W. Va.	Plumley
Anthony	Foulkrod	Hull, Iowa	Randell, Tex.
Barclay	Fowler	Humphreys, Miss.	Reynolds
Barnard	Gallagher	Jamieson	Rhinock
Bartlett, Nev.	Gardner, Mass.	Johnson, Ohio	Rucker, Colo.
Bennett, Ky.	Garner, Pa.	Kitchin	Russell
Bingham	Gill, Md.	Lafean	Saunders
Borland	Gilmore	Law	Slayden
Bowers	Goldfogle	Legare	Small
Cantrill	Good	Lundin	Smith, Mich.
Capron	Gordon	McGuire, Okla.	Snapp
Clark, Fla.	Graham, III.	McKinlay, Cal.	Southwick
Cavington	Graham, Pa.	Macon	Stafford
Craig	Grant	Madden	Stephens, Tex.
Cravens	Griest	Madison	Taylor, Ala.
Davidson	Hamill	Maynard	Thomas, Ky.
Denby	Hamilton	Mays	Wallace
Denyer	Hardwick	Mondell	Wanger
Douglas	Harrison	Moon, Tenn.	Weisse
Draper	Hawley	Moore, Pa.	Wickliffe
Esch	Heflin	Morehead	Wiley
Estopinal	Hill	Moxley	Willett
Fairchild	Hinshaw	Mudd	

So the motion was agreed to.

The following pairs were announced:

For the session:

Mr. HILL with Mr. GLASS.

Mr. WANGER with Mr. ADAMSON.

Mr. WOODYARD with Mr. HARDWICK.

Mr. TILSON with Mr. CRAVENS.

Until further notice:

Mr. SNAPP with Mr. SHERLEY.

Mr. WILEY with Mr. WALLACE.

Mr. SOUTHWICK with Mr. WICKLIFFE.

Mr. SMITH of Michigan with Mr. THOMAS of Kentucky.

Mr. PEARRE with Mr. TAYLOR of Alabama.

Mr. MOREHEAD with Mr. STEPHENS of Texas.

Mr. MOXLEY with Mr. SMALL.

Mr. MADDEN with Mr. SAUNDERS.

Mr. MCGUIRE of Oklahoma with Mr. RUCKER of Colorado.

Mr. LAW with Mr. ROBINSON.

Mr. HAWLEY with Mr. RHINOCK.

Mr. HAMILTON with Mr. MAYS.

Mr. GRIEST with Mr. LEGARE.

Mr. COWLES with Mr. JAMIESON.

Mr. GOOD with Mr. HUMPHREYS of Mississippi.

Mr. GOEBEL with Mr. HUGHES of New Jersey.

Mr. GARDNER of Michigan with Mr. HITCHCOCK.

Mr. FOCHT with Mr. HEFLIN.

Mr. FASSETT with Mr. WILLET.

Mr. FAIRCHILD with Mr. HAMILL.

Mr. DOUGLAS with Mr. GORDON.

Mr. DAVIDSON with Mr. GOLDFOGLE.

Mr. BURKE of South Dakota with Mr. GILMORE.
 Mr. BOUTELL with Mr. GILL of Maryland.
 Mr. BINGHAM with Mr. ESTOPINAL.
 Mr. BENNETT of Kentucky with Mr. DENVER.
 Mr. DRAPER with Mr. COVINGTON.
 Mr. MCKINLAY of California with Mr. CLARK of Florida.
 Mr. ANTHONY with Mr. BOWERS.
 Mr. ALEXANDER of New York with Mr. BARTLETT of Nevada.
 Mr. DENBY with Mr. GRAHAM of Illinois.
 Mr. ELVINS with Mr. HOBSON.
 Mr. ANDREUS with Mr. RIORDAN.
 Mr. MUDD with Mr. WEISSE.
 Mr. GARNER of Pennsylvania with Mr. RANDELL of Texas.
 Mr. AMES with Mr. AIKEN.
 Mr. TIRRELL with Mr. KITCHIN.
 Mr. HUBBARD of West Virginia with Mr. RUSSELL.
 Mr. ESCH with Mr. MACON.
 Mr. FOULKROD with Mr. MOON of Tennessee.
 Mr. HULL of Iowa with Mr. SLAYDEN.
 Mr. PLUMLEY with Mr. CRAIG.
 Until Monday:
 Mr. LAFEAN with Mr. MAYNARD.
 Mr. HOWELL of New Jersey with Mr. BURNETT.
 Mr. MOORE of Pennsylvania with Mr. EDWARDS of Georgia
 from to-day until Monday, the 28th, inclusive.
 Mr. BENNET of New York with Mr. HARRISON from March 25
 until March 27, inclusive.
 Mr. COCKS of New York with Mr. LAMB until Tuesday.
 Mr. BARNARD with Mr. DIXON of Indiana from the 24th until
 Tuesday, the 29th.
 Mr. GRAHAM of Pennsylvania with Mr. CLINE from to-day
 until the 29th, inclusive.
 Mr. JOHNSON of Ohio with Mr. SHARP from the 25th until
 April 1.
 Mr. GRANT with Mr. JOHNSON of South Carolina until April 4.
 Mr. FORDNEY with Mr. GALLAGHER until April 5.
 Mr. HENRY W. PALMER with Mr. BORLAND from March 25
 until April 5, inclusive.
 Mr. REYNOLDS with Mr. ROTHERMEL until Monday, 10 a. m.
 Mr. LUNDIN with Mr. McDERMOTT from March 24 until
 April 10.
 Mr. CAPRON with Mr. RAUCH on this vote.
 The result of the vote was then announced as above recorded.
 The SPEAKER. A quorum is present, and the Doorkeeper
 will open the doors.
 Accordingly the House resolved itself into Committee of the
 Whole House, with Mr. BOUTELL in the chair.
 The CHAIRMAN. The House is in Committee of the Whole
 House for the consideration of bills on the Private Calendar.
 Mr. SULZER. Mr. Chairman—
 The CHAIRMAN. The gentleman from New York.
 Mr. SULZER. Mr. Chairman, I call up the bill H. R. 13383.
 Mr. MANN. Mr. Chairman, I ask for the reporting of the
 bills in regular order.
 Mr. SHEPPARD. Mr. Chairman, I make a point of order.
 Mr. SULZER. Mr. Chairman, I want to state that in my
 opinion—
 Mr. MANN. Mr. Chairman, the gentleman has not the floor.
 The CHAIRMAN. The committee will be in order. The
 Chair recognized the gentleman from New York.
 Mr. MANN. For what purpose?
 The CHAIRMAN. The House is in Committee of the Whole
 House for the consideration of bills on the Private Calendar.
 Mr. MANN. I ask that the bills be reported in regular
 order.
 The CHAIRMAN. The Chair recognized the gentleman from
 New York, and the Chair will hear the motion first before
 entertaining the point of order.
 Mr. SULZER. Mr. Chairman, I call up the bill H. R. 13383,
 and ask for its immediate consideration. It is on the Private
 Calendar, and it will take only a few moments to dispose of it.
 If there is a bill ahead of it on the Private Calendar perhaps
 that bill would take precedence, but I know of no one who
 has a bill on the Private Calendar ahead of the bill I have
 called up.
 Mr. MANN. Mr. Chairman, I make the point of order that
 bills on the Private Calendar should be called up in the order
 in which they are on the calendar. Neither the gentleman
 from New York nor any other gentleman can call up a bill
 on the Private Calendar out of order.
 Mr. SULZER. What is the use of having a Private Calendar
 and having a bill on the Private Calendar if it can not be called
 up on Private Calendar day?
 Mr. MANN. There would not be any use if the gentleman
 could call it up out of order—could call up bills on the end of
 the calendar.

The CHAIRMAN. Does the gentleman from New York make
 the motion to take up this bill?

Mr. SULZER. Mr. Chairman, I move that the bill referred
 to be now considered.

Mr. BURLESON. Why not let it take its turn?

Mr. SULZER. There is no one ready with a bill ahead of it.

Mr. MANN. Oh, there are lots of bills on the calendar ahead
 of that.

Mr. BURLESON. I have a few here myself.

The CHAIRMAN. Does the gentleman from Illinois make
 the point of order?

Mr. MANN. I do; I make the point of order.

The CHAIRMAN. The Chair will read the decision on page
 999 of volume 4 of Hinds's Precedents:

In considering bills on the calendar of the Committee of the Whole
 House, it is in order, on a motion made and carried, to take up a bill
 out of its order. On May 22, 1896, the bills on the Private Calendar
 were under consideration in Committee of the Whole House when Mr.
 David G. Colson, of Kentucky, moved to take up out of its order the
 bill (H. R. 4841) granting a pension to Silas Adams.

Mr. Luther M. Strong, of Ohio, made the point of order that this
 motion was not in order.

The chairman overruled the point of order.

There are numerous other illustrations of the same kind, and
 in accordance with the precedents the Chair overrules the point
 of order of the gentleman from Illinois and will put the motion
 made by the gentleman from New York, that we proceed to take
 up the bill referred to out of its order.

Mr. BARTLETT of Georgia. Mr. Chairman, I ask that the
 bill be reported.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 13383) to authorize the President of the United States to
 appoint Maj. Gen. Daniel E. Sickles, retired, to be a lieutenant-general
 of the United States Army.

Be it enacted, etc., That the President of the United States is hereby
 authorized, by and with the advice and consent of the Senate, to ap-
 point Maj. Gen. Daniel E. Sickles, United States Army, retired, to be a
 lieutenant-general of the United States Army, with the pay and allow-
 ances established by law for officers of that grade on the retired list.

The CHAIRMAN. The question is on the motion of the gen-
 tleman from New York that the committee proceed to consider
 the bill reported, on the Private Calendar, that it be taken up
 out of its regular order.

Mr. MANN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. Is the motion debatable?

The CHAIRMAN. No; the Chair thinks that the motion
 must be voted on without debate. The question is on the mo-
 tion of the gentleman from New York.

The question was taken, and the motion was rejected.

The CHAIRMAN. The Clerk will call the first bill on the
 Private Calendar.

GRANT OF CERTAIN LANDS TO CHEYENNE, WYO.

The first business on the Private Calendar was the bill (S.
 4040) to grant certain lands to the city of Cheyenne, Wyo.

Mr. MANN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman from Illinois will state it.

Mr. MANN. The last day that was devoted to business on
 the Private Calendar, other than pension business, gave prece-
 dence to business reported from the Committee on Claims over
 business reported from the Committee on War Claims. Under
 the order to-day going into the Committee of the Whole House,
 do bills reported from the Committee on War Claims have
 precedence over those reported from the Committee on Claims,
 and does this day take away from the Committee on War Claims
 the next day devoted to business on the Private Calendar?

Mr. SULZER. A point of order, Mr. Chairman.

Mr. MANN. You can not make a point of order on a parlia-
 mentary inquiry.

The CHAIRMAN. The Chair will answer the parliamentary
 inquiry made by the gentleman from Illinois, and is endeavor-
 ing to get at the full facts as to what occurred on the last Pri-
 vate Calendar day and what business is in order to-day. The
 Chair is inclined to think that war claims should be given
 precedence to-day. As to the rule applicable on future days,
 under other circumstances, the Chair does not feel called upon
 to rule; but for to-day the Chair rules that business reported
 from the Committee on War Claims takes precedence. The
 Clerk will report the first bill on the calendar.

Mr. SULZER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman from New York will
 state it.

Mr. SULZER. I would like to be informed, Mr. Chairman, if
 the committee must not consider the bills on the Private Cal-
 endar in regular order.

The CHAIRMAN. With this exception, that on this day bills
 reported from the Committee on Claims must be first passed

over. The Clerk will report the first bill, which is Senate bill 4040.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to cause to be issued patents conveying the northeast quarter of the northeast quarter in section 26, township 14 north, range 70 west of the sixth principal meridian, containing 40 acres, more or less, and lot 1 in section 22, township 14 north, range 67 west of the sixth principal meridian, containing 45.01 acres, more or less, to the city of Cheyenne, in the State of Wyoming, for the use of said city, subject to the legal rights of others, if any, upon paying \$1.25 per acre and the usual fees therefor.

Mr. MANN. Mr. Chairman, I desire to be heard on this bill. The CHAIRMAN. The gentleman from Illinois.

Mr. MANN. This bill purports to be a bill directing the Secretary of the Interior to issue patents conveying—

the northeast quarter of the northeast quarter in section 26, township 14 north, range 70 west of the sixth principal meridian, containing 40 acres, more or less, and lot 1 in section 22, township 14 north, range 67 west of the sixth principal meridian, containing 45.01 acres, more or less, to the city of Cheyenne, in the State of Wyoming, for the use of said city, subject to the legal rights of others, if any, upon paying \$1.25 per acre and the usual fees therefor.

It appears in the report that this matter was referred by the Senate committee to the Interior Department, and I wish to call the attention of the committee to the Senate report and the report from the Secretary of the Interior and the First Assistant Secretary of the Interior.

Mr. WEEKS. Mr. Chairman, I would like to ask the gentleman from Illinois if he does not think the price stated in this bill is a ridiculously low price for land located as this seems to be?

Mr. MANN. In answer to that question I may say, Mr. Chairman, that the State of Wyoming, in which this city is located, fixes by its constitution a provision that no land owned by the State shall be sold for less than \$10 per acre. Now, it is proposed—

Mr. BARTLETT of Georgia. Mr. Chairman, I ask unanimous consent that this bill be passed without prejudice.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that the bill be passed by for the present without prejudice. Is there objection?

Mr. MANN. Mr. Chairman, I think the bill is too important to lay aside without consideration.

The CHAIRMAN. The gentleman from Illinois objects.

Mr. BARTLETT of Georgia. Mr. Chairman, the Chair did not state my proposition correctly. I did not mean to ask that the bill be laid aside with a favorable report; that is not my proposition.

The CHAIRMAN. The Chair did not so state. The Chair stated that the gentleman from Georgia asked unanimous consent that the bill might be passed temporarily without prejudice.

Mr. BARTLETT of Georgia. That was my proposition.

Mr. MANN. Mr. Chairman, I am compelled to object because it involves a very important proposition. As the gentleman from Massachusetts [Mr. WEEKS] has just called attention to, here is a proposition to sell to the city of Cheyenne 40 acres in one tract and 45.01 acres in another tract at a cost of \$1.25 per acre and the usual fees therefor. The State of Wyoming, in which State this city is located, owns a large amount of public land which it has obtained from the General Government, and it has a constitutional provision that no acre of its land can be sold for less than \$10 per acre. Now, it seems to me that the whole conservation question is involved in this bill. [Laughter.]

Mr. GOULDEN. Will the gentleman yield?

Mr. MANN. I will.

Mr. GOULDEN. For what purpose does the city of Cheyenne intend using this land? What is the object of the bill? Tell us something about it. As the gentleman seems to be familiar with it, let us know what it is about.

Mr. MANN. I will reach that question a little later.

Mr. BUTLER. Will the gentleman reach that question to-day?

Mr. MANN. Yes; I will reach that question to-day in due time, but here is a proposition. We have before us all over the country the question of conserving the natural resources of our country, and it is said that the chiefest of those resources is the public domain.

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

Mr. MANN. I will.

Mr. HUGHES of New Jersey. Has this bill anything to do with the high price of commodities?

Mr. MANN. Well, I would say that it has, because as the land increases in value the cost of producing commodities increases, and the increase in the cost of producing commodities has increased the price at which they sell, a fact which is recognized on this side of the House, but for which I think

it is hopeless to endeavor to obtain recognition from the other side of the House.

Mr. JOHNSON of South Carolina. Mr. Chairman—

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from South Carolina?

Mr. MANN. Certainly.

Mr. JOHNSON of South Carolina. I was very much interested in the gentleman's discussion of this important measure, and I hope he will not divert it into such a small, insignificant channel as a political discussion. I wanted to find out from the gentleman from Illinois, who is well posted upon all questions, as to what is the size of this city in which we are asked to sell land at \$1.25 an acre?

Mr. MANN. I do not remember the size of the city, but my recollection is that this proposition is for the purpose of helping to furnish a water reservoir to the city, where they are installing a water plant at a cost in the neighborhood of \$1,000,000. But I assume that the city of Cheyenne, in the State of Wyoming, where this constitutional provision is in the state constitution, can just as well afford to pay to the General Government for something of value which it receives from the General Government as it can in the expenditure of any other portion of this million dollars designed to install their water plant. And I was endeavoring to remark, and was unduly interrupted by some gentleman on that side—

Mr. JOHNSON of South Carolina. I regret that I have unduly interrupted the gentleman.

Mr. MANN. Not the last gentleman who interrupted me. I was endeavoring to say that the whole conservation question was involved in this proposition: Shall we continue to give away the public lands owned by the United States of America at less than their value?

Mr. COX of Indiana. What is this land worth per acre?

Mr. MANN. I do not undertake to say what the land is worth, but if it should be acquired by the State of Wyoming that State could not sell it for less than \$10 an acre.

Mr. COLE. Will the gentleman yield to a suggestion?

Mr. MANN. Certainly.

Mr. COLE. I delivered an address in the city of Cheyenne on the 4th day of January, this year.

Mr. MANN. I know the people there are wiser than they were before, and I congratulate the people.

Mr. COLE. That is the subject of my story.

Mr. WEEKS. I would like to ask the gentleman from Ohio if that is the reason land is offered at such a rate as \$1.25 an acre?

Mr. COLE. That is the subject of my story. When I had finished my address Colonel Bell, the chairman of the meeting, arose and said it was a splendid speech. He said: "That speech is worth \$500." I was just going to step to the front of the stage to receive the donation, when he said: "I will make that donation to the association." After the address was over he came back and grasped my hand and said: "Young man, I want to congratulate you on that address. I am going to give you a section of land in the State of Wyoming."

I thought that was the greatest speech I ever made. A section of land! Surely had I won great renown in the western country. I went back to the hotel filled with pride. One of the boys came to me and said: "Did Colonel Bell offer to give you a section of land for that speech?" With great exultation I replied: "He certainly did." Then he said to me, with a grim smile: "Be careful that he does not slip in two sections on you." [Great laughter.]

Mr. MANN. Mr. Chairman, I remember when I was a small boy I heard that same story. [Renewed laughter.]

Mr. ROBINSON. Was that before the war?

Mr. MANN. And doubtless at that time it was true. But the gentleman from Ohio revived an old story from an old man in Wyoming, who probably had perpetrated the same joke a thousand times before. The truth is that in later days the people have discovered that there is no land in Wyoming which is a liability instead of being an asset. As I was remarking, the State of Wyoming has in its constitution a provision that no acre of its state-owned land can be sold for less than \$10 an acre; and that land is not land selected by the State from the best land in the State; but it is the school-section land, given by Congress to the State. Two sections in a township, particularly named or particularly numbered sections of a township, and probably averaging up with the rest of the Wyoming land. Strange to say, while we are now proposing to give to the city of Cheyenne, a municipality of the State of Wyoming, land at a dollar and a quarter an acre, we have pending before us a proposition to buy back from the State some of its land, referred to by my friend from Ohio, at a price in the neighborhood of \$75 to \$100 an acre. Well, they say that we need some land

for our irrigation project; and they offer to sell it to us by exchanging that which they call worth \$10 an acre, so that would be an exchange of our lands to them on the basis of \$10 an acre, taking land at an average basis of \$10 an acre, but they do not sell us the amount of land we want at \$10 an acre. They say we must take a large quantity, the value of much of which, they say, is from \$75 to \$100 an acre.

Mr. BURKE of Pennsylvania. This is not an irrigation project.

Mr. MANN. It is not for the purpose of irrigating the city of Cheyenne. The purpose of this legislation is to aid irrigation. That is to say, it is for the purpose of furnishing another kind of irrigation, which is the supply of water.

Mr. LONGWORTH. Is this an enlargement of your remarks?

Mr. MANN. I have not yet reached the consideration of the report of the committee. But I do intend to call the attention of the committee to a question involved in this bill, which is that of conservation of our natural resources. We have reached a time in this country when not only the previous President, not only the present President, but the people of the United States demand that we make the best use of our natural resources; that we shall not waste the national resources. When we propose to give our lands, worth \$10 an acre, as valued by the State of Wyoming, to one of the municipal corporations of that State for \$1.25 an acre, we are violating the first principles of conservation of natural resources. This land belongs to the United States, not to the State of Wyoming. We have given the State of Wyoming two sections in every township for school purposes. We have given to the State of Wyoming a large amount of other lands for eleemosynary purposes of some sort or other. We are now proposing they yield up their rights of selection of land in the forest reservations and to select lieu lands elsewhere in the State, although the first principle of giving school lands was that they be given for the support of local schools. Just how they are going to have local schools in the forest reserves, when they have succeeded in eliminating all the settlers from the reserves, as they propose, is one of the mysteries which I have not yet fathomed.

Now, Mr. Chairman, I want to call attention to the provisions of this bill. Of course I know that the distinguished chairman of the Committee on Public Lands, from the State of Wyoming, is familiar with the provisions of the bill, and, so far as he was concerned, his committee did not need to refer it to the department.

The Senate committee did refer it to the department. The original bill, which was referred to the department, was quite a different bill to that which the Senate committee reported and is now recommended for passage. If I recollect it correctly, it struck out all after the enacting clause and inserted the provisions now in the bill. If I am incorrect in that respect, I will be glad to have my friend from Wyoming correct me.

It seems that the city of Cheyenne is engaged in the installation of a system of water supply; and I may say in passing that I congratulate the city of Cheyenne upon this undertaking and on its enterprise. I believe that every city of reasonable size in the country should have its own water system, and I think that the city of Cheyenne is to be congratulated upon undertaking the expenditure of the large sum of money for that purpose. I have no criticism. I have nothing but praise for the city of Cheyenne for undertaking this project.

Mr. MONDELL. If the gentleman will allow me to call his attention to the fact, this water system will also supply Fort Russell.

Mr. MANN. The gentleman from Wyoming calls my attention to the fact, and I was just about to call the attention of the House to the fact, that there is contiguous to the city of Cheyenne a United States Army post, Fort Russell, which will in all probability obtain its water from the city water system by paying the city a high price for the water, whereas now it gets its water without cost. [Laughter.]

Mr. MONDELL. Mr. Chairman, I know the gentleman does not want to be inaccurate in any statement.

Mr. MANN. The gentleman will have all the time he needs to furnish information upon this subject, but I am glad to yield to him for a correction or a question.

Mr. MONDELL. The arrangement made whereby Fort Russell will receive the water from this water system is one very satisfactory to the Government, and practically means a free supply to Fort Russell for all time to come. It will participate in the construction of the plant—

Mr. MANN. I have heard of these free supplies of water to the Government before—that is, before the operation commenced—but I have never known one to eventuate in a real free

supply, and I have no expectation of being delightfully disappointed on this occasion.

Mr. MONDELL. Of course the Government will pay its portion of the construction, with a provision for perpetual supply.

Mr. GOULDEN. Is it not possible so to amend the bill that if we make the city of Cheyenne a present of this land the city shall furnish that fort with all the water needed by it free of cost?

Mr. MANN. I think it is.

Mr. GOULDEN. I ask for information, because I know the gentleman is full of it.

Mr. MANN. Of course it is quite possible so to amend the bill, and if we amended the bill in the House in that respect, it would, of course, be returned to the coordinate branch of the legislative body, and would eventually get into conference, and in my mind's eye I can see the unanimity with which the House conferees, headed by my distinguished friend from Cheyenne, Wyo., and some distinguished conferees from the other body, would bring in a unanimous report in favor of compelling this city to furnish water free to the Government forever.

Mr. GOULDEN. The gentleman from Illinois does not seem to have that confidence in conferees that he should have.

Mr. MANN. I have great confidence that the gentleman from Wyoming would act in that capacity very much as any of the rest of us would act, and would resist such an effort to bear down too heavily upon his locality. He is too bright to get caught in that sort of a trap.

Mr. LONGWORTH. Will the gentleman yield?

Mr. MANN. I am glad to yield to my distinguished friend from Cincinnati, Ohio.

Mr. LONGWORTH. I will try to make my interruption as brief as possible.

Mr. MANN. I hope the gentleman will be sure to do that.

Mr. LONGWORTH. I am very much interested in the gentleman's speech. I regard it as most illuminating, in view of the entire situation. I find, however, that I have some rather important mail to attend to, which I think may take me in the neighborhood of an hour. If I should now absent myself from this Chamber for about that period, does the gentleman think I might have the opportunity of hearing him conclude his remarks on my return. [Laughter.]

Mr. MANN. Mr. Chairman, I doubt whether there is a quorum present, and I prefer to talk to a quorum. I make the point of order that there is no quorum of the committee present.

The CHAIRMAN. The gentleman makes the point of order that there is no quorum present. The Chair will count. [After counting.] There are 123 Members now present in the Hall; a quorum of the committee.

Mr. MANN. Mr. Chairman, I am gratified that some gentlemen have suddenly found an interest in the subject-matter which we are discussing; because, as I have recently remarked, this is one of the most important propositions that has been or will be presented to this Congress.

Mr. Chairman, it seems that the city of Cheyenne has already constructed one impounding dam on the middle branch of Crow Creek. Whether that creek is related to any Member of the House I am not informed. This is called the Granite Springs Dam, and is not related to any of the ordinary irrigation schemes. The total amount of water impounded by this dam is 1,734,000,000 gallons of water, with a surface area of 385 acres. The city is now engaged in constructing a dam about three miles below the Granite Springs Dam, to be called the Crystal Lake Dam, to catch the overflow from the Granite Springs reservoir, and drainage from an additional area of 15 square miles.

Crystal Lake dam when constructed will form a reservoir with a surface area of 135 acres and a capacity of 1,500,000,000 gallons.

Mr. BUTLER. Has the gentleman figured how many gallons that will be for each person?

Mr. MANN. That would, I understand, furnish a chaser following a drink of every particle of liquor now in the United States, if properly applied. [Laughter.] It seems that it is also proposed to build a dam on the north branch of Crow Creek, on which two good sites are available. The upper dam will have a surface of 40.5 acres and a capacity of 342,000,000 gallons. The lower dam will have an area of 106.7 acres and a capacity of 506,000,000 gallons. It appears that on the south branch of Crow Creek the construction of a dam is contemplated with a surface area of 116.1 acres and a capacity of 1,297,000,000 gallons.

I have called attention to five dams—and there are some that I have not called to the attention of the committee—[laughter] creating reservoirs with a large area and with a very large

capacity. To deliver the impounded water to Cheyenne the city is laying a 20-inch cast-iron pipe from Crystal Lake, a distance of 16.5 miles, to a distributing reservoir of 8,000,000 capacity, which is being constructed on the summit of a hill at an elevation of 301 feet above and 32,064 feet distant from Cheyenne and 188 feet above and 12,590 feet distant from Fort Russell, which the city of Cheyenne supplies with water. This second reservoir is to be located on the summit of a hill called "Round Top." I suppose there is no connection between that and Gettysburg, and no possible connection between that and another bill on this calendar in relation to army officials.

The maximum storage capacity, it is said, of the reservoirs constructed and in course of construction and contemplated will be something over 5,000,000,000 gallons. It is said that this amount—and this is very important, in view of what some Members have asked me as to how long the water would last with the inhabitants there who are supposed to use great quantities of this water following their drinks—it is said that this amount of 5,000,000,000 gallons would meet the estimated demand of the inhabitants for a period of two years' drouth. That is a very important consideration, because this water is supposed to be, and I apprehend it is, as good water as can be found in the world.

What a fortunate thing it would be, Mr. Chairman, if we could have located near Washington at an elevation of 380 feet above the city, on the summit of a hill called Round Top, 8,000,000,000 gallons of water in a reservoir with an estimated quantity in reserve of 5,000,000,000 gallons, all of which was pure, cold water from the snows of the mountains. We are paying here for water that we use in the Capitol building special prices that is not half as good or as pure a water as that my friend from Wyoming fails to get fat on at home. [Laughter.]

Now, it is said that it is essential to the permanent protection of this water system that the city of Cheyenne be enabled to obtain title to the 40 acres of land referred to in the bill, and also to the other 40 and a fraction acres that lie beyond and immediately below the Crystal Lake reservoir along Crow Creek from which the water for the city is to be taken until it enters the pipe line. The report says that the storage purifies the water, but as I have tasted the water of that section of the country I believe that it needs no storage to purify it. It is as pure water as God ever made on His footstool.

Mr. MONDELL. The gentleman is eminently correct.

Mr. MANN. And I suspect that the gentleman who furnished this information may have been imbibing something beside water in order to get that impression of the effect of storing pure water in a reservoir. Now, the claim is that this land is rough and rugged, and forms canyon walls on both sides of the streams, and that it is valueless for settlement under any of the land laws, and that the State should be permitted to purchase it for \$1.25 an acre. It is of great value to the city of Cheyenne for this purpose, and when the city of Cheyenne and the State of Wyoming, both being parts of the same organization, forbid the sale of any land which that State owns for less than \$10 an acre, even though we may want to get it for irrigation purposes in connection with the irrigation which we are carrying on for the benefit of that State, I can see no reason why we should turn around and present that city and State land of great value for \$1.25 an acre. I do not, however, insist upon that. If there be occasion for the city of Cheyenne needing this land, I suppose we might afford to present it to them, but I ask the gentleman from Wyoming [Mr. MONDELL] to explain on what theory or hypothesis he can fix the valuation of this land in a deed or patent of conveyance? If we are to present the land to the city of Cheyenne in fact, then let us have the credit of being magnanimous and give it to Cheyenne. If we are to sell the land to Cheyenne, then let them pay what it is worth.

Mr. MONDELL. Does the gentleman desire me to answer now, or in my own time later?

Mr. MANN. Mr. Chairman, I regret very much that I have felt compelled to call the attention of the House to the very important propositions involved in this bill affecting the conservation of natural resources. For some time I have longed and hoped for a bill to come out of the Committee on Public Lands carrying out the policies initiated by our President in his annual and other messages in reference to conservation, and I had hoped that the first bill that would come out of the gentleman's committee would be a bill carrying out the policy of conservation of natural resources; but I find that the first measure which we have up for consideration is a bill to take away from the General Government property of great value to the General Government, and sell it at a price which the State of Wyoming

says is only one-tenth of what the State ought to get for it if the State owned it.

Mr. MONDELL. The committee has on the Union Calendar a very important conservation bill in line with the recommendations of the President and the conservation commissions, but we have not been able to reach it as yet. Calendar Wednesday seems to move slowly in the direction of our committee.

Mr. MANN. Well, I am compelled to say, Mr. Chairman, that I believe the gentleman has reported a bill from that committee. I suppose the gentleman refers to the coal bill, which is along the lines of conservation, and is of great value to the country, although there appears—

Mr. BARTLETT of Georgia. Will the gentleman yield?

Mr. MANN. In a moment—although there appears to be quite a difference of opinion in reference to that bill, a minority report having been filed.

Mr. BARTLETT of Georgia. I call attention to the fact that the minority of that committee do not believe it is along the line of conservation, as the gentleman has stated the policy of the former President and the present President is.

Mr. MANN. I may say to my friend from Georgia, Mr. Chairman, so far as my own judgment is concerned, that I have not yet formed it in reference to that bill. If it appears on consideration that that bill is what its friends claim it to be, then it is a bill of great value to the Nation. If it appears that it is a bill such as its opponents claim it to be, then it is a bill directly the reverse of the conservation of natural resources.

Mr. BARTLETT of Georgia. It is rather granting coal lands for agricultural purposes, is it not—lands that have coal or mineral in them for agricultural purpose settlement?

Mr. MANN. As I understand that bill, it provides for the sale of coal upon a fixed valuation, a valuation based upon the conditions of the coal, whereas now we sell the coal land upon a fixed price per acre, seldom going at a very high price, and until recent years I believe never going over \$10 or \$20 an acre—I forget which it is.

Mr. ROBINSON. Twenty dollars.

Mr. MANN. Now, it is proposed to make sales of land, of coal under the ground which does not interfere with the tilling of the soil, upon a valuation basis which I think certainly is preferable to the old system.

The United States Government sold land to the State of Wyoming, with coal beds 50 to 60 feet in thickness, for \$10 an acre. Talk about the conservation of natural resources, that was a bid to extravagance, an invitation to wastefulness, and I congratulate the gentleman from Wyoming that, whether his bill, in the opinion of the House, is a move to what they believe to be conservation or not, he has brought in a bill here which I am sure he believes to be in the interest of a conservation of natural resources.

Mr. MARTIN of South Dakota. Before the gentleman concludes his most interesting speech would he kindly inform the committee whether he is for or against the present bill? [Laughter.]

Mr. MANN. Mr. Chairman, I have long ago found out what probably my friend from South Dakota has not yet discovered, that on those few occasions where I have been of any service to the House it has been by furnishing information, not opinions. Even the gentleman from South Dakota could not follow my opinion; but if I demonstrate to him certain facts which appeal to his reason, even he would yield to the judgment which others would form, including himself, upon the facts of the case. I regret exceedingly that I have not been able to conclude my remarks in this time and hope that the forbearance of the House will be extended to me, and I ask leave to extend my remarks in the RECORD. [Laughter.]

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. BURKE of Pennsylvania. Will the gentleman yield for the purpose of allowing us to ascertain some additional information? I understand under the rules of the committee it would be the duty of the Chair to recognize a gentleman in opposition to the position which is taken by the gentleman who is about to take his seat. Now, for the purpose of enabling those who are for or against this bill to obtain recognition from the Chair, will the gentleman enlighten the committee as to whether he is for or against the bill?

Mr. MANN. I asked the Chair a while ago a parliamentary proposition in reference to the procedure to-day and the next day that was devoted to bills on the Private Calendar other than pension bills, and the Chair very properly answered the parliamentary inquiry as to the proceedings of to-day, but suggested that it would be sufficient to answer the other par-

liamentary inquiry when it arose. If the occasion arises where it is necessary for the Chair to be informed, after an hour or half an hour of exhaustive discussion of this bill, what my position is, I will be glad to announce it to the Chair; but I believe the Chair, with a little keener perception of argument than my distinguished friend from Pennsylvania, has already discovered what my position is on the bill.

Mr. GAINES. Perhaps the gentleman intends to explain whether he is for or against the bill when he extends his remarks in the RECORD. [Laughter.]

Mr. MANN. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The Chair will state that since the gentleman from Illinois took the floor the gentleman from Wyoming, who reported the bill, has come into the committee. Had the gentleman from Wyoming at that time been present, the Chair would have been inclined to have recognized him; and now, on the assumption that the gentleman from Wyoming is in opposition to the position taken by the gentleman from Illinois, the Chair will recognize the gentleman from Wyoming.

Mr. MONDELL. Mr. Chairman, if my recognition is based upon the proposition that I take a position opposed to that taken by the gentleman from Illinois, I do not know whether I am entitled to the floor or not. [Laughter.] Mr. Chairman, I very much regret that I was not here to listen to all of the illuminating remarks of my friend from Illinois. They were interesting, and whether the gentleman intended it or not they form, in my opinion, a very convincing and conclusive argument in favor of the passage of the bill. I was not here, Mr. Chairman, because, having some work to perform in my office while the pension bills were before the House, I had not the slightest idea that the House would go to other bills on the Private Calendar; otherwise I would have been here, as I have been very anxious indeed to secure the passage of this little bill. There are in the great and glorious Commonwealth of Wyoming 63,000,000 acres of land approximately, and we are only proposing to sell about 40 acres of it.

Mr. BARTLETT of Georgia. May I interrupt to make a point of order right here, Mr. Chairman?

The CHAIRMAN. The gentleman from Georgia will state it. Mr. BARTLETT of Georgia. I want to make the point of order that it is not a private bill, and that the discussion heretofore indulged in and now proceeding is out of order, because it is not a private bill. It ought to be on the Union Calendar, and should not be taken up on Friday when we have under consideration private bills.

Mr. MANN. Will the gentleman permit me to make a suggestion? We had that very identical question ruled on here two or three weeks ago, where a bill that was plainly not a private bill managed to get on the Private Calendar, and the Chair ruled, after it had been under discussion for the course of an hour or so, that it was too late to make the point of order. I am sure the gentleman from Georgia is such a good parliamentarian—

Mr. BARTLETT of Georgia. After this bill has been read and discussed, it occurs to me to make the point of order that it is not a private bill, but is a bill of public character that ought to be upon the Union Calendar. Not being a private bill, it should not now be considered upon Friday, which has been set aside for the consideration of bills on the Private Calendar. The gentleman from Illinois suggested a precedent, which I do not now recall. Doubtless he is correct as to the reference, and I will not dispute it. He suggested that I was too good a parliamentarian not to know the point of order comes too late. I do not aspire, Mr. Chairman, to the great accomplishment of being a good parliamentarian. I have seen so many good and accomplished parliamentarians fail in most every other part of the work of performing their duties here that I do not desire to be classed as a skilled nor an accomplished parliamentarian.

However, it does not require any skill in parliamentary law to make the point or to suggest that, unless we are stopped now by reason of the fact that having debated this bill, to the effect that, having been read and having heard what it was, it should be upon the Union Calendar. I was unable to have a copy of it immediately, and the gentleman from Illinois [Mr. MANN] had entertained the House so well and for such a long time that I was not disposed to interrupt him in the discussion of the merits of the measure; but having now found out what the bill is, that it is a bill for the United States Government to grant to the city of Cheyenne certain lands, it is not a private bill, but is a public bill, and therefore ought not to be upon this calendar, and, if upon this calendar, can not be properly considered on Friday, set aside solely for the purpose of the consideration of private bills. I wish I had known the character of the bill before. I have been tempted to make the point be-

fore, but I do not always like to interrupt my good friend from Illinois [Mr. MANN] while he is entertaining the House, which he does so admirably.

Mr. MANN. Mr. Chairman, I want to be heard on the point of order at the proper time.

The CHAIRMAN. The Chair will be glad to hear the gentleman from Illinois on the point of order made by the gentleman from Georgia [Mr. BARTLETT].

Mr. MANN. It seems to me that this bill is one to grant to the city of Cheyenne, Wyo., two tracts of public land. The city of Cheyenne, Wyo., is a public municipality. It is like granting land to the State of Wyoming, and my recollection is that it has always been held that any bill granting land to any public municipality is a public bill, as distinguished from the grant of land to a private person or a corporation which is not a public corporation, which is a private bill.

Mr. MONDELL. Will the gentleman permit me?

Mr. MANN. Certainly.

Mr. MONDELL. It has been the rule of the House for a considerable number of years to put all bills conveying or selling land to municipalities and counties on the Private Calendar. I have often discussed that question with the parliamentary clerk and insisted that such bills should go on the Union Calendar.

Mr. MANN. The gentleman from Wyoming is mistaken about that.

Mr. MONDELL. I do not think I am mistaken as to the practice. Because of the fact that it is so difficult to reach the Private Calendar those who are interested in bills of this character would very much prefer if they could go on the Union Calendar. Bills granting land to States have been placed upon the Union Calendar, but there are now on this calendar several bills granting lands to municipalities.

I have discussed the matter time and time again with the parliamentary clerk, expressing the hope that in some way that practice might be changed, as it seems to me it would be better practice to have these bills on the Union Calendar. However, this bill is on the Private Calendar and has been discussed, and so it seems to me the point of order comes too late.

Mr. ROBINSON. Will the gentleman from Illinois yield to me just a moment?

Mr. MANN. Certainly.

Mr. ROBINSON. I am interested in the discussion as to whether this bill properly belongs upon the Union or the Private Calendar, and I think the point of order made by the gentleman from Georgia [Mr. BARTLETT] is sound if in apt time, and the position taken by the gentleman from Illinois [Mr. MANN] is correct. And I think that the gentleman from Wyoming [Mr. MONDELL] errs in this particular, that whereas the practice may have grown up recently of placing such bills on the Private Calendar, it is contrary to the rules of the House, and that the bill properly belongs on the Union Calendar. Now, it may be true that the point of order made by the gentleman from Georgia [Mr. BARTLETT] comes too late in the consideration of this particular bill, the bill already having been read and discussed at length, but the rules of the House, I think, contemplate that bills granting public land to public municipalities should go on the Union Calendar.

Now, the practice has been in regard to bills granting rights of way over public land to private corporations, as for instance railroads, to place them on the Union Calendar. Certainly if that practice is founded in good reason, bills granting public lands to municipalities ought to go on the Union Calendar. The mere fact that many of these bills are reported, and the practice has grown up for that reason of placing them on the Private Calendar instead of the Union Calendar, does not, in my judgment, conform to the rules at all, but is in violation of the rules which contemplate that such bills should go on the Union Calendar.

Mr. MONDELL. If the gentleman from Illinois will permit me, I have discussed the matter very frequently with the parliamentary clerk, by reason of the fact that the Private Calendar, as a rule, is so difficult to reach; and it has seemed to me that these bills should go on the Union Calendar; but I am informed, and I think it is true, that the House for many years has followed the practice, whether it be in consonance with the rules or not.

Mr. ROBINSON. The practice has not been uniform, according to the best investigation that I have been able to make upon the subject. Sometimes they have gone on the Private Calendar, and sometimes on the Union Calendar; but we all know that this bill belongs to the Union Calendar.

Mr. MANN. Mr. Chairman, in my opinion it is a very important matter to correctly determine on what calendar a bill like this shall be placed. At times it makes no difference to

the country whether a certain bill goes to the Union Calendar, the Private Calendar, or the House Calendar. I think it exceedingly important, however, so long as the question is raised, that it be properly determined by the Chair; and that is my only excuse at this time for delaying the House, even for a moment for any purpose, to yield.

Mr. GAINES. Assuming, Mr. Chairman, that the bill is not on the proper calendar, does the gentleman, if he succeeds in establishing that it is, propose to take the other side of the question and announce the conclusion that in his opinion the point of order comes too late?

Mr. MANN. I am perfectly willing to say in advance—

Mr. GAINES. Permit me just a moment further. Having been unable a moment ago to find out which side the gentleman was on when he had concluded his remarks, will he tell us which side he is on before he talks on the point of order?

Mr. MANN. I will tell the gentleman in advance, on the point of order, that in ruling on the point of order on its merits the Chair may be constrained to rule as to which calendar this bill should have been placed upon. I call the attention of the Chair to the practice of the House and to the history of the calendars in reference to this matter.

Mr. YOUNG of New York. Will the gentleman yield to me for a moment?

Mr. MANN. Certainly.

Mr. YOUNG of New York. I want to call attention to the fact, Mr. Chairman, that for one hour this matter has been discussed without reaching any conclusion as to what calendar it should be on, and to call attention to the fact still further that the total amount involved in the measure under consideration is \$107, and there has been about \$4,000 worth of time of the country spent in useless discussion thus far.

Mr. MANN. The gentleman may characterize his own part of the discussion as useless, but I prefer that other people should judge of my part. That his part is useless, I agree with him. [Laughter.]

Mr. YOUNG of New York. I have called attention to the fact that one hour has been consumed by this House in discussing a matter of \$107, and we have not yet decided on what calendar the bill belongs; and I think we better get to business more profitable to the Government. [Applause.]

Mr. MANN. I quite agree with the gentleman; and the gentleman himself voted to put this House in this condition, instead of putting it in a condition to consider the naval appropriation bill. Now, the gentleman, dissatisfied with his own vote, is complaining as to the result of his own action. [Laughter.]

Mr. YOUNG of New York. I did not vote on the question.

Mr. MANN. Well, the gentleman was absent, not attending to the public business. [Laughter.] I was here attending to public business, and I deny the right of a gentleman who stays away from the floor of the House, delaying public business, to make such a statement. I may tell him that I was here.

Mr. BARTLETT of Georgia. I rise to a question of order. The gentleman is not discussing the point of order.

The CHAIRMAN. The gentleman from Georgia rises to a question of order.

Mr. MANN. The gentleman's question of order is well made.

The CHAIRMAN. The Chair will state—

Mr. MANN. Is the Chair ready to rule, Mr. Chairman?

The CHAIRMAN. Will the gentleman from Illinois suspend for a moment? The Chair is prepared to rule on the point of order made by the gentleman.

Mr. MANN. I have no doubt the Chair is prepared to rule, but unless I know that the Chair is prepared to rule on my side I want to be heard.

Mr. BARTLETT of Georgia. The gentleman has no right to have an intimation of the court's decision in advance. [Laughter.]

The CHAIRMAN. The gentleman from Georgia may be assured that there will be no intimation of what the decision will be until it is rendered.

Mr. BARTLETT of Georgia. I understand that perfectly. My remark was a mere pleasantry.

Mr. MANN. I should like to call the attention of the Chair to the matter of these calendars. I have myself made a note that I thought this bill might be subject to a point of order. It became the practice to put bills of this kind upon the Private Calendar before calendar Wednesday was established, when a bill like this, in order on the Union Calendar, was buried unless considered by unanimous consent. Now, we place upon the House or Union Calendar to-day practically all of the bills that are of a public nature.

We bring in a bill providing for a bridge for a particular corporation, railroad or municipal, across a stream. That is not a private bill. It does not go on the Private Calendar. It goes on the House Calendar. We provide for bills giving property to some city or municipality or to some State. Unquestionably such bills go on the Union Calendar. We provide for a right of way upon a military reservation—

Mr. SULZER. Mr. Chairman, I rise to the point of order that the gentleman from Illinois is not discussing the question before the committee, the point of order made by the gentleman from Georgia. We are not here for the purpose of listening to ancient history.

Mr. MANN. I did not suppose my discussion would reach the gentleman from New York, but still I think I was discussing the point of order.

The CHAIRMAN. The gentleman from Illinois will confine himself to the point of order.

Mr. MANN. I have confined myself to the point of order.

Mr. SULZER. Well, that is a question.

Mr. MANN. Now, the question is, first, whether bills of this character, granting land to a municipal corporation, are private bills, as are claim bills, or are public bills, like those to which I have referred. I make the statement with some hesitation, because the gentleman from New York thinks I ought not to have referred to other bills except this one. This bill, in my judgment, is one which belongs on the Union Calendar. I think myself that the point of order made by the gentleman from Georgia comes too late.

The CHAIRMAN. The Chair is prepared to rule. After the bill now under consideration had been read by the Clerk the gentleman from Illinois [Mr. MANN] took the floor and discussed the merits of the measure for something like forty minutes, and a number of other gentlemen took part in the colloquy. The merits of the measure were also discussed by the gentleman from Wyoming [Mr. MONDELL]. The gentleman from Georgia [Mr. BARTLETT] then made the point of order that the bill was not properly on the Private Calendar, and that, therefore, the consideration of the measure should be suspended. The Chair would refer the committee to the precedents on this point, which are numerous. For example:

On March 11, 1898, the House was in Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 4936) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act, and for other purposes.

As the consideration of the bill was about to begin Mr. James D. Richardson, of Tennessee, raised a question as to points of order.

The Chairman said:

The points of order were reserved in the House before going into Committee of the Whole. * * * If there is any general point of order against the bill, it should be made now. * * * Of course, any point of order as to a paragraph can be made after the paragraph is read.

After some debate had occurred, Mr. JOHN DALZELL, of Pennsylvania, made the point of order that it was not competent for the Committee on War Claims to report the bill.

After debate on the point of order, the Chairman held:

The Chair has been examining the bill and report. The Chair finds by the report that this bill is a substitute for House bill No. 4255 and includes nearly all the claims embraced in that bill. The embarrassment of the Chair is in reference to the time when the point of order should be made. The Chair expressly announced that the point of order should be made at a certain time, when the question was raised whether there was any point of order against the bill, and no gentleman rose to make a point of order. After that, time for debate had been fixed and had been divided between the gentleman from Tennessee [Mr. Gibson] and the gentleman from Maine [Mr. Dingley]. After that, a question was asked as to the parliamentary status of the bill. The Chair thinks that the point of order comes too late.

There are numerous other precedents coming down to within the last Congress to the same effect, that a point of order as to the place of a bill on the calendar should be made when the bill is first called, and, as in the first case quoted, a mere parliamentary inquiry was held to be intervening debate.

Mr. BARTLETT of Georgia. Mr. Chairman, the point of order was not simply that this was on the wrong calendar, but also that under the order of the House to go into Committee of the Whole to consider bills on the Private Calendar we could not consider this bill.

The CHAIRMAN. Exactly the same point is decided in a number of other cases, and the decisions from the Chair are based on the fact that it was not necessary for the Chair to consider the merits of a point of order, as the point of order came too late, it having considered the measure. In this case, as the consideration lasted for a full hour, the Chair overrules the point of order and recognizes the gentleman from Wyoming.

Mr. MONDELL. Mr. Chairman, I somewhat regret that we could not have had a ruling earlier in the session directly on

this point, because I have always been of the opinion that bills of this character ought to be on the Union Calendar. It has been the practice of the House for some time to put them on the Private Calendar, and this bill having been discussed for some time, the Chair very properly ruled that the point of order can not now be raised.

Mr. Chairman, this is a very simple little bill, and I regret that the discussion of it has been somewhat lengthened and involved by reason of the views that gentlemen have with regard to other legislation upon the calendar. It is proposed to sell to the city of Cheyenne 40 acres, approximately, of rough, rocky land just below the city reservoir—land in the canyon, and practically of no value except for this purpose.

Mr. SHERWOOD. How far is the land from Cheyenne?

Mr. MONDELL. About 12 or 15 miles, I think, up in the hills. The city is constructing a very fine system of water-works, spending upward of a million dollars for the supply of the city and also for the supply of Fort D. A. Russell.

The committee has followed its usual rule in cases of this character in selling lands to municipalities, lands that have no considerable agricultural value, to sell them at a nominal price of \$1.25 an acre. That has been the rule of the committee for a good many years as to lands that have no agricultural value and are necessary for special purposes.

Mr. Chairman, I feel that the House has been fully enlightened in regard to the merits of the bill, and considerable time having been consumed in the discussion of it. I move that the bill be laid aside with a favorable recommendation.

Mr. BURKE of Pennsylvania. Mr. Chairman, if the gentleman will withhold that motion for a moment—

Mr. MONDELL. I will do so.

Mr. BURKE of Pennsylvania. The language of this bill is somewhat peculiar. It provides that the Secretary of the Interior is authorized and directed to issue patent for certain lands upon paying \$1.25 per acre with the usual fees thereof. According to the specific provisions of this bill the Secretary of the Interior is directed to pay for the land that he is conveying and ceding from the United States. There is no provision in it whatever for compensation to the United States. That is the language. It is clearly a provision directed to the Secretary of the Interior to pay for the land which he is ceding from the Government.

It reads:

That the Secretary of the Interior be, and he is hereby, authorized and directed to cause to be issued patent conveying [describing this land] to the city of Cheyenne, State of Wyoming, for the use of said city, subject to the legal rights of others, if any, upon paying \$1.25 per acre and the usual fees therefor.

Mr. MANN. I might say to the gentleman that this bill was prepared in that same Department of the Interior.

Mr. MONDELL. The bill was reported in the form in which it passed the Senate, and if I may be allowed—

Mr. MANN. If we reach the point some time in the afternoon where the bill is read for amendment that can be easily cured.

Mr. MONDELL. Mr. Chairman, I move to lay the bill aside with the recommendation that it do pass with an amendment.

The CHAIRMAN. The Chair will state, unless some one wishes to take the floor, that the Clerk will read the bill for amendment.

The Clerk again read the bill.

Mr. MONDELL. Mr. Chairman, in order to make the bill perfectly clear—although I think it is sufficiently clear as it is and would be understood by the department—I move to strike out the word "paying," in line 2, page 2, and insert after the word "upon" the words "the payment by the city of Cheyenne of."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 2, page 2, strike out the word "paying" and insert the following: "the payment by the city of Cheyenne of."

The amendment was agreed to.

Mr. MONDELL. I now move, Mr. Chairman, that the bill be laid aside with the recommendation that the amendment be agreed to and the bill do pass.

The motion was agreed to.

Mr. MANN. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois, that the committee do now rise.

Mr. SULZER. Mr. Chairman, I hope the motion will not prevail.

The CHAIRMAN. The motion is not debatable.

The question was taken; and on a division (requested by the Chair) there were—ayes 56, noes 20.

Mr. SULZER. Mr. Chairman, I make the point of no quorum.

The CHAIRMAN. The Chair will state that a quorum is not

necessary for the committee to rise. The motion is agreed to, and the committee determines to rise.

Accordingly the committee rose; and Mr. DALZELL, Speaker pro tempore, having assumed the chair, Mr. BOUTELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 4040) to grant certain lands to the city of Cheyenne, Wyo., and had directed him to report the same back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

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

The SPEAKER pro tempore. The question now is on the third reading of the Senate bill as amended.

The question was taken; and on a division (demanded by Mr. SULZER) there were—ayes 64, noes 4.

Mr. SULZER. Mr. Speaker, I make the point of no quorum present.

The SPEAKER pro tempore. The gentleman from New York makes the point of no quorum present. The Chair will count.

Mr. SULZER (during the count). Mr. Speaker, I withdraw the point of order.

The SPEAKER pro tempore. The gentleman from New York withdraws his point of order. The ayes have it. Third reading of the Senate bill.

The bill was read a third time.

The SPEAKER pro tempore. The question now is on the passage of the bill.

The question was taken, and the bill was passed.

NAVAL APPROPRIATION BILL.

Mr. FOSS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 23311) making appropriations for the naval service for the fiscal year ending June 30, 1911, and for other purposes; and pending that motion, I ask unanimous consent, without limiting general debate, that the time for general debate be controlled one-half by the gentleman from Tennessee [Mr. PADGETT] and one-half by myself.

The SPEAKER pro tempore. The gentleman from Illinois moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the naval appropriation bill (H. R. 23311), and, pending that, asks unanimous consent that the time for general debate be controlled one-half by the gentleman from Tennessee [Mr. PADGETT] and one-half by the gentleman from Illinois [Mr. FOSS]. Is there objection?

Mr. UNDERWOOD. Mr. Speaker, I understand from the gentleman's request that there will be no effort to limit debate at this time.

Mr. FOSS. No effort to-day to limit debate.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The question now is on the motion of the gentleman from Illinois that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the naval appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the naval appropriation bill, with Mr. MANN in the chair.

Mr. FOSS. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

Mr. SULZER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SULZER. I would like to be informed, Mr. Chairman, if it is true that the gentleman from Illinois has been put in the chair for the purpose of preventing further filibustering?

The CHAIRMAN. The present occupant of the chair has never, under any circumstances, engaged in filibustering.

Mr. SULZER. The record to-day does not agree with the Chair's statement.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none, and it is so ordered.

Mr. FOSS. Mr. Chairman, I understand there is likely to be some general debate upon this bill, possibly upon a variety of subjects, and for that reason I shall defer my remarks, which will be directly pertinent to the bill, until a later time in the course of general debate. I now yield to the gentleman from Missouri [Mr. BARTHOLDT] forty-five minutes.

Mr. BARTHOLDT. Mr. Chairman, I crave the attention of the House and would be pleased if I could be permitted to con-

clude my remarks without interruption. If I have any time left at the completion of my remarks I shall be glad to answer any questions that may be propounded.

In the last three or four Congresses I have consistently voted for one additional battle ship at each session, on the theory that every year one ship goes out of commission and that by an annual addition of one our navy will always be kept at its momentary strength. I propose to pursue the same course with respect to the pending bill, believing, as I do, that for purposes of defense our present naval forces are fully adequate and, in fact, would be equal to all possible emergencies, even if no addition whatever were voted at this time. From every standpoint, a further increase of armaments seems to me both inadvisable and unnecessary. We are at peace with all the world, and what is more, we enjoy the confidence and respect of all governments and nations, and even if any unforeseen international complication should arise, I believe the enlightened sentiment of this country to be strong enough to-day to compel its peaceful settlement by arbitration. The annual Japanese war scare, which comes so regularly—in fact, too regularly to be accidental—has lost its terror and appears the less effectual the more we compare our naval strength with that of Japan.

But even if we did not have twice the number of battle ships, we know that that oriental country wants to be, and is, sincerely our friend, so that we can safely say no trouble will ever threaten us from that source as long as reason and the good common sense, which fortunately are now guiding the destinies of the two nations, are not supplanted by mob rule. Consequently from the view point of national security there is at this time no excuse for increased naval expenditures—and this is the only ground upon which they ever could be excused—while, upon the other hand, there is every reason for the practice of the strictest economy at a time when corporation and income taxes have to be imposed upon the people to make both ends meet in the national household, when the expenditures of the Government still exceed the revenues, and when the sustenance of life is more expensive than ever before. Already the legitimate activities of the Government for peaceful development have to be restricted in order to meet the present vast expenditures for needless war preparations, and a further increase might easily mark the limit of the people's patience.

A great metropolitan newspaper said the other day: "America now has the opportunity to lead the world to peace or war." This is literally true, Mr. Chairman. It is true because by now calling a halt to further unnecessary naval expansion we shall set an example which, in the interest of peace and economy, the taxpaying millions of other nations will force their governments to emulate, while a continuance of our warlike preparations will and inevitably must some day lead to actual war. It may, therefore, be fairly said that at this particular juncture of the world's history the American Congress holds the decision of peace or war in the hollow of its hand. It is a great opportunity, gentlemen of the House, and you will agree, it is one that rarely comes to mortal man.

Peace or war? Can there be any doubt in the mind of any true American which it should be? Yet you wonder why the honor and glory of such a decision should rest with the United States? I will tell you the reason in the language of an unknown essayist whose tongue is more eloquent than mine. "We are at peace," he says. "We profess peace, and yet we prepare for war." To-day over 4,000,000 of men are confined to the routine drudgery of barracks, while millions more labor to support them. The increase of armaments goes on until it means "slow destruction in time of peace or swift destruction in the event of war." An ominous hush hangs over Europe. In the silence we can hear the clang of the hammer in the shipyard as bolt by bolt and beam by beam the mighty engines of destruction take shape.

And in a confused, discordant manner arises the discontent of millions who, robbed of the very necessities of life, strive in vain to keep together body and soul. The royalty of Europe, living in the glory and pride of the past, watching each other with envious eye, can not or will not hear the cry of defenseless humanity against the awful burdens of taxation crushing out its very life. Shall that cry be forever unheeded? Is there no one to raise a voice against the awful tyranny of war? Has America no share in this world problem? Shall she stand idly by and view with unconcern or even vie with monarchs in the creation and growth of mighty armies and mightier navies until the whole world becomes a vast earthquake of destruction? Does she feel no throb of pity, no call of love to lighten the burdens of militarism? America is consecrated to liberty. She is the home of freedom. At Lexington, at Saratoga, and at Valley Forge Americans proved that their ideal of freedom was no passing fancy. And when their ideal was realized at Yorktown

they made justice the corner stone of the Constitution which they dedicated to liberty. Why may not America lead in the movement for peace? The same spirit of justice and freedom points us to our duty, leads us onward to our mission. The nations of Europe can not lead. America must lead. [Applause.] Europe is a center of entangling alliances and inherited feuds. America is alone surrounded by 3,000 miles of ocean on either side. Europe is scarred by marks of countless conquests; America's virgin prairies are blessed with peaceful industry. Europe has an inheritance of militarism. America has a birth-right of freedom.

The states of Europe are separated by selfishness. The Commonwealths of America are united in love. Surely we are people chosen to teach mankind a lesson of justice and lead the nations in the way of brotherhood. These are the reasons, gentlemen, why the decision of that momentous question rests with us. And, Mr. Chairman, this is not a party question. Rampant militarism respects neither individual presidents nor individual parties. Disregarding party lines and politics, it shrewdly places its insatiable demands upon the high ground of national duty and patriotism, and upon that plane you will have to meet them, not as politicians, but as statesmen. Nor has this question, as formerly, been made a test of loyalty to the administration, and thanks for that. It leaves the way open to an individual conception of patriotism, and enables each man to vote his honest convictions. And from the standpoint of personal conviction I say again, if at this particular juncture Congress votes for a further increase of armaments it will deal a deathblow to the hopes of the toiling millions the world over [applause] for its action will signalize a continuance of the mad rivalry of the powers, a rivalry which at the end and after the sacrifice of billions is bound to leave the relative strength of the nations exactly the same as at the beginning, as we all full well know. If, on the other hand, the American Congress calls a halt here and now, the command will be heard and heeded the world over. [Applause.] The voice of the people everywhere is for lasting peace; but unless the Congress of the United States speaks the redeeming word, it will not be spoken, for the simple reason that in a democracy alone the voice of the people can find free and untrammelled expression.

It is true that since the Spanish-American war military influences have become most powerful in our country too, and much more so than is conducive to the health of a Republic, but thank the Lord these influences can not as yet control Congress. Whenever that time should come, the Republic will fall and be supplanted by a monarchy with the "man on horseback" in control. Therefore, I say, let us now stop aping war lords and royalty and no longer follow their false maxims.

You are telling the people that battle ships are not for war, but for peace, for the preservation of peace. But there is a growing doubt in the minds of many, especially those who have read history, as to whether this is true. If armaments were a guaranty for peace, why is it that the nations of Europe, though armed to their teeth, have been forced to wage so many wars? The belief is gaining ground, and the best thought of the world supports it, that there is a better way, a way vastly more economical and humane to preserve the peace, and that is by simple agreements to keep the peace. The people have seen a new light on this subject and are satisfied that battle ships are no longer essential to the maintenance of peace since a world tribunal has been established for the peaceful settlement of international disputes. The United States has given its assent to the establishment of this high court of nations by which it is proposed to extend the rule of law beyond the boundary lines of the several countries and to international relations. More than that, the American delegates to The Hague have been largely instrumental in bringing about this splendid achievement, and the sole question now is, Will the governments resort to this instrument of peace which, under the pressure of public opinion, they themselves have forged?

For one I do not want it said of my country that it was insincere in this great international question and that it refuses to live up to its solemn agreements. You may talk about national prestige depending on the number of guns and battle ships, but to my mind such prestige depends much more largely upon the honorable conduct of a nation, upon the sincerity of its purpose, and upon the virtues and virility of its citizenship. [Applause.] Nothing, in my judgment, will contribute more to the honor and glory of this Republic in the eyes of the world than its plain honesty and sense of justice and the sincerity with which it adheres to its international obligations. And no one can convince me that it would be an act of sincerity to extend your one hand to the nations for a pact of common brotherhood and to keep on building engines of war with the other. [Applause.] You may answer that we are compelled

to do as the others do. This excuse would have some force if we were in the same position as the others, but you all know we are not. We can afford to be honest. Our geographical isolation is a protection which no other country enjoys, and we have it from expert testimony that each fleet, no matter how large and wherever it may come from, can be blown to atoms by our submarines before it could ever reach our shores.

The European and Asiatic powers are not so fortunate; but while this may excuse their naval armaments, why should we stubbornly insist on sharing their misfortunes by imposing upon ourselves unnecessary burdens instead of aiding them, because of our position of providential isolation, in lightening theirs? He must be feeble-minded, indeed, who can not glean from this the lesson of America's greatest mission in the politics of the world. [Applause.]

It is possible, Mr. Chairman, that the American people have been indifferent to a degree as to the exactions of jingoism; aye, the unthinking may even have felt flattered because of the alluring prospect of the United States becoming the greatest naval power on earth. Mistaking physical power for greatness and shallow vanity for patriotism, they always readily responded to the appeals of the jingo with that enthusiasm which is often born of a false conception of national pride. But public sentiment is rapidly changing and a better thought is getting the upper hand. If it is true what Goethe says, that man is but an animal with a soul, the tricks that stirred the animal are losing their charm, and the appeals to the soul of man are more readily heeded. [Applause.] We are learning that power is not greatness, war preparations in time of profound peace are not synonymous with honor and prestige, and that the animal spirit to fight and kill is not necessarily patriotism. In other words, we are beginning to think and reason, and the reasoning process is to the jingo what the cross is to the evil one.

I can point to a hundred facts as evidence of the growth among the people, as well as the governments, of a sentiment in favor of curbing the passions and fighting propensities of man by a regulation of the intercourse of nations in accordance with the rules of law, justice, and reason, the same as obtain in all civilized countries. Last year there was a protest here of 230 Massachusetts clergymen against further naval increases. Today there is before us a remonstrance signed by over 700 ministers of churches and leaders of religious organizations from the city of Boston alone; and before I continue my argument, let me read from this remonstrance:

We, ministers, etc., constantly made aware of the hard financial struggles of the people, due to greater cost of living, express our approval of the decrease in military and naval expenses recommended by the President in his recent annual message, and earnestly remonstrate against further increase of the navy.

The fact that the United States, which has no enemies, but is on friendly terms with all nations, is spending more than 30 per cent of its revenues, postal receipts not included, on preparations for war and nearly 70 per cent for war purposes, if the expenses of past wars be included, or nearly \$400,000,000 a year, should in our judgment cause the National Government to take immediate action for the reduction of military and naval appropriations.

We believe that the legal system already embodied in The Hague conventions is adequate to meet the requirements of international justice on an honorable, equitable, and economic basis. We therefore urge the Government to use its utmost influence to encourage resort to law in all cases of international dispute and to assist in improving the legal system of the nations by all means within its power.

We commend the efforts of the Department of State to secure the establishment of the international court of justice projected by the second Hague conference, and we urge the employment of all practicable means for the promotion of more perfect friendship between the United States and other countries, in order that money now spent on preparations for war may be devoted to the necessities of peace and build up the prosperity of the people.

There are hundreds of other petitions from all over the United States. One from the American Peace Society, an organization with branches in all parts of the country, and members in every congressional district, reads in part:

We desire respectfully to express our approval of the action of the House Committee on Naval Affairs last year in reducing the number of battle ships recommended from four to two; and we hereby earnestly protest against further increase of the navy this year.

We believe that our General Government, especially in view of the successful operation of The Hague peace system, where it has been faithfully tried—mediation, commissions of inquiry and arbitration—is capable of managing the international relations of this country in such a manner as to make further extensive armaments on our part unnecessary.

Insisting upon respect for the law of nations as embodied in the international conventions made by the civilized powers at The Hague, we believe that the time has come for the United States Government, which has always stood for peaceful and legal settlements of international questions, to be consistent with its traditions. We urge the Government to make a serious attempt to lead the nations in limitation and reduction of armaments, in order that as soon as possible the vast sums of money now taken for their construction from the people may become available for peaceful, civic uses.

We also express our approval of all reasonable measures that may be adopted by our Department of State for the constitution of the new

international court of justice recommended by the second Hague Conference, confident that its establishment will complete the legal system of nations by giving them a court that from the nature of its structure will be accessible at all times, permanent, judicial, and equitable.

I trust, Mr. Chairman, we all realize that the patriotism of those good Americans who signed these protests is not less intense because it is of a higher order than that of the "jingoists." [Applause.] But let me continue my account of what is going on in the world.

A few months ago Secretary of State Knox, with the consent of the President, addressed a note to the powers proposing to invest the international prize court, recently created, with the jurisdiction of a court of arbitral justice. The plan was an inspiration and will immortalize its author. While the Second Hague Conference had unanimously approved the principle of obligatory arbitration, as well as a continuance of The Hague court as a court of arbitral justice with permanent judges, the question of distributing 17 judges among 45 nations had divided the conference, and as no agreement could be reached the matter was left to future diplomatic negotiations. In the meantime an international prize court, with permanent judges, had been established by consent of the nations, and the American proposition, according to the Knox plan, therefore is to invest this court with jurisdiction in arbitration as well as prize questions, and so sensible and practical is this proposition that the powers, one by one, are now signifying their assent to it. This assures us a permanent high court at The Hague for the settlement of all controversies which the nations may see fit to submit to it. And if this institution means anything it means that every nation can have its rights protected by law and judicial decision, and that armaments are no longer necessary except for the enforcement of the court's decrees. [Applause.]

Is anyone to believe that our State Department did not realize this logic and did not draw the same conclusion when it sent its circular note containing that proposal to all the nations of the earth? And does not the Navy Department, by its insistence on further naval increase, and the more so by its latest phantastic plan of leading the world in naval construction (I refer to the proposed \$18,000,000 *Dreadnoughts*), actually repudiate our Department of State and negative, not to say give the lie to, its peaceful professions? And would not Congress, by approving the new naval programme, serve notice on the world that the American proposition heretofore mentioned was not made in good faith, and that our promises, official though they may be, are mere pretense and sham? The honor of the American Nation is involved in this matter, much more than in any difficulty which may cause a jingo to shout for war, and I plead for its vindication. [Applause.]

But let me continue my enumeration. The federation of the world is by many still considered as a beautiful dream. Yet it is a reality, and has been ever since the nations met for the first time at The Hague and in solemn council made laws for all the people of the earth. And these laws are aimed at the establishment of lasting peace.

The governments, one by one, are officially recognizing the Interparliamentary Union, that brotherhood of lawmakers now comprising over 2,000 members of national legislative bodies, all united in a joint effort to have arbitration substituted for war. While no pledge of any kind has been exacted from them, and while they are free to vote as they please on questions of this kind, will it be consistent for them to vote for armaments when they know that only the will of the governments is necessary to keep the peace by resorting to arbitration?

I am glad to say that the American Congress, too, is about to recognize that organization by contributing its share toward the maintenance of its international bureau. Here is the nucleus of an international legislature to cooperate with the international judiciary, already established, for the preservation of the world's peace. [Applause.]

The United States has negotiated arbitration treaties with 14 different nations outside of the Latin-American countries, with which a general agreement has been entered into providing for the peaceful adjustment of all differences. In this connection it should also be remembered that The Hague treaties have relieved us from all real and fancied responsibility with regard to the debts of the governments south of us by providing that these obligations shall no longer be collected by force. Many other burdens have been lightened which we had to carry, even before we had a navy worthy the name.

The United States has a "gentleman's agreement" with Japan which recognizes the mutual sphere of influence of the two powers, enables both to keep the peace, and in case of any dissensions renders easy an amicable understanding.

All our differences with Great Britain are now in the process of adjustment by arbitration, and a treaty to resort to The

Hague court in certain contingencies is in force between the two great powers.

There is the strongest possible evidence, Mr. Chairman, not only of the desire on the part of the governments to reduce armaments, if the United States were to make the start, but also of their positive disinclination to go to war even under strong provocation. In the British, French, and Japanese Parliaments, and even in the German Reichstag, representatives of these governments recently gave assurances of their readiness to reopen negotiations for the reduction of naval armaments, and motions to that effect are pending in nearly all the parliaments of the world.

Since the Russian-Japanese war there has been no bloody encounter between the nations. It was a terrible lesson, namely, that that frightful conflict could have been avoided by arbitration the same as it was ended. The world has fairly staggered under a perception of this fact. And what has happened since? While the English jingoes shouted for war on account of the Dogger Bank incident, the Governments of Great Britain and Russia ordered an investigation, as a result of which explanations followed and trouble and bloodshed were avoided. Then the Morocco affair was settled at an international conference. France and Germany referred the Casa Blanca incident to The Hague court, and both governments have since accepted the verdict of that tribunal. In the Balkans, where there always has been enough inflammable material to set Europe on fire, even a radical change of the map could not induce the interested nations to draw the sword, while in former years much more trivial causes would have surely brought on war.

Yet to-day the preparation of nations for war is much greater than ever before. Why, then, do they not fight? Why their eagerness to investigate and arbitrate instead of summoning their battalions to battle? It is nothing else but the power of an enlightened public opinion which is determining their course, the strong and growing sentiment against that relic of barbarism, the killing of men, and in favor of a higher order of things. [Applause.] The autocrats of the world may rule their subjects, but that sentiment, born of civilization and humanity, rules the rulers. Will we Americans, living as we do in a democracy where the people themselves are supposed to rule, disregard it?

The saying is, "Where there is a will there is a way." For eighteen hundred years the human family looked in vain for a way to more permanent peace, until it was finally discovered; and what a wonderfully simple way it is! To lay it bare in all its simplicity, I will cite a historical precedent which is so instructive as to merit mention in all our schoolbooks on history. The coast line between Canada and the United States from the St. Lawrence River to Lake Superior is about 2,000 miles long. In the year 1812 there were 46 forts, big and little, on the United States side, and about the same number frowned on us from Canada. At Fort Niagara alone there were at one time 6,000 troops. Altogether we had on the Great Lakes over a hundred craft devoted to the act of fighting—in the interest of peace, of course. Suddenly, but very quietly, two men got together in Washington and made an agreement. One man was Acting Secretary of State Richard Rush, of Philadelphia. The other was Charles Bagot, minister to the United States from England. The document is written on one side of a single sheet of paper, and is dated April 28, 1817. It can be seen in the archives of the State Department. It reads as follows:

1. The naval forces henceforth to be maintained upon the Great Lakes shall be confined to the following vessels on each side:
2. On Lake Ontario one vessel not to exceed 100 tons burden, carrying not more than 20 men and one 18-pound cannon.
3. On the Upper Lakes two vessels of same burden and armed in a like way.
4. On Lake Champlain one vessel of like size and armament.
5. All other armed vessels to be at once dismantled, and no other vessel of war should be built or armed along the St. Lawrence River or on the Great Lakes.

This agreement has religiously been kept for ninety-three years. Its effect was to at once stop work on the fortifications and cause disarmament along the Great Lakes. So far as is known the agreement will continue for all time.

Here is an example for our friends, the "jingoes," to study. It is a complete refutation of their theory that a lack of armaments invites invasion and attack. On the contrary it is a safe prediction that if these forts on the frontier had been maintained, and had the ships of war continued to sail up and down the Great Lakes, nothing short of a positive miracle would have saved us from fighting, and from a war with England. And now I ask you what is there in the way of a similar agreement between all the nations? Only the will of the governments and rulers. [Applause.]

Selfishness, envy, and fear have so far prevented them from choosing this avenue of relief and lifting from the people's shoulders a burden under which they all groan. Is America—

free, majestic, isolated America—to be baffled by the same petty impulses? Mr. Chairman, it is just one hundred years that the world's peace movement was born, and its birthplace was the United States. I could not imagine a more glorious celebration of its centennial than by a declaration of the American Congress, through its vote on the pending bill, that this free and mighty Republic, relying on its international agreements for the settlement of its differences, and believing its present armaments to be ample for defense, has once for all called a halt to further wasteful expenditure for their enlargement. [Applause.] It will mean sunshine and prosperity on this hemisphere and the dawn of a new emancipation on the other. [Prolonged applause on both sides of the Chamber.]

Mr. FOSS. Mr. Chairman, I yield one minute to the gentleman from Illinois [Mr. BOUTELL].

Mr. BOUTELL. Mr. Chairman, I ask unanimous consent to insert in the RECORD a leaflet entitled "War with Japan; is it Probable?" by Rev. H. Loomis, ex-captain, One hundred and forty-sixth Regiment New York State Volunteers, printed in Yokohama, and I ask for the consent at this time so that it will appear in the CONGRESSIONAL RECORD following the most excellent remarks made by the gentleman from Missouri [Mr. BARTHOLOMEW]. I would like to say in asking unanimous consent that I have known Dr. Henry Loomis all my life, and that for something over thirty years he has lived in Japan and on the Pacific coast, so that he is familiar with the conditions of the people in that country as well as with those of the people in his native land. He himself has been a private soldier and an officer, and knows what war is, and I commend to the careful consideration of all those whose dreams are now disturbed by visions of the yellow peril the ten reasons given by Doctor Loomis against the probability of there ever being war between Japan and the United States.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD by inserting the article referred to. Is there objection?

There was no objection.

The article is as follows:

WAR WITH JAPAN; IS IT PROBABLE?
[By Rev. H. Loomis, ex-captain, One hundred and forty-sixth Regiment New York State Volunteers.]

There have been frequent and strong assertions to the effect that there is such a probability of war between the United States and Japan that to prepare as speedily as possible for any emergency is an urgent necessity.

A war between Japan and the United States is almost certain never to occur. In fact, is so utterly impossible that it is not worthy of serious consideration. And the reasons are these:

1. There is no such disposition on the part of the Japanese. Any statements to the contrary are made without a knowledge of, or in disregard of the facts. Writing on this subject, the editor of the Japan Mail—who is an ex-officer of the British army—says, "Before engaging in a war with America Japan would have to divest herself of the strongest sentiment of friendship which she entertains towards any foreign country."

If the Japanese had any feeling of animosity and ambition to make war with the United States the opportunity was given when emissaries from the Philippine Islands came to Japan and tried to get the Japanese to join with them in their resistance of the United States forces then endeavoring to conquer the islands. But the Japanese said "No."

At the recent Semicentennial Missionary Conference in Tokyo a resolution was passed lamenting "that there had issued from the sensational press such exaggerated and even false rumors concerning the real and secret purpose of Japan as to arouse a suspicion that even war was not unlikely; and also in connection with the Japanese emigration into the United States many articles appeared in the sensational papers, revealing profound ignorance of Japan and creating anti-Japanese sentiment. The conclusion is that for the maintenance of amicable relations, trustworthy international news is indispensable. If false and exaggerated reports of the customs and actions of other nations are fruitful of contempt, ill will, and even war, and libel on an individual is a grave offense, how much more grave is libel on a nation?"

In a paper prepared and signed by practically the whole body of the American missionaries in Japan, some three years ago, is this statement: "We, the undersigned, wish to bear testimony to the sobriety, sense of international justice, and freedom from aggressive designs exhibited by the majority of the Japanese people, and to their faith in the traditional justice and equity of the United States, and our belief that the alleged, 'belligerent attitude of the Japanese' does not represent the real sentiment of the people."

Those of us who have been resident in Japan for many years will agree that it is the usual testimony of the Japanese that

they regard the Americans as their truest and best friends, and there is no thought or desire to put an end to such relations. On the contrary there was on their part a feeling of deep regret that their spirit and conduct should be so misunderstood. For this reason they were glad to have the opportunity, by the coming of the American Fleet, of showing their good will and high regard, which is universal and genuine.

The following is a copy of a note received from a Japanese teacher living in the Hokkaido on the coming of the American Fleet to Yokohama, and it expresses exactly the general sentiment of the Japanese toward the people of the United States: "Accept my sincere congratulation for the safe arrival of the long-expected and respect-worthy fleet of the United States at Yokohama. It is very heart winning to read articles in papers, the fresh recollections on the knocking on the door of Japan by the elderly nation, who has proved ever brother, friend, instructor, and spiritual benefactor of the nation of Japan. We are the people who long remember the good received and soon forget evil incurred, if any. But it is worthy of gratitude that we have good only to recollect about the Nation of the United States of America. May this opportunity serve to strengthen the tie of friendship anew and into a yet stronger one."

2. The Japanese are not a people eager for bloodshed and conquest. Until the war with China, the last foreign war in which Japan was engaged was that of the invasion of Korea in 1276. No better proof could be given of their nonaggressive spirit than the fact that when General Saigo proposed, in the year 1877, to put an end to the troubles in Korea by a conquest of the country, the Government refused to sanction such a course, and the result was a civil war. Thus many hundred lives were sacrificed, and large sums of money were expended for the purpose of preventing a rupture of the peaceful relations with a friendly power.

The war between Japan and China, and also the one with Russia was not brought about by Japan's seeking. Had either China or Russia been willing to accept reasonable terms of adjusting the questions which had arisen in the administration of affairs in Korea the whole trouble would have been settled without resort to arms.

The premier of Japan, who is a general in the regular army, said to Reverend Doctor De Forest, "I am a soldier, but I hate war. I tried every possible way to come to a settlement with Russia through peaceful means; and after six months of useless diplomatic correspondence, we simply had to fight for our national existence." And this, says one who is well able to judge, "is the true expression of the heart of Japan's generals."

3. Japan would be unable to conduct a war with the United States for financial reasons. This alone is sufficient to settle the whole matter without a doubt. Japan has a population of 50,370,000 (if we exclude Formosa, which is only a dependence, and of no value as a military asset). It has at the present date a national debt of \$1,125,000,000, which is \$21.50 per capita. The taxes amount to from 20 per cent to 30 per cent of the income, and the country is not only groaning under the heavy taxation, but demanding some form of relief. No other country in the world is carrying so heavy a burden in proportion to its financial strength. The Kokumin Shimbun (a Tokyo daily paper) says, "The heavy debts of Japan are more than the nation can endure."

Baron Shibuzawa, who is one of the ablest financiers in Japan, says, "The present rate of taxation in Japan is indeed extremely high, and more than the people at large can bear."

Owing to the general financial distress the Diet has just refused to approve of the budget which was proposed by the cabinet, and has made a reduction of \$5,000,000. Even this is unsatisfactory to the masses, and a further reduction in the land tax is demanded.

To assume the burden of another war, and especially where there is no possibility of pecuniary gain, would be positively and utterly ruinous. It has been asserted that a few months more of the Russian war would have resulted in national bankruptcy. The war with Russia cost Japan \$585,000,000 and 135,168 lives.

The Japanese ambassador to the United States, Viscount Aoki, said to Doctor De Forest, "War with America is impossible."

4. One thing in which Japan has been especially successful is the establishment and maintenance of a mercantile marine. It has been gradually developed until lines are now in operation between all the ports of the country, to Siberia, Korea, Formosa, China, India, Australia, Europe, Seattle, Tacoma, San Francisco, and ports in South America, and the maintenance of these lines is of vital importance to the welfare of the country. A war with the United States would mean an end to much, if not the larger part, of this commerce.

At the close of the war with Russia the new cabinet proposed a considerable enlargement of the navy, in order to be prepared

for a possible renewal of the struggle, as it was openly declared by the Russian officers that the settlement had come too soon and that they were unwilling to regard it as final. But the people in Japan protested so strongly that the cabinet resigned, and the result was a change in the programme and a reduction in the expense to be incurred.

The statesmen of Japan are men of too much sense to embark in any course that would involve the inevitable ruin of the country. They are practical men, who have the welfare of the country at heart, and are not led away by mere pride or ambition. Nearly one-half of Japan's indebtedness is abroad. A declaration of war with the United States would result in loss of her credit abroad and put an end to all foreign loans.

5. Japan is largely dependent upon the United States for a market for her products. Her chief articles of export are tea and silk. The United States takes practically all her tea that goes abroad, and paid last year (1909) \$6,000,000 for this alone, and \$35,000,000 for silk. Of all the articles which Japan exports to other countries there is perhaps none on which the future prosperity of the nation is so dependent as that of raw silk and silk fabrics. They represent by far the highest money value. The export to the United States constitutes over 70 per cent of the trade. Without such a market the industries of Japan would cease to be profitable and the country would become bankrupt.

The total exports from the United States into Japan during the year 1909 aggregated \$27,021,000. In 1907 the aggregate was \$40,000,000.

6. When the fighting strength of the two nations is considered it is evident to any ordinary observer that for Japan to engage in war with the United States would be nothing short of madness. The leaders in Japan know the conditions, and that they can not be ignored or changed.

Japan has 11 modern battle ships (her others are old, having been mostly captured in the war with China or Russia, and are now out of date), ranging from 10,000 to 19,500 tons, and 15 armored cruisers. America has 23 battle ships, ranging from 11,000 to 16,000 tons, and 15 armored cruisers, ranging from 8,200 to 14,600 tons.

With the completion of vessels now in process of construction the disparity on the part of the Japanese will be still greater. Japan expended for her navy in the year 1907 the sum of \$16,707,347. The United States expended during the same period \$87,866,828. For the building of new ships Japan expended last year \$2,799,371. For the "increase of the navy" the United States expended \$29,588,344.

7. Japan has not the necessary food supplies to carry on a war with the United States. Owing to the fact that only one-tenth of the area of Japan is available for cultivation there is an annual average deficit of 4,296,418 piculs of rice, costing \$17,905,000, which is procured from China, Burma, and elsewhere. The bread supplied to the soldiers during the war with Russia was made from flour purchased on the Pacific Coast. The value of flour imported from the United States in 1906 was \$1,819,166.

During the year 1909 Japan imported also 4,294,267 piculs of beans, valued at \$6,321,893, and kerosene oil to the value of \$5,828,649.

In case of war this importation would be interfered with, and possibly prevented; and if this should occur, the result would be famine.

8. Then, too, should Japan become involved in war with the United States, both China and Russia would be only too glad to settle up old scores. The awakening in China means the development of a national spirit that will insist upon a readjustment of international affairs on a new basis. The boycott of Japanese goods in southern China was evidence of a deep and quite general feeling of hostility to Japan, which has not been wholly allayed.

The Russians also would no doubt avail themselves of the opportunity to reopen the struggle for the possession of Manchuria and supremacy in Korea. The Russian officers who were brought to Japan as prisoners, as well as General Kuropatkin in his report of the war, were all agreed that the treaty of peace at Portsmouth had been made too soon; and if they could have had opportunity to continue the fight the result would have been different. At any rate, they were unwilling to regard the settlement as final. When the double line of railway is completed across Siberia, and the Russian navy is enlarged to the extent now proposed, conditions will be quite changed, and this must be taken into account by Japan.

The situation in Korea is yet far from being settled. To maintain supremacy there the Japanese need a military force and continued expenditure of money. At the present time a division and a half is stationed in Korea and another division in Manchuria.

Under such circumstances Japan can not afford to run the risk of a war that would be sure to deprive here of what has been gained at so great a sacrifice of life and treasure.

9. The entire area of Japan is only 148,832 square miles, and less than that of the State of California. Of this total, 30,371 square miles are included in the island of Yezo (or the Hokkaido), which is mostly wilderness. The arable area of Japan is estimated at 25,000 square miles. Her total wealth is estimated at \$10,510,000,000. The wealth of the United States is estimated at about \$117,000,000,000. The average income of the people of Japan is but \$30 per capita. The average income of the people of the United States is \$150 per capita.

To conduct an aggressive war against a nation with nearly double the population, with 11 times the financial strength, possessing a more powerful navy, and at a distance of from 4,000 to 5,000 miles from the base is a project that has never yet been attempted, and which no sane person would even consider. No hostile force could be organized and equipped with out giving ample time for preparation to meet it, and with modern equipments even a small body of soldiers could repel any invading force. The simple matter of the difficulty of a coal supply for a fleet of battle ships and transports would render an invasion utterly impossible. None of the war vessels would be able to carry sufficient coal for a round voyage, and a single hostile battle ship could prevent new supplies being sent. The Hawaiian Islands, as well as the Philippines, would furnish a base for a hostile force in the rear and the whole American fleet, including torpedo boats and submarines, would have to be first destroyed or captured.

10. The Japanese policy is one of peace and not war.

On the 30th of November, 1908, the Japanese ambassador at Washington signed a declaration of the views of his Government, in which he says it is the wish of his Government to encourage the free and pacific development of the commerce on the Pacific Ocean. A similar declaration was signed by Secretary Root in behalf of the United States Government. There has been no reason for any change in the attitude of the two nations toward each other, and it is incomprehensible to those who know the conditions that good people should be deluded with the idea that it is now a matter of vital importance to greatly increase and reorganize the army and multiply the battle ships in order to prevent an invasion.

Speaking on this subject, the Japanese minister of foreign affairs, Count Komura, said:

The foreign policy of this Empire should have for its objects the maintenance of peace and the development of the national resources. The friendship between Japan and the United States is of traditional standing, and it is absolutely essential to the common interests of both States not only to maintain unimpaired those sentiments of amity, but to extend and strengthen them by every possible means.

The rash utterances of individuals are not the expression of the representative men in Japan, and are unworthy of consideration.

The former American ambassador at Tokyo, Hon. Luke Wright, said, on his return to the United States:

The talk of war between this country and Japan is not even respectable nonsense. Japan no more wants war with us than we want one with her, and the idea that there is an impending conflict is ridiculous.

His successor makes the assertion that—

So far as our two countries are concerned, there is not now one serious question that remains unsettled.

To multiply battle ships and soldiers in fear of an invasion from Japan is not simply absolute folly, but a wicked waste of treasure and lives that ought to be devoted to some more worthy object.

Mr. FOSS. I suggest to my colleague, the gentleman from Tennessee [Mr. PADGETT], that he go ahead upon his side.

Mr. HOBSON. Mr. Chairman, I ask that five minutes be granted to the gentleman from Missouri [Mr. BARTHOLDT] to answer questions that he kindly offered to answer at the close of his speech.

The CHAIRMAN. The Chair will state to the gentleman from Alabama that time is within the control of the gentleman from Illinois and the gentleman from Tennessee.

Mr. HOBSON. I ask the gentleman from Tennessee to yield that time to the gentleman from Missouri.

Mr. PADGETT. I yield five minutes to the gentleman.

Mr. HOBSON. I did not intend, when I interrupted, to break the sequence of the beautiful and charming speech of the gentleman from Missouri.

Mr. BARTHOLDT. I thank the gentleman and wish he was on my side.

Mr. HOBSON. I am sure the gentleman, familiar as he is with all of the facts concerning international arbitration, must have been laboring under a misapprehension when he stated, and I am subject to correction if I heard him incorrectly, that

the United States has treaties of arbitration under which to settle all differences with other nations.

I wish to ask him if he does not know that every treaty that we have of arbitration to-day limits the scope of the arbitration to questions of law, to interpretations of treaties, and specifically by name reserves the questions of honor, all questions of vital interest, and questions affecting a third nation, excluding these questions from the field of obligatory arbitration?

Mr. BARTHOLDT. Mr. Chairman, in answer to the gentleman from Alabama I will say that I am well aware of this limited scope which our arbitration treaties now have, but we must remember that after all it depends a great deal upon the will of the Government as to what it wants to arbitrate, and these arbitration treaties are regarded by well-meaning governments merely as samples to guide their action in the future. The treaties to which he refers and which exempt questions of honor, questions of independence, and questions of vital interests are treaties of obligatory arbitration, with the emphasis on the word obligatory—that is, when questions not of this excepted class arise between us and the countries with which we have such treaties, we shall have no alternative, but must arbitrate, and can not draw the sword—but as to the other questions, it is certainly a matter of absolute discretion with the Government of the United States to avail itself of The Hague court or not even as to the question specifically exempted from obligatory arbitration. [Applause.]

Mr. HOBSON. The gentleman, in stating that it is dependent for settlement of these vital questions, questions over which nations actually fight, upon the will of the parties, I will ask him if he knows of any practical way in which to bring about that condition of will on the part of foreign nations who may not wish to arbitrate the question?

Mr. BARTHOLDT. In answer to that, Mr. Chairman, I must say in matters of this kind we can only be guided by what has occurred before. We know that in no one instance has arbitration been denied when it was formally asked for by one party.

Mr. HOBSON. Mr. Chairman, I am sorry at this juncture I must interrupt the gentleman long enough to tell him that Colombia requested arbitration of the United States on the question of Panama and agreed to eliminate all questions of honor in the scope of the arbitration, and the United States denied that. I would like also to ask him if Korea, when its life was at stake, did not appeal to the nations of the world, in the name of justice, at the First Hague Conference and ask for a hearing, and if her delegates were not even denied admission?

Mr. BARTHOLDT. For the simple reason that the Hague conference made a rule early during its sessions that absolutely independent and sovereign nations alone should be recognized and that the delegates of such nations alone should be admitted.

Mr. HOBSON. I would like to ask the gentleman—

Mr. BARTHOLDT. Therefore Korea was excluded the same as Canada would be excluded, the same as some of the colonies of England would be excluded, the same as the Transvaal government was sent back home in spite of its urgent appeal to be heard at The Hague conference.

Mr. HOBSON. I will ask the gentleman if he is familiar with the efforts of China at the First Hague Conference, and if he can not invoke such examples as that in the case of China, which has at various times requested consideration at the hands of the nations of the world? I would like to ask him, further, if he can explain why, before this judicial tribunal to which he would refer all matters, one of the powers of the Orient, small, comparatively, of only 49,000,000 people, not as ancient as China, with 500,000,000 people, with a civilization that was never even assumed to be superior, that the small nation of 49,000,000—

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOBSON. I ask for three minutes more.

Mr. PADGETT. I yield to the gentleman three minutes further.

Mr. HOBSON. In that broad tribunal, where equal justice can be had by all nations, how is it that one nation of 500,000,000 people appealed, and another nation, its neighbor, with less than 50,000,000 people, appealed, and the first nation was put down as a fourth-rate nation and the second put down as a first-rate nation?

Mr. BARTHOLDT. In what respect?

Mr. HOBSON. Absolutely as a first-class and a fourth-class power.

Mr. BARTHOLDT. Oh, no. If my memory serves me right, and I have carefully read the proceedings of both of The Hague conferences—and part of the time I was present myself—China and Japan were on an absolutely equal footing.

Mr. HOBSON. I beg the gentleman to bear in mind that when the proposition of establishing or determining the personnel of the court to which he refers came up, the nations were grouped and classified in different ratings, and if he will just refresh his memory by looking at the record he will find that Japan was put down as a first-class power, and China was put down as a fourth-class power.

Now, I will ask another question if the gentleman will permit. Mr. BARTHOLDT. Let me answer this question first.

Mr. HOBSON. Certainly.

Mr. BARTHOLDT. My friend refers to the argument which has unfortunately been made, that the prestige of a nation, even at The Hague, depends on the number of battle ships that it owns, and I think the burden of his question is contained in this proposition, is it not? Well, Mr. Chairman, as far as present conditions are concerned, we may forgive these representatives of the war departments and the navy departments that were sent to The Hague as representatives of their different governments when they pay more attention to battle ships and armaments, because they were for the most part generals and admirals. But I think the time will come when the governments of the world will send men truly imbued with the peace idea to these Hague conferences instead of sending admirals and generals, who judge the world only by the strength of its armaments.

Mr. HOBSON. Until that happy Utopian day comes, would the gentleman as a patriotic citizen leave the fate of his country and its vital interests to those representatives who are actually sent by the governments of the world to-day, to whom he refers as admirals and generals?

Mr. BARTHOLDT. Oh, I have full confidence in their judgment, but it seems to me that when a colonel is called upon to decide whether his regiment is to be abolished, it is about the same thing as if I would ask a shoemaker to abolish shoes. [Applause.]

The CHAIRMAN. The time of the gentleman from Alabama [Mr. HOBSON] has expired.

Mr. HOBSON. I would like one minute more to ask a question which I think is important.

Mr. PADGETT. Mr. Chairman, I can not yield further now. Mr. Chairman, it shall be my purpose to address the committee, but at the present time I yield fifty minutes to the gentleman from Colorado [Mr. MARTIN].

Mr. MARTIN of Colorado. Mr. Chairman, I want to direct attention to a subject which will probably not create a very great disturbance at this time, but with reference to which I have substantial reasons to believe a great deal will be heard in the future.

During the recent memorable debate over the change made in the Committee on Rules, the gentleman from Wisconsin [Mr. COOPER], for whom I have learned to entertain the very highest respect and esteem, related the manner and the cause of his appointment to the chairmanship of the Insular Affairs Committee of the House of Representatives. That committee was being formed at that time, to be charged with the great responsibility of framing a government for the Philippine Islands, with their eight or nine millions of people. The gentleman from Wisconsin stated that he was appointed to the chairmanship of the committee at the instance and request of President McKinley, and that the only injunction President McKinley had to give him in the discharge of the great trust that was imposed upon him—and it was a great trust—was that there should be no exploitation of the Philippines. And, concluded the gentleman from Wisconsin, "while I was chairman of that committee there was no exploitation of the Philippines."

But, Mr. Chairman and gentlemen, President McKinley has passed from the scene of his earthly labors, the gentleman from Wisconsin is no longer chairman of the Committee on Insular Affairs, the former attorney of the sugar trust is at the head of the Department of Justice of the present administration, and the Philippines are being exploited. [Applause on the Democratic side.]

RESOLUTION TO INVESTIGATE SALE.

On February 14 last I introduced House resolution 392, asking an investigation of the reported sale of friar lands in the Philippine Islands. That resolution was referred to the Committee on Rules, where it has since remained, and where it probably ever will remain, unless the new committee shall see fit to exhume it, which action is not likely to occur, in view of the fact that the committee is dominated by men entirely in accord with the administration, and of the further fact that the resolution charges a flagrant violation of the trust of his Government in the Philippines with the knowledge and approval of the administration.

So I deem it my duty, under the circumstances, to lay before this House such information as I have acquired with reference

to this matter, and prefatory to and as a part of my remarks I shall read the resolution, with the view that it may be preserved in the record of the House:

House resolution 392.

Whereas Manila cables to American newspapers on December 6, 1909, reported the sale by the Philippine government of 55,000 acres of land, known as the San Jose friar estate, island of Mindoro, to a representative of the Havemeyer sugar interests, for \$367,000, said land being part of the friar lands acquired by the Philippine government under authority of sections 63, 64, and 65 of the Philippine government act, approved July 1, 1902, said sale being in violation of the 2,500-acre limitation upon sales of Philippine public lands to associations or corporations, as specifically provided in sections 12 and 75 of said act and expressly applied to said friar lands in sections 63 and 65 thereof, as well as in violation of the expressed object of section 64 of said act, to wit, the dispossession of the religious orders and all others owning lands in such large quantities as to injuriously affect the peace and welfare of the Filipinos; and

Whereas the Department of Justice, in an opinion rendered to the Department of War in December, 1909, affirmed said sale by erroneously holding said friar lands as exempt from the aforesaid limitation, and which opinion, if unchallenged, will permit of the unlawful monopolization of all said friar lands, amounting to more than 400,000 acres of the richest and most desirable land in the Philippines, thereby reducing the Filipinos to a condition of peonage for the sole benefit of the sugar trust, under the sugar free-trade provisions of the Philippine tariff act approved August 5, 1909, as in the case of the Porto Rican sugar lands and industry under like conditions: Now, therefore, be it

Resolved, That the foregoing or any similar sale of said friar lands is in violation of the organic law of the Philippine Islands, is contrary to the avowed Philippine policy of the United States, and is null and void; that the House Committee on Insular Affairs be, and it is hereby, empowered and directed to make a complete and thorough investigation of said sale and all matters of fact and law pertaining thereto, and to report to this session of Congress all the evidence taken and their findings and recommendations thereon; that in conducting said inquiry said committee, through its chairman, shall have power to subpoena and require the attendance of witnesses, to administer oaths, to require the production of books, papers, and documents, whether of a public or private character, and to employ necessary assistance and make necessary expenditures, the cost of said investigation to be paid out of the contingent fund of the House.

My authority for the statement that the sale has been made is the following cablegram, appearing in the Chicago Tribune of December 7, 1909:

MANILA, December 6.

E. L. Poole, of Habana, Cuba, to-day closed a deal with the Philippine government for the purchase of the San Jose friar estate of 55,000 acres in the island of Mindoro. The purchase price was \$367,000. The tract will be used for the cultivation of sugar, and it is understood that the buyer represents the Havemeyers. The property is a part of the friar estates, which were bought from the church by the government.

Then, under the caption "Sold at public auction," and with no intervening matter, appeared the following explanatory and apparently inspired telegram:

WASHINGTON, D. C., December 6.

The sugar lands in the Philippines referred to in the Manila cablegram are said here to have been put up at public auction in Manila and sold to the highest bidder.

The result of the sale was the realization by the government of a sum of money in excess of the price paid to the friars for the land. It is understood to be the purpose of the purchasers to cultivate on a large scale sugar, rice, coconuts, and hard woods.

The sugar imports from the archipelago must be limited to the 300,000 tons per annum fixed in the tariff act. But no less than \$5,000,000 in rice is annually imported into the United States, and it is expected that there will be an opportunity to fill this demand from Philippine sources.

I also have here a copy of the opinion of the Attorney-General, holding the friar lands in the Philippines to be exempt from the limitations of the organic act, and therefore subject to monopolization and exploitation by the sugar trust and kindred interests, as set forth in the resolution.

FREE-TRADE DOOR TO EXPLOITATION.

Mr. Chairman, it was generally believed by the opponents of free trade with the Philippine Islands that the removal of tariff duties between the archipelago and the United States was designed to benefit certain private interests in this country; and that while the pretext of free trade was the beneficial development of the islands, the real underlying motive was their exploitation, and this was particularly believed with reference to sugar, the chief product of the islands. It was generally charged that efforts were being made by powerful interests in this country to secure a monopoly of the lands in the Philippine Islands and free trade between the United States and the Philippine Islands, the chief beneficiary of which would be the great sugar interests of this country, the sugar trust.

Just how the fruition of this joint scheme would be brought about, notwithstanding the free-trade act passed by this Congress, in the face of the organic law of the Philippines placing a limitation of 2,500 acres upon landholding by associations or corporations in the islands, was not very apparent. Seemingly the only way in which it could be done would be by an amendment to the organic law of the Philippine Islands enlarging the area. And it is a matter of common knowledge and a matter of record that continued and powerful efforts were made, and recommendations came from high sources, to remove the limitations upon landholding or to greatly enlarge them. These efforts failed, and they failed because of the general be-

hief in the minds of the people of this country and their representatives here in Congress that the welfare and the best interests of the Philippine Islands and their people were not to be subserved by throwing them open to exploitation by foreign corporations, American or otherwise.

Now comes an opinion of the Attorney-General, holding these lands to be not subject to the 2,500-acre limitation of the organic act of the Philippine Islands, with this resultant sale to a representative of the sugar trust as the beginning of a process which, if permitted to continue, will result in the complete monopolization of the most desirable lands in the islands, and all in violation of the plain letter, the plain spirit, and the plain intent of the organic law of the Philippine Islands, as well as of the avowed policy of this Government with reference to the Philippine Islands and all of its colonial possessions.

Now, in order that this matter may be made perfectly clear to your minds, I want to say that only three acts are necessary to be considered in this discussion: First, the Philippine government act of July 1, 1902, the act of Congress; second, the Philippine public-land act, passed by the Philippine Commission October 7, 1903; and, third, the Philippine friar-land act, passed by the Philippine Commission on April 26, 1904.

Indeed, it must be obvious that only the organic law of the Philippine Islands is necessary to be considered in this connection; but since the Attorney-General has seen fit to refer to these other acts, these mere acts of the Philippine Commission, I propose to refer to them, but only for the purpose of showing upon what a feeble pretext the Attorney-General of the United States leans for an opinion that removes the friar lands of the Philippine Islands from the protection of the limitations in the organic act and throws them open to monopolization and exploitation in the manner complained of in this resolution.

LIMITATION ON SALE OF PUBLIC LANDS.

And in order to avoid confusion and to enable you to keep clearly in mind the provisions of the Philippine government act, involved in this discussion, I shall quote only the material portions of the act dealing with this matter. The disposition of the property acquired by treaty from Spain is provided for in sections 12, 13, and 15. Section 12 of the organic act, the first of these sections, reads as follows:

That all property and rights which may have been acquired in the Philippine Islands by the United States under the treaty of peace with Spain, signed December 10, 1898 (with certain minor exceptions), are hereby placed under the control of the government of said islands to be administered for the benefit of the inhabitants thereof, except as provided in this act.

Section 13 relates only to the classification of the Philippine lands as agricultural, mineral, timber, and so forth.

Section 15, the last of these sections, reads as follows:

That the government of the Philippine Islands is hereby authorized and empowered, on such terms as it may prescribe by general legislation, to provide for the granting or sale and conveyance to actual occupants and settlers and other citizens of said islands such parts and portions of the public domain, other than timber and mineral lands, of the United States in said islands as it may deem wise, not exceeding 16 hectares to any one person, and for the sale and conveyance of not more than 1,024 hectares to any corporation or association of persons.

Here, then, we have three sections of the organic act covering the Philippine property acquired by the treaty with Spain, the first turning the property over to the Philippine government, the second classifying it, the third providing for its disposition, subject to the conditions and limitations prescribed in the act.

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

Mr. MARTIN of Colorado. Yes, sir.

Mr. MADDEN. I apprehend that that section last read refers to the public lands of the Philippine Islands, does it not?

Mr. MARTIN of Colorado. Yes; I am coming to that now.

Mr. MADDEN. Does that have anything to do with the friar lands, which are private lands?

Mr. MARTIN of Colorado. The later sections do, and it is to those that I am now proceeding, I will say to the gentleman from Illinois.

Mr. MADDEN. I should like to ask one more question. I am asking for information. That is, whether or not the gentleman has introduced a resolution of inquiry to the Secretary of War inquiring what disposition was made of the friar lands, and how, and all the details of the purchase, and whether he could not get that information without introducing the resolution which he has under consideration now?

Mr. MARTIN of Colorado. I have here the opinion of the Attorney-General, and I will say to the gentleman that in my judgment that opinion is all the satisfaction that will ever be obtained by an inquiry directed to the Department of Justice. There are some features with reference to this transaction, to which I propose to call attention later on, which not only justified me, but made it seem to my mind imperative that an

investigation going beyond the mere reasons that the Attorney-General might have assigned for this opinion should be had.

Mr. MADDEN. Would the gentleman not think it a wise way to get at the information which he seeks to introduce a resolution asking for all the information which is in the possession of the War Department, through which department the purchase of the friar lands was made? Does he not think that would be the best way to reach it?

Mr. MARTIN of Colorado. I will say this to the gentleman, that I saw all the information the department had, given to another Member of Congress who made an inquiry, and that after seeing that information I learned that I not only knew all about this question that was imparted to that Member by the department, but that I thought I knew somewhat more. So I did not waste any time trying to make any further inquiry, for reasons that I hope to make apparent a little later on in my remarks.

LIMITATION GOVERNS FRIAR LANDS.

I now pass to the provisions of the organic act relating to the friar lands, the same being sections 63, 64, and 65.

Section 63 reads as follows:

That the government of the Philippine Islands is hereby authorized, subject to the limitations and conditions prescribed in this act, to acquire, receive, hold, maintain, and convey title to real and personal property, and may acquire real estate for public uses by the exercise of eminent domain.

This section, it will be seen, is only a naked grant of power, without specifying any particular property that may be acquired and disposed of, or the manner thereof, except that the power shall be exercised subject to the limitations and conditions of the act of Congress.

We now come to the section specifying the object of the power granted in section 63 and describing what particular property may be acquired and disposed of by the Philippine government, subject to the limitations prescribed in the act; we come now to the section, the construction placed upon which by the Department of Justice absolutely nullifies all that has ever been said or done to preserve the agricultural lands of the Philippine Islands as the patrimony of the people of those islands and not the asset of exploiting foreign corporations.

Section 64 reads as follows:

That the powers hereinbefore conferred in section 63 may also be exercised in respect of any lands, easements, appurtenances, and hereditaments which, on the 13th of August, 1898, were owned or held by associations, corporations, communities, religious orders, or private individuals in such large tracts or parcels and in such manner as in the opinion of the commission injuriously to affect the peace and welfare of the people of the Philippine Islands.

This section also authorizes the issue of gold bonds by the Philippine government to purchase these lands, and in pursuance of this power, these lands to the extent of more than 400,000 acres, and according to all reports the richest and most cultivated and desirable lands in the Philippine Islands, were purchased and taken over by the Philippine government, the purchase price being about \$7,200,000, or about \$18 per acre.

I shall make no present comment on this section, except to invite your close attention to the object to be attained, to wit, the breaking up of landholding—

in such large tracts or parcels and in such manner as in the opinion of the commission injuriously to affect the peace and welfare of the people of the Philippine Islands.

I now proceed with the Philippine government act, section 65 of which provides that the lands acquired under the powers in sections 63 and 64 may be sold or leased on such terms and conditions as the Philippine government may prescribe, subject to the limitations and conditions provided in the act, the material portion of said section reading as follows:

That all lands acquired by virtue of the preceding section shall constitute a part and portion of the public property of the government of the Philippine Islands, and may be held, sold, and conveyed, or leased temporarily for a period not exceeding three years after their acquisition by said government, on such terms and conditions as it may prescribe, subject to the limitations and conditions provided for in this act.

These three sections are extremely simple of analysis, and an analysis fails to disclose any limitation or condition whatsoever upon the sale of the friar lands, except the limitations and conditions elsewhere in the act provided, and made applicable to these lands by the insertion of the limiting clause in sections 63 and 65. There is a limitation upon leasing in section 65, the only specified limitation in the three sections under consideration, and when we eliminate that limitation upon leasing, the section reads as follows:

That all lands acquired by virtue of the preceding section shall constitute a part and portion of the public property of the government of the Philippine Islands and may be held, sold, and conveyed * * * on such terms and conditions as it may prescribe, subject to the limitations and conditions provided for in this act.

Could anything be plainer than that, if no limitations are to be found in the sections containing the limiting clause, they must be sought elsewhere, and that, when found, they must

apply to and govern the sections containing the clause? I take this to be an elementary proposition of construction, calling for no very marked legal knowledge.

Furthermore, any other construction puts this Government in the absurd position of having, in the minor matter of leasing, taken the precaution of limiting the time of the same to three years, while leaving the vastly more vital matter of sales absolutely in the power of the Philippine government. Such an impossible issue alone is sufficient to stamp either the act of Congress or the opinion of the Attorney-General as an egregious blunder, and I am forced to the conclusion that the fault does not lie with the act.

It may be noted, too, for what it may be worth, that the words "subject to the limitations and conditions prescribed in this act" do not appear in section 15 of the Philippine government act, and this is obviously because of the fact that the limitations themselves are set out and expressed in section 15, the limitations with reference to quantity being 40 acres to the individual and 2,500 acres to the association or corporation. The words "subject to the limitations and conditions prescribed in this act" do not occur until section 63, the first friar-land section, is reached, and the phrase is repeated in section 65, the last friar-land section. Yet the Attorney-General, after setting out in full these three sections, says:

The lands designated in these sections were acquired in an entirely different manner from the property acquired under the treaty with Spain. Their disposition was upon different principles.

It is true these lands were acquired in a different manner from the public domain of the Philippines, but, and I emphasize this point, they were in contemplation of acquirement when the Philippine government act was passed; sections 63, 64, and 65 were embodied in the act as the basis of their acquirement and disposition; and the limiting clause was inserted in sections 63 and 65 for the obvious purpose of preventing the very disposition of them now brought about by the Department of Justice. I do not see how anything could be plainer.

OBJECT OF THE LIMITATION.

But there is an even truer guide to the proper construction of this act and the application of the limitations and conditions to every section of it. Because the very object of the purchase of these friar lands, as set out in section 64, is declared to be the destruction of a system or condition under which these lands were owned by individuals, corporations, or religious orders—

In such large tracts or parcels and in such manner as in the opinion of the commission injuriously affects the peace and welfare of the people of the Philippine Islands.

Can it be claimed that it was the purpose and intent of Congress to dispossess a large number of owners of these lands that ownership of them might be ultimately concentrated in a single corporation or association? Can it be claimed that six years ago the peace and welfare of the Philippine Islands were menaced by the ownership of 400,000 acres of land by numerous individuals, societies, and corporations, both domestic and foreign, but that now there is no menace in their ownership by a single foreign corporation or syndicate? Will any man have the hardihood to take the position that if an opinion has been rendered that may result in the concentration of ownership of these lands in a single corporation, or even in a number of corporations, that that opinion is not in plain violation of the manifest spirit and intent, not only of the entire act, but of the section itself, which it is assumed is exempt from the limitation and gives this power to monopolize these lands?

The Attorney-General himself says, in the concluding paragraph of his opinion, that—
the intention of Congress was to abolish a system of ownership disadvantageous to the Government.

He further, in every paragraph of the opinion in which he has occasion to refer to the friar-land sections, recites the phrase "subject to the limitations and conditions of the act," but appears to absolutely ignore the meaning and application of the phrase. For instance, on page 3 of the opinion, after stating that the friar lands were acquired in a different manner and were to be disposed of on different principles than the public lands, he continues:

Complete general power to acquire and dispose of property, real and personal, was given by section 63 to the Philippine government, subject only to the limitations and conditions of the act.

Subject to what limitations and conditions?

And on page 4 is the following illuminating statement, a fog-like illumination, however, in view of the conclusion reached:

By section 65 the lands were to be held, sold, and conveyed on such terms and conditions as the Philippine government might prescribe, subject to the limitations and conditions of the act.

The act of Congress; the constitution of the Philippines.

And again, on page 5, occurs the following:

The Philippine government has complete control over the sale of the lands on such terms and conditions as it may prescribe, subject to the limitations and conditions provided for in the act of 1902.

That is to say, the organic act. Then, to further befog the issue, comes the statement on page 6 that—

there are conditions prescribed in the act of Congress and carried into the Philippine commission act; but—

He adds—

I am of the opinion that the limitations in section 15 do not apply to the estates purchased from the religious orders under sections 63, 64, and 65 of the Philippine act—

when I have already shown that there are no limitations in the friar-land sections except such as must be read into them from section 15, which the Attorney-General says does not apply; and, therefore, according to the Attorney-General, the limiting clause as used in sections 63 and 65 of the act of Congress is absolutely meaningless.

ATTORNEY-GENERAL LEANS ON STRAW CRUTCH.

And the Attorney-General, ignoring this clause in the organic act, and failing to give it life and meaning, although often quoting it, finds a straw crutch for his conclusion in the fourth whereas of the Philippine friar-land act, in which whereas it is declared by the commission that the friar lands are not public lands in the sense in which those words are used in the Philippine public-land act.

But let me read the language of the opinion:

One of the recitals in the Philippine act, after stating the terms of the act of Congress, is that "whereas the said lands are not 'public lands' in the sense in which those words are used in the public-land act, No. 926, and can not be acquired or leased under the provisions thereof, and it is necessary to provide proper agencies for carrying out the terms of said contracts of purchase and the requirements of said act of Congress with creation of a sinking fund to secure the payment of the bonds so issued."

So the learned Attorney-General of the United States, turning his back upon the plain provisions of the organic act, seeks to bolster an opinion of such tremendous import upon a mere gratuitous introductory recital in one act of the Philippine Commission, referring to another act of the commission. He had as well attempt to fortify one unconstitutional act of Congress upon the authority of another such act.

AN OVERLOOKED WHEREAS.

This feature of the opinion is hardly worth the time it takes to mention it, but while on this subject it will do no harm to call attention to another whereas in the Philippine friar-land act, the third whereas, which the honorable Attorney-General omitted to mention, and in which it is declared that the power to buy and sell these lands is subject to the conditions and limitations of the act of Congress:

Whereas by said section 65 of said act of Congress the government of the Philippine Islands is empowered to lease the said lands, after their acquisition, for a period not exceeding three years, and to sell the same on such terms and conditions as it may prescribe, subject to the limitations and conditions contained in said act of Congress.

Note particularly the arrangement and phraseology of this whereas:

First. That the Philippine government—
is empowered to lease the said lands, after their acquisition, for a period not exceeding three years.

And, second—

to sell the same on such terms and conditions as it may prescribe, subject to the limitations and conditions contained in said act of Congress.

The commission thereby clearly recognizing the contention I am making, that in the matter of leases they were limited to three years as to time, while as to quantity, either in leases or sales, the limitations in section 15, carried into the friar-land sections in express terms, governed.

HOW ABOUT SECTION 75?

But, letting the gratuitous declaration of the Philippine Commission go for what it may be worth, there is no hint in the friar-land act that the limitation as to the ownership of land that may be acquired under a single ownership was not applicable or that quantities in excess of the limitation in the Philippine government act could be acquired. On the contrary, it must have been a settled fact in the mind of the commission that the limitations applied and that the commission had these limitations in mind when it declared the friar lands in the friar-land act to be subject to the limitations and conditions of the act of Congress.

I think I have already clearly established the error of the Attorney-General's opinion and shown it to be entirely unsupported by the acts upon which it is based, as well as utterly contrary to the intent and purpose of the Government of the United States in its entire course of dealings with the Philippine Islands since the date of their acquisition. But I want to

call attention to another and a most important omission in the opinion of the Attorney-General. In this opinion sections 12, 13, and 15, dealing with the public domain of the Philippine Islands acquired by the treaty with Spain, and sections 63, 64, and 65, dealing with the friar lands, are set out in full, and these sections, together with the reference made to the fourth whereas in the friar-land act, constitute the entire legal basis of the opinion.

No reference whatever is made to section 75 of the Philippine government act, which recites—and I quote from the section—

That no corporation shall be authorized to conduct the business of buying and selling real estate or be permitted to hold or own real estate except such as may be reasonably necessary to carry out the purpose for which it was created, and every corporation authorized to engage in agriculture shall, by its charter, be restricted to the ownership and control of not to exceed 1,024 hectares of land.

That is to say, 2,500 acres. And foreign corporations are subjected to the foregoing provision in the following language of the section:

Corporations not organized in the Philippine Islands and doing business therein shall be bound by the provisions of this section, so far as they are applicable.

And surely no one will contend that producing sugar is not engaging in agriculture.

That section establishes beyond dispute the intent and purpose that in no manner and by no means shall associations or corporations be permitted to acquire or own to exceed 2,500 acres of those lands; and neither the Philippine Commission nor any other body, by whereas or in any other manner, can exceed or set aside the authority granted by Congress, the creative power.

RECORD IS AGAINST OPINION.

I believe on the whole it has been well said to me that no subject of legislative action was ever more thoroughly safeguarded from monopoly than the Philippine lands. And that it was the intent that they should be so safeguarded and that they were thought to be so safeguarded by both friends and foes of the limitation I shall now proceed to show from the highest authority, and I will defy anybody to produce from any source a single intimation that the limitation did not apply to the friar lands prior to this opinion by the Attorney-General.

When the organic law of the Philippines was in process of construction by the Fifty-seventh Congress, the question of the limitations upon landholdings was exhaustively considered, as the hearings and reports disclose. I can only refer briefly to them.

Section 46 of the act as at first framed provided—

That the legislation regulating the exercise of the authority to dispose of the public lands in the Philippines, enacted by the government of the Philippines, shall contain appropriate provisions limiting the amount of agricultural lands to be sold and conveyed to not more than 100 acres to any individual, firm, or association.

General MacArthur, before the Senate Committee on the Philippines, said:

I deprecate the idea that we are going to sell public lands there in blocks of 5,000 acres with a view to rapid exploitation. That I should regard as disastrous both to American and Filipino interests absolutely—

which statement loses none of its force by reason of the fact that it antedated the acquisition of the friar lands.

Mr. Taft, then governor of the Philippines, was a witness before the House Committee on Insular Affairs, when the following colloquy occurred:

Mr. WILLIAMS of Illinois. You think the commission should have power to lease lands without limit as to quantity, do you? That is, large tracts?

Governor TAFT. I think I said we ought to have the power to lease large tracts, but I did not mean that to be without limitation.

Mr. WILLIAMS of Illinois. If you had such a limitation, what would you suggest?

Governor TAFT. With reference to the sugar lands, I understand in Cuba there are plantations of 20,000 acres. The limitation inserted in this bill was 5,000 acres. I think that is too small.

Mr. WILLIAMS of Illinois. What number would you suggest?

Governor TAFT. Twenty thousand acres might be a fair limitation; that is, for sugar lands.

Mr. WILLIAMS of Illinois. For other lands?

Governor TAFT. I think 5,000 acres might be a fair limitation for tobacco lands.

Mr. Taft made practically the same recommendations in A Review of the Philippines, published in 1902.

This, bear in mind, was with reference to leasing, not sale, a much more important matter.

I want to call attention right here to the fact that you will search the records with reference to the Philippine Islands in vain for an intimation from any source that the limitation in any case should be greater than 20,000 acres. If you can find any such suggestion as that you will find something that a month's hunt did not produce for me.

Mr. Root, then Secretary of War, was a witness before the House committee when the following dialogue occurred:

The CHAIRMAN (then Mr. COOPER of Wisconsin). As to section 39, which relates to the granting of franchises, "Every corporation authorized to engage in agriculture shall by its charter be restricted to the ownership and control of not exceeding 1,000 acres of land; it is 1,000 acres in Hawaii, I think. What would you think of that limitation? It has been suggested that it ought to be 5,000 acres, in view of the situation in the Philippines.

Secretary ROOT. My impression would be in favor of giving a very wide scope to the Philippine government. Although I am not much of a believer in the wisdom of having very large tracts of land owned by any one concern, I think that you can safely put discretion in the Philippine government on that subject.

But it would be a waste of time to argue that large landholdings were and will be a bad thing for the Filipinos, or any other people. And, furthermore, that is not the issue in this case. The issue is whether the transfer of the Philippines from the friars to the Havemeyers is in accordance with law. If it is not, the transfer, in so far as the Havemeyers are concerned, falls to the ground and the entire transaction is illegal, and may be and ought to be repudiated by this Government. [Applause.]

Mr. SABATH. Will the gentleman yield?

Mr. MARTIN of Colorado. I will yield if I have the time.

Mr. SABATH. Did I understand the gentleman to say that the limitations are 1,200 hectares?

Mr. MARTIN of Colorado. Yes, sir.

Mr. SABATH. That would be about 2,500 acres.

Mr. MARTIN of Colorado. Yes, sir.

Mr. SABATH. What was the amount of the sale?

Mr. MARTIN of Colorado. The sale was 55,000 acres.

Mr. SABATH. That would be about 20 times as much as the limitation provides for.

Mr. MARTIN of Colorado. Exactly.

Mr. SABATH. What was the price?

Mr. MARTIN of Colorado. Three hundred and sixty-seven thousand dollars.

Mr. SABATH. That would be at \$6.50 an acre.

Mr. MARTIN of Colorado. Exactly.

Mr. SABATH. And we have paid about \$18 an acre.

Mr. MARTIN of Colorado. I think that is about the average price.

Mr. SABATH. We will be then selling it at 33 per cent of what we paid for the land.

Mr. MARTIN of Colorado. It would be 33 per cent of the average price, but I do not know whether it will be 33 per cent of the price paid for this estate in the island of Mindoro.

Mr. HUGHES of New Jersey. When was this transfer effected?

Mr. MARTIN of Colorado. It was effected on the 6th of December, 1909.

TAFT IN DARKNESS.

Coming down to a later period, to a time when the friar lands had been acquired by the Philippine government, and as showing that all along it has been in the mind of Mr. Taft, the highest authority on the Philippines, the large landholdings were forbidden by law, I want to quote the recommendations with which he closes a special report on the Philippines, rendered to President Roosevelt on January 23, 1908, just two years ago:

First. That legislation be adopted by Congress admitting the products of the Philippine Islands to the markets of the United States, with such reasonable limitations as may remove fear of interference with the tobacco and sugar interests in the United States.

That recommendation was complied with when, on August 5, 1909, Mr. Taft, as President, signed the Philippine tariff act, providing for free trade in sugar between the United States and the Philippine Islands, to the amount of 300,000 tons per annum and 150,000,000 cigars.

Second. That the present restrictions be removed as to the acquisition of mining claims and the holding of lands by corporations in the Philippines.

That recommendation has been complied with by the opinion of the Attorney-General, providing not only for large, but for unlimited landholdings in the Philippines. Mr. Taft, when he made that recommendation, evidently did not know that under existing law the entirety of the friar estates, consisting of more than 400,000 acres, could be purchased by one individual or corporation.

The President appears to have been in ignorance all these years on that proposition, the man who is the father of the Philippine Islands, at least of their present form of government, and presumed to know more about those islands, their conditions, and their laws than any man living.

Furthermore, Mr. Taft could not be subjected to the suspicion of favoring the complete monopoly of these lands for which the door has been opened by the opinion of the Attorney-General unless he has changed his mind since he made the following

statement before the House Insular Affairs Committee on February 26, 1902:

There is no desire on the part of the commission to have that kind of exploitation which will lead to the ownership of principalities in the island by a corporation.

It is true Mr. Taft made this statement while arguing for corporate holdings of more than 5,000 acres and perhaps as high as 20,000 acres, but the language I have quoted, as well as Mr. Taft's statements and recommendations before the committee and elsewhere, renders it obvious that if he had been asked whether he would favor the concentration of 400,000 acres of the best lands in the Philippine Islands in a single ownership, his answer would have been a most emphatic negative. And if the time at which that statement was made, to wit, February, 1902, leaves any room for argument that Mr. Taft only had in mind the public domain of the Philippine Islands, the coffin lid is nailed upon any such contention by the following statement in Mr. Taft's special report, already referred to, of January 23, 1908:

Nor would I regard it as a beneficial result for the Philippine Islands to have the fields of those islands turned exclusively to the growth of sugar. The social conditions that this would bring about would not promise well for the political and industrial development of the people, because the cane-sugar industry makes a society in which there are wealthy landowners, holding very large estates with most valuable and expensive plants and a large population of unskilled labor, with no small farming or middle class tending to build up a conservative, self-respecting community from bottom to top.

And if the sugar trust does not want these lands for sugar production, which will create the conditions characterized by Mr. Taft, for what, may I ask, does it want them?

Mr. GILLESPIE. What was the trust agent's name?

Mr. MARTIN of Colorado. E. L. Poole, of Habana.

Mr. GILLESPIE. Were there any attorneys mixed up with that deal; and if the gentleman knows, who were they?

Mr. MARTIN of Colorado. I have not that information, if the gentleman pleases. The only information I have is a cablegram, which I have already read, stating that—

E. L. Poole, of Habana, Cuba, to-day closed a deal with the Philippine government for the purchase of the San Jose friar estate of 55,000 acres in the island of Mindoro. The purchase price was \$367,000. The tract will be used for the cultivation of sugar, and it is understood that the buyer represents the Havemeyers. The property is a part of the friar estates, which was bought from the church by the Government.

That cablegram appeared in the Chicago Tribune December 7, and then, without any intervening matter, appeared an explanatory telegram from Washington stating more fully what these lands were to be used for.

And I must digress to say that I have been rather at a loss to understand why, in view of the general knowledge here in Congress, and on the part of the press generally, with reference to this limitation upon those lands, and of the knowledge that it was the result of a compromise, ending a long controversy as to what that limitation ought to be, that there has been so little attention paid to this matter. I can find nowhere any newspaper comment whatever, not a single line, on this sale. When this resolution was introduced in this House it was flashed to every daily paper in the United States by the Associated Press, but I have yet to see or hear of the first line of editorial comment with reference to the matter. You talk about the conspiracy of silence down there at Annapolis on the part of the kids against some officer, but it would look like the press of the country was not much interested in the fact that the sugar interests had started in to gobble up the Philippine Islands, and contrary to law. But I must proceed, as my time has nearly expired.

EARMARKS OF BAD FAITH.

And now I think it proper to inquire if it is not a singular and significant fact that these lands, purchased by contract in December, 1903, remained in the possession of the Philippine government for five or six years without a sale in excess of the limitation as to quantity named in section 15 of the Philippine government act, and that then, within four months of the time of the passage of the Philippine tariff bill providing for free trade in sugar with the Philippine Islands to the extent of 300,000 tons per annum, an opinion should be rendered by the Department of Justice holding these lands to be not subject to the limitation, and with the resultant sale of 55,000 acres to an agent of the sugar trust?

Many jokers were discovered in the Payne tariff bill, and all of them, without a single exception, jokers in favor of special interests. This opinion appears to be the joker in the Philippine tariff bill. And I undertake to say that in the face of such an opinion as this, the Philippine tariff act, or rather free-trade act, never could have passed Congress.

But it is not necessary, in order to establish the fallacy of the opinion, to make any disparaging allusions to the Payne tariff act. The opinion fails to stand the test of the letter of

the law, as set out in sections 15 and 75 of the Philippine government act and applied in sections 63 and 65, and it is manifestly violative of the very purpose and object of the purchase of the friar lands, as stated in section 64 of the Philippine government act.

It is unfortunate, indeed, that such construction of the law should come from the head of a department of the Government bearing the title of the Department of Justice, and of whom the Philadelphia North American, in its leading editorial in the issue of Friday, February 18, 1910, entitled "Why the People Doubt Taft," among other things said:

Attorney-General Wickersham, former attorney of the sugar trust and writer of embarrassing letters in accordance with his earlier affiliations.

And also, it appears, writer of embarrassing opinions in accordance with his earlier affiliations.

Mr. CULLOP. Mr. Chairman, will the gentleman permit me there?

Mr. MARTIN of Colorado. I will. I would like to have my time extended, however.

Mr. CULLOP. He sometimes embarrassed the administration by writing letters, for instance, of June 29, 1909, about the powerful interests when representatives of the sugar company were here to intercede with the President about the New York prosecutions.

The CHAIRMAN. The time of the gentleman from Colorado [Mr. MARTIN] has expired.

Mr. MARTIN of Colorado. I would like five minutes more, when I will be through.

Mr. PADGETT. Mr. Chairman, I yield to the gentleman five minutes more.

Mr. MARTIN of Colorado. The opinion gains no favor in my nostrils by reason of the professional antecedents of its author, nor is confidence in the transaction to which it relates increased by reason of the fact that the sale preceded the opinion by a space of twelve days. Ordinarily, before a man puts his money in property he ascertains whether he can acquire a good title, but in the matter of the sale of the friar lands the purchaser was neither blindly taking chances under the rule of caveat emptor, or had substantial assurances in advance that a warranty would be forthcoming. I leave this House and the country to draw its own conclusions.

THE PRIZE.

It must be a rich prize that could gain and hold for so long a time the greedy ambition of one of the great industrial interests of this country and lead it to take such chances in its acquisition. And it is a rich prize. The tariff which has been removed from 300,000 tons of raw sugar, at about 63 cents per hundredweight, amounts to about \$11,000,000 annually. Only about one-half of this tonnage has been coming in from the Philippines. The shortage will soon be supplied, but the consumer will be none the wiser; none of the benefits will ever leak by the coffers of the sugar trust.

But the prize is even greater than the tariff gleanings, large as they are, as shown by the following quotations from an address by Hon. Henry M. Teller to the beet-sugar growers of Colorado, in the last national election, in discussing Mr. Taft's activity in behalf of Philippine free trade:

He knows that the sugar produced in the Philippine Islands will be produced by the cheapest labor in the world, by a labor that can live on wages that would send an American laborer to the poorhouse. The sugar made in the Philippine Islands will be made by laborers who will work for \$4 or \$5 per month (as compared with \$1.50 per day for even the commonest labor in this country); they have the richest and cheapest lands in the world, and have but a few of the burdensome demands of civilized society.

He knows that in those islands sugar can be made and put on shipboard for 60 cents per 100 pounds; he knows also that these islands with free sugar can produce all the sugar the world needs, and can produce sugar cheaper than any other part of the world except Java, cheaper than it is possible for either the cane-sugar growers or the beet-sugar growers to produce it.

He knows also that it costs 35 cents per 100 pounds to ship sugar from Colorado to Chicago, and that it can be shipped by sea from the Philippine ports to New York for 24 cents per 100 pounds, so that sugar may be laid down in New York at a cost of not more than 84 cents per hundred.

This, then, is the whole prize:

Peon-produced sugar, from rich lands which can not be sold by the Philippine government, under the terms of purchase, for to exceed \$18 per acre, the purchase price, imported free into this country. It ought to go without saying that an interest that would stoop to the robbery of the Government that harbors and protects it, as did the sugar trust in the New York customs-house, would stop at nothing to win such a prize. And if it would rob this Government, what will it not do to the Filipinos?

Mr. GILLESPIE. Does not that throw some light on why these resolutions requiring investigations of the sugar frauds are still in the Committee on Rules also?

Mr. MARTIN of Colorado. It would be interesting if we could dig into that reliquary of investigation resolutions and undesirable bills, and so forth, and catalogue them and see what they are.

SALE MUST BE REPUDIATED.

This is a serious question, involving not alone the welfare of our charges in the Philippines, but the integrity and good faith of our own Government. It is a question that ought to be taken up by the Insular Committee of this House and a thorough investigation had. If the present law hampers the proper development of the Philippines, let the law be changed by Congress and not winked out of existence in this manner. That it never will be so changed by Congress as to permit of one such transaction as that to which I have called attention or to permit anything like a semblance of this opinion to get on the statute books ought in itself to be sufficient to point the urgent need of action and condemn this opinion. [Applause.]

This matter has now been brought formally to the attention of Congress, and I want to warn you that failure to act on it, failure to declare this and all similar sales null and void, will later be construed by the courts as acquiescence in what has already been unlawfully done. [Applause.]

For information, I append to my remarks the opinion of the Attorney-General:

DEPARTMENT OF JUSTICE,
Washington, December 18, 1909.

The SECRETARY OF WAR.

SIR: In your letter of December 4 instant, you request an opinion upon the question "whether section 15 of the act of Congress, approved July 1, 1902, entitled 'An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes,' limiting the amount of land which may be acquired by individuals and corporations, is made applicable by section 65 of said act to the estates purchased from religious orders in the Philippine Islands pursuant to the authority conferred upon the Philippine government by sections 63, 64, and said section 65 of the act mentioned."

Section 15 must be taken in connection with sections 12 and 13, which are as follows:

"Sec. 12. That all the property and rights which may have been acquired in the Philippine Islands by the United States (under the treaty of peace with Spain), signed December 10, 1898, except such land or other property as shall be designated by the President of the United States for military and other reservations of the Government of the United States, are hereby placed under the control of the government of said islands to be administered for the benefit of the inhabitants thereof, except as provided in this act.

"Sec. 13. That the government of the Philippine Islands, subject to the provisions of this act and except as herein provided, shall classify according to its agricultural character and productiveness, and shall immediately make rules and regulations for the lease, sale, or other disposition of the public lands other than timber and mineral lands, but such rules and regulations shall not go into effect or have the force of law until they have received the approval of the President, and when approved by the President they shall be submitted by him to Congress at the beginning of the ensuing session thereof, and unless disapproved or amended by Congress at said session they shall at the close of such period have the force and effect of law in the Philippine Islands: *Provided*, That a single homestead entry shall not exceed 16 hectares in extent."

Section 15 then provides:

"That the government of the Philippine Islands is hereby authorized and empowered, on such terms as it may prescribe, by general legislation, to provide for the granting or sale and conveyance to actual occupants and settlers and other citizens of said islands such parts and portions of the public domain, other than timber and mineral lands, of the United States in said islands as it may deem wise, not exceeding 16 hectares to any one person (and for the sale and conveyance of not more than 1,024 hectares to any corporation or association of persons): *Provided*, That the grant or sale of such lands, whether the purchase price be paid at once or in partial payments, shall be conditioned upon actual and continued occupancy, improvement, and cultivation of the premises sold for a period of not less than five years, during which time the purchaser or grantee can not alienate or encumber said land or the title thereto; but such restriction shall not apply to transfers of rights and title of inheritance under the laws for the distribution of the estates of decedents."

The lands referred to in sections 13 and 15 are agricultural lands. They are carefully distinguished from timber and mineral lands. They are lands which have been acquired in the Philippine Islands by the United States under the treaty with Spain. Section 13 is a recognition of homestead entries. Section 15 provides for the grant or sale of lands to actual occupants and settlers and other citizens, but the grants and sale thus made are upon the condition of actual and continued occupancy, improvement, and cultivation for not less than five years.

In accordance with the authority given to it the Philippine Commission enacted the law known as the public-land law to carry out the provisions of these sections.

Sections 63, 64, and 65 were enacted for a different purpose. The authority of the Philippine government in relation to property was largely extended. They are as follows:

"Sec. 63. That the government of the Philippine Islands is hereby authorized, subject to the limitations and conditions prescribed in this act, to acquire, receive, hold, maintain, and convey title to real and personal property, and may acquire real estate for public uses by the exercise of eminent domain.

"Sec. 64. That the powers hereinbefore conferred in section 63 may also be exercised in respect of any lands, easements, appurtenances, and hereditaments which, on the 13th of August, 1898, were owned or held by associations, corporations, communities, religious orders, or private individuals in such large tracts or parcels and in such manner as, in the opinion of the commission, injuriously to affect the peace and welfare of the people of the Philippine Islands. And for the purpose of providing funds to acquire the lands mentioned in this section said government of the Philippine Islands is hereby empowered to incur

indebtedness to borrow money, and to issue, and to sell at not less than par value, in gold coin of the United States of the present standard value or the equivalent in value in money of said islands, upon such terms and conditions as it may deem best, registered or coupon bonds of said government for such amount as may be necessary, said bonds to be in denominations of \$50 or any multiple thereof, bearing interest at a rate not exceeding 4½ per cent per annum, payable quarterly, and to be payable at the pleasure of said government after dates named in said bonds not less than five nor more than thirty years from the date of their issue, together with interest thereon, in gold coin of the United States of the present standard value or the equivalent in value in money of said islands; and said bonds shall be exempt from the payment of all taxes or duties of said government, or any local authority therein, or of the Government of the United States, as well as from taxation in any form by or under state, municipal, or local authority in the United States or the Philippine Islands. The moneys which may be realized or received from the issue and sale of said bonds shall be applied by the government of the Philippine Islands to the acquisition of the property authorized by this section, and to no other purposes.

"Sec. 65. That all lands acquired by virtue of the preceding section shall constitute a part and portion of the public property of the government of the Philippine Islands, and may be held, sold, and conveyed, or leased temporarily for a period not exceeding three years, after their acquisition by said government, on such terms and conditions as it may prescribe, 'subject to the limitations and conditions provided for in this act.' *Provided*, That all deferred payments and the interest thereon shall be payable in the money prescribed for the payment of principal and interest of the bonds authorized to be issued in payment of said lands by the preceding section and said deferred payments shall bear interest at the rate borne by the bonds. All moneys realized or received from sales or other disposition of said lands or by reason thereof shall constitute a trust fund for the payment of principal and interest of said bonds, and also constitute a sinking fund for the payment of said bonds at their maturity. Actual settlers and occupants at the time said lands are acquired by the government shall have the preference over all others to lease, purchase, or acquire their holdings, within such reasonable time as may be determined by said government."

The lands designated in these sections were acquired in an entirely different manner from the property acquired under the treaty with Spain. Their disposition was upon different principles. Complete, general power to acquire and dispose of property, real and personal, was given by the section 63 to the Philippine government, subject only to the limitations and conditions of the act. Special provision was made in the sixty-fourth section for the acquisition of lands owned or held by associations, corporations, communities, religious orders, or private individuals in such large tracts or parcels and in such manner as in the opinion of the commission injuriously to affect the peace and welfare of the people of the Philippine Islands. To provide funds for this purpose the government was authorized to issue and sell their registered or coupon bonds, the proceeds of the sales of which were to be applied exclusively to the acquisition of the property. By section 65 the lands were to be held, sold, and conveyed on such terms and conditions as the Philippine government might prescribe, subject to the limitations and conditions of the act.

A sinking fund was created embracing the moneys realized from sales or disposition of the said lands for the payment of the bonds at their maturity.

To be sure, provision was made for the protection of occupants and settlers by giving them preference in purchasing or leasing said lands; but these practices were in recognition of rights vested before the lands were acquired, and were on a different basis from the preemption purchases by occupants and settlers upon the condition of occupancy, improvement, and cultivation.

The Philippine Commission enacted a law, April 26, 1904, "for the administration and temporary leasing and sale of certain haciendas and parcels of land, commonly known as friar lands, for the purchase of which the government of the Philippine Islands has recently contracted, pursuant to the provisions of sections 63, 64, and 65 of an act of the Congress of the United States entitled 'An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes,' approved on the 1st day of July, 1902."

This act fully provided for carrying into effect the act of Congress in the acquisition of the friar lands. It appears that the lands were purchased and the bonds issued in conformity with the conditions in these statutes.

One of the recitals in the Philippine act, after stating the terms of the act of Congress, is that "whereas the said lands are not 'public lands' in the sense in which those words are used in the public-land act, No. 926, and can not be acquired or leased under the provisions thereof, and it is necessary to provide proper agencies for carrying out the terms of said contracts of purchase and the requirements of said act of Congress with reference to the leasing and selling of said lands and the creation of a sinking fund to secure the payment of the bonds so issued."

The public-lands act was "general legislation" to carry out the provisions of sections 12, 13, 14, 15, and 16. The restrictions and limitations of those sections are specific and well defined. They apply to lands acquired by the treaty of peace with Spain. The citizens are limited in their rights of purchase to quantity and to compliance with the requirements of occupancy and cultivation.

The purchase of the friar lands was made under the authority of the legislation herein recited. That authority was lawfully delegated to the Philippine government by Congress. The Philippine government has complete control over the sale of the lands "on such terms and conditions as it may prescribe," subject to the limitations and conditions provided for in the act of 1902.

All moneys realized from the issue and sale of the bonds authorized by the sections of the act recited herein must be applied to the acquisition of the property and to no other purpose. The moneys received from the sales and disposition of the lands constitute a trust fund for the payment of the principal and interest of the bonds, and also a sinking fund for the payment of the bonds at maturity. There are conditions prescribed in the act of Congress and carried into the Philippine Commission act. The intention of Congress was to abolish a system of ownership disadvantageous to the Government, and at the same time to provide for the sale of the acquired property so that the bonds issued for the purchase might not become a permanent burden.

I am of opinion that the limitations in section 15 do not apply to the estates purchased from religious orders under sections 63, 64, and 65 of the Philippine act.

Very respectfully,

GEO. W. WICKERSHAM,
Attorney-General.

Mr. FOSS. Mr. Chairman, I move that the committee do now rise.

Mr. PADGETT. Mr. Chairman, I desire to yield just half a minute to the gentleman from Virginia [Mr. Flood].

Mr. FLOOD of Virginia. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Illinois [Mr. Foss] moves that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. BENNET of New York having assumed the chair as Speaker pro tempore, 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 naval appropriation bill (H. R. 23311) and had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bill:

H. R. 16037. An act to amend section 810 of the Revised Statutes.

LEAVE OF ABSENCE.

Mr. COWLES, by unanimous consent, was granted leave of absence for one week on account of important business.

Mr. SLAYDEN, by unanimous consent, was granted leave of absence for one week on account of death in family.

ADJOURNMENT.

Mr. FOSS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 22 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting a reply to the inquiry of the House as to operations under the act of May 30, 1908 (H. Doc. No. 817)—to the Committee on Banking and Currency and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Connecticut River (H. Doc. No. 818)—to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. WILEY, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 2781) to provide for the extension of Nineteenth street from Belmont road to Biltmore street, in the District of Columbia, with a uniform width of 50 feet, and for other purposes, reported the same without amendment, accompanied by a report (No. 833), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HENRY of Texas, from the Committee on the Judiciary, to which was referred the bill of the Senate (S. 3658) providing for an additional circuit judge in the fourth judicial circuit, reported the same without amendment, accompanied by a report (No. 834), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BATES, from the Joint Select Committee on Disposition of Useless Executive Papers, to which was referred the reports of the heads of the departments, submitted a report (No. 828), which said report was referred to the House Calendar.

Mr. HINSHAW, from the Committee on Patents, to which was referred the bill of the House (H. R. 21481) to amend section 4916 of the Revised Statutes relating to patents, reported the same without amendment, accompanied by a report (No. 831), which said bill and report were referred to the House Calendar.

Mr. DIEKEMA, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 23002) to amend an act of August 13, 1888, entitled "An act to correct the enrollment of an act approved March 3, 1887, entitled 'An act to amend sections 1, 2, 3, and 10 of an act to determine the jurisdiction of the circuit courts of the United States, and to regulate the removal of causes from the state courts, and for

other purposes,' approved March 3, 1875," and to further amend the last-named act, reported the same without amendment, accompanied by a report (No. 832), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. GREGG, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 2272) for the relief of John A. Brown, reported the same with amendment, accompanied by a report (No. 829), which said bill and report were referred to the Private Calendar.

Mr. BATES, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 19719) to provide for an additional professor of mathematics in the navy, reported the same with amendment, accompanied by a report (No. 830), which said bill and report were referred to the Private Calendar.

Mr. BUTLER, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 1386) to correct the naval record of James C. Johnson, reported the same with amendment, accompanied by a report (No. 835), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. LANGHAM: A bill (H. R. 23505) to provide for the purchase of a site for a public building at Indiana, Pa.—to the Committee on Public Buildings and Grounds.

By Mr. SMITH of Michigan: A bill (H. R. 23506) to amend the laws for the protection of birds, game, and fish in the District of Columbia—to the Committee on the District of Columbia.

By Mr. MADISON: A bill (H. R. 23507) to authorize the Secretary of the Interior to withdraw public notices issued under the reclamation act—to the Committee on Irrigation of Arid Lands.

By Mr. COUDREY: A bill (H. R. 23508) authorizing and empowering rural free-delivery carriers to administer oaths to pensioners as required to complete pension vouchers—to the Committee on the Post-Office and Post-Roads.

Also, a bill (H. R. 23509) for the enactment of a veteran volunteer roll—to the Committee on Military Affairs.

Also, a bill (H. R. 23510) increasing the pensions of army nurses—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23511) to increase the pensions of widows of soldiers and sailors of the late civil war, the war with Mexico, the various Indian wars, etc., and to grant pensions to certain widows of such soldiers and sailors—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23512) to pension widows of deceased soldiers and sailors of the United States at the same rate as their deceased husbands—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23513) granting pensions to army locomotive engineers, and providing pensions to widows and minor children of army locomotive engineers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23514) fixing the age of soldiers, sailors, and marines entitled to pensions under the provisions of the act approved February 6, 1907—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23515) granting a pension to widows of honorably discharged volunteer soldiers of the Army of the United States—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23516) to pension bridge builders and railroad repairers who were in actual service of the United States during the late war of the rebellion—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23517) affecting widows' pensions—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23518) in amendment of an act entitled "An act to increase pension for total deafness"—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23519) to simplify the proofs required in applications for pensions where the claimants were prisoners of war—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23520) to amend and construe existing pension laws—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23521) to provide for the pensioning of descendants of certain soldiers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23522) providing for an increased rate of pension on account of total and permanent helplessness and dependence—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23523) to increase the pension of those who have lost limbs or have been totally disabled in the same in the military or naval service of the United States during the war of the rebellion—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23524) to increase the pensions of those who have lost one eye or have become totally blind in one eye from causes occurring in the military or naval service of the United States—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23525) to increase pensions to soldiers of the Mexican and civil wars, and amending other pension acts—to the Committee on Pensions.

Also, a bill (H. R. 23526) authorizing a change in the form of paying pensioners—to the Committee on Invalid Pensions.

By Mr. COX of Indiana: A bill (H. R. 23527) fixing the mileage of Senators, Representatives, and Delegates in Congress—to the Committee on Mileage.

Also, a bill (H. R. 23528) to repeal section 17 of the United States Statutes, volume 14, enacted July 20, 1866, relating to the mileage of Senators, Representatives, and Delegates in Congress—to the Committee on Mileage.

By Mr. WOODYARD: A bill (H. R. 23529) to increase the limit of cost for additional land for the United States post-office and court-house building at Parkersburg, W. Va.—to the Committee on Public Buildings and Grounds.

By Mr. CAPRON: A bill (H. R. 23530) to provide for the erection of a monument on the battlefield of Gettysburg to commemorate the services of the United States Signal Corps during the war of the rebellion—to the Committee on Military Affairs.

By Mr. PARSONS: A bill (H. R. 23531) to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes"—to the Committee on Insular Affairs.

Also, a bill (H. R. 23532) to amend section 862 of the Revised Statutes—to the Committee on the Judiciary.

By Mr. DALZELL: Resolution (H. Res. 507) providing for a clerk and janitor to the Committee on Rules—to the Committee on Accounts.

By Mr. HAWLEY: Joint resolution (H. J. Res. 180) to enable the States of Oregon and Washington to agree upon a boundary line between said States where the Columbia River forms such boundary—to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ANDERSON: A bill (H. R. 23533) granting an increase of pension to David Allcut—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23534) granting an increase of pension to Simon E. De Wolfe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23535) granting an increase of pension to Daniel Reineck—to the Committee on Invalid Pensions.

By Mr. ANDREWS: A bill (H. R. 23536) authorizing the Territory of New Mexico to sell and transfer certain school lands to the village of Deming, N. Mex.—to the Committee on the Territories.

By Mr. BRANTLEY: A bill (H. R. 23537) granting an increase of pension to Archibald Miller—to the Committee on Pensions.

By Mr. BROWNLOW: A bill (H. R. 23538) granting an increase of pension to William Roberts—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23539) granting an increase of pension to John Tweed—to the Committee on Invalid Pensions.

By Mr. CAPRON: A bill (H. R. 23540) granting an increase of pension to Bradford W. Bennett—to the Committee on Invalid Pensions.

By Mr. CARY: A bill (H. R. 23541) granting an increase of pension to John L. Doyle—to the Committee on Invalid Pensions.

By Mr. COOK: A bill (H. R. 23542) granting an increase of pension to James O'Neill—to the Committee on Invalid Pensions.

By Mr. CRAVENS: A bill (H. R. 23543) granting a pension to Mary A. Bradley—to the Committee on Invalid Pensions.

By Mr. CROW: A bill (H. R. 23544) to restore Pauline Foshage to the pension rolls—to the Committee on Invalid Pensions.

By Mr. DAWSON: A bill (H. R. 23545) for the relief of John C. Davis—to the Committee on Military Affairs.

By Mr. DICKINSON: A bill (H. R. 23546) granting a pension to Anna Rogers—to the Committee on Invalid Pensions.

By Mr. DODDS: A bill (H. R. 23547) granting an increase of pension to Frederick L. Storms—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23548) granting an increase of pension to Ebenezer Z. Fuller—to the Committee on Invalid Pensions.

By Mr. ESTOPINAL: A bill (H. R. 23549) for the relief of Mary L. Rogers, dependent mother of Ralph E. Rogers—to the Committee on Claims.

Also, a bill (H. R. 23550) granting an honorable discharge to Joseph L. Galle—to the Committee on Military Affairs.

By Mr. FOCHT: A bill (H. R. 23551) to correct the military record of George W. Parker—to the Committee on Military Affairs.

By Mr. GARDNER of New Jersey: A bill (H. R. 23552) granting an increase of pension to Wilson Adams—to the Committee on Invalid Pensions.

By Mr. GILMORE: A bill (H. R. 23553) for the relief of the estate of John Pemberton, deceased—to the Committee on War Claims.

Also, a bill (H. R. 23554) for the relief of the estate of Arthur Ambrose Maginnis, deceased—to the Committee on Claims.

Also, a bill (H. R. 23555) for the relief of William W. Handlin—to the Committee on the Judiciary.

By Mr. GRAHAM of Pennsylvania: A bill (H. R. 23556) for the relief of J. E. Euwer, formerly postmaster at Natrona, Pa.—to the Committee on Claims.

By Mr. HAUGEN: A bill (H. R. 23557) granting an increase of pension to George E. Comstock—to the Committee on Invalid Pensions.

By Mr. HINSHAW: A bill (H. R. 23558) granting an increase of pension to Charles T. Hohnbaum—to the Committee on Invalid Pensions.

By Mr. HOLLINGSWORTH: A bill (H. R. 23559) granting an increase of pension to Reuben Bishop—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23560) granting an increase of pension to James W. Crawford—to the Committee on Invalid Pensions.

By Mr. HUBBARD of Iowa: A bill (H. R. 23561) granting an increase of pension to David M. Blanchard—to the Committee on Invalid Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 23562) for the relief of Rachel C. Hendrick—to the Committee on War Claims.

Also, a bill (H. R. 23563) granting a pension to Virgil Gunells—to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 23564) for the relief of Daniel Vanover—to the Committee on Military Affairs.

By Mr. LOWDEN: A bill (H. R. 23565) granting an increase of pension to Caleb C. Johnson—to the Committee on Invalid Pensions.

By Mr. MADISON: A bill (H. R. 23566) granting a pension to Marvin Chapman—to the Committee on Invalid Pensions.

By Mr. MOON of Pennsylvania: A bill (H. R. 23567) granting to Noble D. Preston, formerly captain Company A, Tenth New York Volunteer Cavalry, the brevet ranks of major and lieutenant-colonel, United States Volunteers—to the Committee on Military Affairs.

By Mr. MORSE: A bill (H. R. 23568) granting an increase of pension to Andrew Michaelson—to the Committee on Invalid Pensions.

By Mr. NORRIS: A bill (H. R. 23569) for the relief of the First National Bank of Minden, Nebr.—to the Committee on Claims.

By Mr. PAYNE: A bill (H. R. 23570) granting an increase of pension to John W. Corning—to the Committee on Invalid Pensions.

By Mr. PRATT: A bill (H. R. 23571) granting a pension to Hester M. Watkins—to the Committee on Invalid Pensions.

By Mr. RICHARDSON: A bill (H. R. 23572) granting a pension to Moses A. Coleman—to the Committee on Invalid Pensions.

By Mr. ROTHERMEL: A bill (H. R. 23573) granting a pension to Charles Huyett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23574) granting an increase of pension to Levi Rothenberger—to the Committee on Invalid Pensions.

By Mr. SHARP: A bill (H. R. 23575) granting an increase of pension to Marcus D. Stevens—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23576) granting an increase of pension to John B. Taylor—to the Committee on Invalid Pensions.

By Mr. SPIGHT: A bill (H. R. 23577) for the relief of heirs or estate of James Porter, deceased—to the Committee on War Claims.

By Mr. STAFFORD: A bill (H. R. 23578) granting an increase of pension to Friedrich Backhaus—to the Committee on Invalid Pensions.

By Mr. STURGISS: A bill (H. R. 23579) for the relief of the employees of, and the contractors who furnished castings to the United States armory at Harpers Ferry, Va., from January 1, 1861, to April 19, 1861, inclusive—to the Committee on War Claims.

By Mr. WILSON of Illinois: A bill (H. R. 23580) granting an increase of pension to James Boughton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23581) granting an increase of pension to George W. Garren—to the Committee on Invalid Pensions.

By Mr. WOOD of New Jersey: A bill (H. R. 23582) granting an increase of pension to Gershom L. Ackers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23583) granting an increase of pension to James H. Baum—to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: A bill (H. R. 23584) for the relief of the McBride Electric Company—to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER of New York: Petition of Tonawanda Branch, Lake Seamen's Union, for House bill 11193 and Senate bill 6155, improvement of efficiency of American seamen—to the Committee on the Merchant Marine and Fisheries.

By Mr. ANDERSON: Paper to accompany bill for relief of John Cook—to the Committee on Invalid Pensions.

Also, petition of Nevada Grange, for a national health bureau—to the Committee on Expenditures in the Interior Department.

Also, petition of Marine Engineers' Beneficial Association, No. 15, of New Orleans, La., for commerce in American ships built by American workmen—to the Committee on the Merchant Marine and Fisheries.

By Mr. ANTHONY: Petition of citizens of Pardee, Kans., for legislation to regulate interstate shipment of intoxicants—to the Committee on Alcoholic Liquor Traffic.

By Mr. ASHBROOK: Paper to accompany bill for relief of David J. Jones—to the Committee on Invalid Pensions.

By Mr. BARCLAY: Petitions of Coryville Grange, No. 1212, of Coryville; Valley Grange, No. 1190, of Smithport; Fandie Grange, No. 1318, of Luthersburg; Goshen Grange, No. 623, of Clearfield; Liberty Grange, No. 1182, of Port Allegany; Marion Grange, No. 223, of Nittany; Progress Grange, No. 96, of Center Hall; Logan Grange, No. 109, of Bellefonte; Victor Grange, No. 159, of Boalsburg, Patrons of Husbandry, all in the State of Pennsylvania, for Senate bill 5842, to correct certain defects in the federal statutes governing the traffic in oleomargarine—to the Committee on Interstate and Foreign Commerce.

By Mr. BATES: Petition of Central Labor Union of Erie, Pa., favoring House bill 11193, to improve condition of American seamen—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Humane Society of Northwest Pennsylvania, against section 5 of House bill 22321, concerning enforcement of laws against cruelty to animals—to the Committee on the District of Columbia.

Also, petitions of Hartstown (Pa.) Grange, No. 1233; Frenchtown (Pa.) Grange, No. 1181; Hydetown (Pa.) Grange, No. 1239; Springfield (Pa.) Grange, No. 1257; and Dicksonburg (Pa.) Grange, No. 556, Patrons of Husbandry, for the Penrose bill to strengthen the present oleomargarine law—to the Committee on Agriculture.

By Mr. BOOHER: Petition of Edward Wentz, F. G. Suerig, and J. R. Nicholson, against Senate bill 1712, regulation of uniforms of the Knights of Pythias—to the Committee on Military Affairs.

By Mr. BUTLER: Petition of Sadsburg Grange, No. 1085, Patrons of Husbandry, of Parkesburg, Pa., for Senate bill 5842, governing traffic in oleomargarine—to the Committee on Interstate and Foreign Commerce.

By Mr. CALDER: Petition of State of New York general assembly, favoring the promotion of General Sickles—to the Committee on Military Affairs.

Also, petition of Merchants and Manufacturers' Association of Baltimore, against control of rates of water transportation by the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. CAPRON: Petitions of La Société des Artisans Canadiens Français, No. 126, of Manville; No. 334, of Pawtucket; and No. 356, of Woonsocket, all in the State of Rhode Island, for House bill 17509, right of beneficiary associations' publications to carry commercial advertising—to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany bill for relief of Bradford W. Bennett—to the Committee on Invalid Pensions.

Also, petition of Providence Revolver Club, for bill promotive of rifle practice—to the Committee on Military Affairs.

Also, petition of executive council of Board of Trade of Providence, against such features of the railway bill as may interfere with the free and unobstructed operation of steamship lines in port-to-port traffic—to the Committee on Interstate and Foreign Commerce.

Also, petition of Pawtucket Chapter, of Pawtucket, R. I., and Narragansett Chapter, of Kingston, R. I., Daughters of the American Revolution, for retention of the Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor—to the Committee on Immigration and Naturalization.

By Mr. CARY: Communication from the Morris County (N. J.) Society for the Prevention of Cruelty to Children, the Morris County (N. J.) Branch, Society for the Prevention of Cruelty to Animals, and the Badger State Humane Society, of Milwaukee, Wis., protesting against House bill 22321—to the Committee on the District of Columbia.

Also, petition of Alpha Council, No. 43, Royal Arcanum, favoring enactment of House bill 17543—to the Committee on the Post-Office and Post-Roads.

Also, communication and resolutions from the Wisconsin Farmers' Institute, petitioning Congress to retain the protective tax on oleomargarine—to the Committee on Agriculture.

By Mr. CONRY: Petition of Downtown Taxpayers' Association, favoring Gardner bill, House bill 15441, or eight-hour law—to the Committee on Labor.

By Mr. DRAPER: Petition of State of New York assembly, favoring promotion of General Sickles—to the Committee on Military Affairs.

Also, petition of Porto Rico Horticultural Society, against abridgment of jurisdiction of the United States court for Porto Rico—to the Committee on Insular Affairs.

By Mr. FOCHT: Petition of Tuscarora Grange, Patrons of Husbandry, of McCoyville, Pa., for Senate bill 5842, for control of traffic in oleomargarine—to the Committee on Interstate and Foreign Commerce.

By Mr. FORTNE: Petition of assembly of New York State, for promotion of General Sickles—to the Committee on Military Affairs.

Also, petition of National Cloak and Suit Company, of New York, for Senate bill 6049, for a federal department of health—to the Committee on Expenditures in the Interior Department.

Also, petition of legislature of New York State, favoring improvement in the Hudson River—to the Committee on Rivers and Harbors.

By Mr. FOSS: Petition of Lake Seamen's Union, for House bill 11193 and Senate bill 6155, amendment of the maritime laws to improve efficiency in seamen—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Bethesda Lodge, No. 430, Knights of Pythias, of Waukegan, Ill., against Senate bill 1712—to the Committee on Military Affairs.

By Mr. FULLER: Petition of Cook County Council, United Spanish War Veterans, of Chicago, Ill., favoring the passage of Barnhart bill for the relief of John R. Kissinger—to the Committee on the Post-Office and Post-Roads.

Also, petition of Hesse Envelope and Lithographing Company, of St. Louis, Mo., favoring the passage of the Tou Velle bill, House bill 3075, concerning the printing, etc., on government stamped envelopes—to the Committee on the Post-Office and Post-Roads.

By Mr. GALLAGHER: Paper to accompany bill for relief of John R. Kissinger—to the Committee on Pensions.

Also, petition of Chicago Stationers' Association, favoring Senate bill 1614 and House bill 3075, against government envelope printing—to the Committee on the Post-Office and Post-Roads.

Also, petition of 20,000 members of the Royal Arcanum in Illinois, for House bill 17543, relative to fraternal periodicals—to the Committee on the Post-Office and Post-Roads.

By Mr. GOULDEN: Petition of N. A. Habensack, for House bill 19402, relative to telepost bill—to the Committee on the District of Columbia.

Also, petition of Tenth Assembly District Republican Club, of New York City, in favor of the passage of House bill 15441, providing for eight-hour day on government work—to the Committee on Labor.

Also, petition of National Cloak and Suit Company, of New York, for Senate bill 6049, for a federal department of health—to the Committee on Expenditures in the Interior Department.

Also, petition of the legislature of New York, favoring the promotion of General Sickles—to the Committee on Military Affairs.

Also, petition of Bronx Council, No. 266, Knights of Columbus, of New York City, favoring House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. GRONNA: Petition of citizens of Morton County, N. Dak., against increased rate of postage on periodicals, in opposition to Cannonism, and the Payne tariff law, and for a parcels post—to the Committee on the Post-Office and Post-Roads.

By Mr. HAUGEN: Petition of citizens of the fourth district of Iowa, against the proposed change in tax on oleomargarine—to the Committee on Agriculture.

By Mr. HAYES: Paper to accompany bill for relief of John J. Carroll (H. R. 19745)—to the Committee on Invalid Pensions.

By Mr. HOLLINGSWORTH: Papers to accompany bills for relief of James Crawford and Reuben Bishop—to the Committee on Invalid Pensions.

By Mr. HOWELL of New Jersey: Paper to accompany bill for relief of Dennis Sweeney—to the Committee on Invalid Pensions.

By Mr. HOWELL of Utah: Petition of Banner Canning Company, of Ogden, Utah, against the publicity feature of the corporation-tax law—to the Committee on Ways and Means.

Also, petition of J. E. Munsey and 56 others, protesting against the immigration of Asiatics, except merchants, students, and travelers—to the Committee on Foreign Affairs.

Also, petition of William Craig, of Ogden, Utah, for Western Cannery Association, against the publicity feature of the corporation-tax clause of the Payne tariff bill—to the Committee on Ways and Means.

By Mr. HUGHES of New Jersey: Petition of Passaic Falls Council of the Royal Arcanum, of New Jersey, favoring the passage of House bill 17543, concerning the printing of advertising matter in fraternal organization publications—to the Committee on the Post-Office and Post-Roads.

By Mr. HUMPHREY of Washington: Petition of citizens of the State of Washington, against the Hayes immigration bill—to the Committee on Immigration and Naturalization.

By Mr. JOYCE: Petition of Ohio Humane Society, of Washington County, Ohio, against House bill 22321 and Senate bill 2799, taking protection of animals from the Humane Society and transferring it to the police department in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Dunham Grange, of Washington County, Ohio, favoring a national health bureau—to the Committee on Expenditures in the Interior Department.

By Mr. KÜSTERMANN: Petition of Royal Arcanum Council, of Green Bay, Wis., favoring House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. LAW: Petition of Ocean Hill Council, No. 1134, Royal Arcanum, in support of House bill 17543, relative to advertisements in magazines of fraternal orders—to the Committee on the Post-Office and Post-Roads.

By Mr. LINDBERGH: Petition of St. Cloud (Minn.) Council, No. 961, Knights of Columbus, praying Congress for the passage of House bill 17543, providing that fraternal publications may carry advertising—to the Committee on the Post-Office and Post-Roads.

By Mr. LLOYD: Petition of Polly Carroll Chapter, Daughters of the American Revolution, of Palmyra, Mo., for retention of Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor—to the Committee on Immigration and Naturalization.

By Mr. McCALL: Petition of Charles Russell Lowell Camp, No. 9, Massachusetts Division of Sons of Veterans, against acceptance of the Lee statue—to the Committee on the Library.

Also, petition of Massachusetts State Board of Trade, favoring a director-general of posts—to the Committee on the Post-Office and Post-Roads.

By Mr. McHENRY: Petitions of Sugar Loaf Grange, No. 105, and Benton Grange, No. 88, of Benton; Calley Grange, No. 365, of Dushore; and Sugar Creek Grange, No. 1131, of Coopers-town, all in the State of Pennsylvania, favoring Senate bill 5842, by Mr. PENROSE, to correct defects in federal statutes governing traffic in oleomargarine—to the Committee on Interstate and Foreign Commerce.

By Mr. MURDOCK: Petition of citizens of Conway Springs, Wellington, Caldwell, Mulvane, Argonia, and Stockton, all in the State of Kansas, for a law prohibiting the interstate shipment of intoxicating liquors—to the Committee on Alcoholic Liquor Traffic.

By Mr. O'CONNELL: Petition of Suffolk Council, No. 60, Royal Arcanum, of Boston, Mass., favoring House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. OLCOTT: Petitions of Wyvern Council, No. 1419, Royal Arcanum, and New Amsterdam Council, Knights of Co-

lumbus, favoring House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. PARSONS: Petition of New York Board of Trade and Transportation, against the Moon bill (H. R. 21334) relative to injunctions—to the Committee on the Judiciary.

Also, petition of Mary Washington Colonial Chapter, Daughters of the American Revolution, of New York City, for retention of the Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor—to the Committee on Immigration and Naturalization.

By Mr. ROBINSON: Paper to accompany bill for relief of Bertrand Scull—to the Committee on War Claims.

Also, petition of Daniel S. Bray and 86 others, for House bill 7521, to prohibit gambling in farm products—to the Committee on Agriculture.

Mr. RUCKER of Colorado: Preamble and memorial from the Colorado State Alumni Association of the George Washington University, resident in the State of Colorado, signed by Clarence A. Brandenburg, president, and Paul M. Clark, secretary, and others, praying for the passage of Senate bill 530 or House bill 12343, proposing an amendment to the so-called Morrill Act—to the Committee on Agriculture.

Also, memorial and petition signed by W. T. Shay, regent, and E. A. Barrett, secretary, of Railroad Council, No. 1956, Royal Arcanum, of Denver, Colo., asking for the passage of House bill 17543, relating to transmission through the mails of fraternal periodicals—to the Committee on the Post-Office and Post-Roads.

By Mr. SHARP: Petition of wine growers of Lorain County, Ohio, against any change in existing laws which would permit imitation wines being sold under label of pure wines—to the Committee on Agriculture.

Also, petition of Harrison Grange, of Harrison, Ohio, protesting against legislation to increase the rate on second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Shelby, Ohio, against McCumber-Tirrell bill, etc.—to the Committee on Alcoholic Liquor Traffic.

By Mr. SHEFFIELD: Petition of C. J. Storvell and 17 others, of Newport, R. I., for House bill 15441, favoring an eight-hour workday on work done for the Government by contract or subcontract—to the Committee on Labor.

By Mr. SIMMONS: Petition of Niagara Falls Council, No. 1207, Royal Arcanum, for House bill 17543—to the Committee on the Post-Office and Post-Roads.

Also, petition of Tenth Assembly District Republican Club, of Brooklyn, N. Y., for House bill 15441, favoring an eight-hour workday on work done for the Government by contract or subcontract—to the Committee on Labor.

Also, petition of Tonawanda Branch of Lake Seamen's Union, favoring House bill 11193 and Senate bill 6155, for improvement of condition of seamen—to the Committee on the Merchant Marine and Fisheries.

By Mr. SPIGHT: Paper to accompany bill for relief of heirs of James Porter—to the Committee on War Claims.

By Mr. STEPHENS of Texas: Petition of employees on Canal Zone, asking for legislation to grant sick leave with pay—to the Committee on Railways and Canals.

By Mr. STURGISS: Petition of Lodge No. 436, Brotherhood of Railway Car Men, of Kemper, W. Va., relative to government employees on Canal Zone—to the Committee on Railways and Canals.

By Mr. SULZER: Petition of Maine Memorial Committee, Manhattan Borough Council, United Spanish War Veterans, of New York City, favoring legislation for the removal of the *Maine* wreckage in the harbor of Habana, Cuba, etc.—to the Committee on Naval Affairs.

Also, petition of D. C. Collier, relative to Panama exposition—to the Committee on Industrial Arts and Expositions.

Also, petitions of Marine Engineers' Beneficial Association No. 15 and Dock and Cotton Men's Council, New Orleans, favoring legislation to insure American ships being built of American material and by American workmen—to the Committee on the Merchant Marine and Fisheries.

By Mr. WANGER: Petition of Henry S. Johnson, master, and Jacob M. Lander, secretary, of Richland Grange, No. 1206, Patrons of Husbandry, for Senate bill 5842, oleomargarine bill—to the Committee on Interstate and Foreign Commerce.

By Mr. WOOD of New Jersey: Papers to accompany bills for relief of James H. Baum and Gershom L. Ackers—to the Committee on Invalid Pensions.

By Mr. YOUNG of New York: Petition of Flatbush (N. Y.) Taxpayers' Association, favoring establishment of pneumatic mail-tube service in residential sections of large cities—to the Committee on the Post-Office and Post-Roads.