

matter, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. WARNER presented petitions of sundry citizens and physicians of Harrisonville, St. Louis, Chillicothe, Bonne Terre, and Schell City; of sundry medical societies of Hannibal, Lathrop, Butler, Gallatin, St. Louis, Maryville, St. Joseph, and Kansas City; of the Commercial Club of Hannibal; of the congregation of the Methodist Episcopal Church South, of Albany; of the board of directors of the school district of Hannibal; of Clark County Pomona Grange, Patrons of Husbandry, of Kanawha; of Timber Grange, No. 1348, Patrons of Husbandry, of Canton; and of the Commercial College Company, of Hannibal, all in the State of Missouri, praying for the enactment of legislation to establish a national bureau of health, which were referred to the Committee on Public Health and National Quarantine.

Mr. DILLINGHAM presented a petition of sundry members of the Ladies of the Maccabees of the World, of Rutland, Vt., 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.

Mr. ELKINS presented a petition of the Chamber of Commerce of Charleston, W. Va., praying for the enactment of legislation authorizing the use of the water from the pools in Kanawha River to float coal mined on the Kanawha River down the Ohio River during low water, which was referred to the Committee on Commerce.

He also presented sundry affidavits to accompany the bill (S. 4548) granting an increase of pension to Adam Minear, which were referred to the Committee on Pensions.

He also presented sundry affidavits to accompany the bill (S. 4538) granting an increase of pension to Daniel M. Yeager, which were referred to the Committee on Pensions.

He also presented sundry papers to accompany the bill (S. 4563) for the relief of John H. Snyder, which were referred to the Committee on Military Affairs.

He also presented sundry affidavits to accompany the bill (S. 4547) granting an increase of pension to Samuel C. Bernhard, which were referred to the Committee on Pensions.

He also presented sundry papers to accompany the bill (S. 5111) granting an increase of pension to James F. Cross, which were referred to the Committee on Pensions.

He also presented an affidavit to accompany the bill (S. 7216) granting an increase of pension to Thomas W. Marion, which was referred to the Committee on Pensions.

Mr. NEULANDS presented a petition of Silver City Miners' Union, No. 92, Western Federation of Miners, of Silver City, Nev., praying for the passage of the so-called "eight-hour bill," which was referred to the Committee on Education and Labor.

REPORTS OF COMMITTEES.

Mr. SCOTT, from the Committee on Pensions, to whom were referred certain bills granting pensions and increase of pensions, submitted a report (No. 619) accompanied by a bill (S. 8014) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following Senate bills heretofore referred to that committee:

S. 21. Christopher Camp;
S. 312. Salem Bruner;
S. 337. Jacob W. Kelley;
S. 473. Robert J. Foster;
S. 683. William H. Scott;
S. 686. Henry C. Suess;
S. 695. Francis M. Rickards;
S. 697. Simon B. Madden;
S. 829. Horace E. Russell;
S. 845. Jacob Ross;
S. 1146. Thomas McDonald;
S. 1165. Anthony J. Sansoni;
S. 1174. Louisa Thavis;
S. 1200. James W. Wilcoxson;
S. 1205. John H. Burk;
S. 1495. Henry A. Skeens;
S. 1593. James Haley;
S. 1686. Harriet H. Brady;
S. 2025. Frank E. Bickford;
S. 2373. Thomas Connelly;
S. 2503. Lewis A. Uhl;
S. 2533. Annie M. Behney;
S. 2937. William Anderson;

S. 2939. Nathaniel H. Kendrick;
S. 3083. Alexander Morrow;
S. 3216. John Love;
S. 3217. James M. Lankston;
S. 3230. Albert Sarum;
S. 3288. Hugh A. McDonald;
S. 3289. Benjamin F. Kirk;
S. 3290. Thomas J. Howe;
S. 3294. Agnes H. V. Swetland;
S. 3365. Emery C. Wilson;
S. 3374. Julia Cranney;
S. 3395. Milton P. Noel;
S. 3397. Edwin Northrop;
S. 3398. Thomas S. Woodmansee;
S. 3401. William C. Forsythe;
S. 3418. William W. Blandin;
S. 3440. William McDonald;
S. 3483. James A. Smith;
S. 3496. Charlotte A. E. Main;
S. 3758. George E. Parker;
S. 3817. John Smith;
S. 3843. Abram H. Birdsall;
S. 3873. Allen Stoner;
S. 3915. Ahimaaz E. Wood;
S. 4099. William Tarrio;
S. 4110. David H. Semon;
S. 4111. John F. Morris;
S. 4171. Michael Donley;
S. 4191. David W. C. McCloskey;
S. 4221. Charles E. Krause, alias Charles Meyers;
S. 4245. Alonzo J. Rutter;
S. 4475. Melvin W. Murdock;
S. 4492. Frederick Marti;
S. 4581. Jesse L. Pelton;
S. 4611. Charles W. Hibbites;
S. 4642. Thomas A. Thorne;
S. 4705. Ida L. Casey;
S. 4708. Joseph B. Holesteine;
S. 4730. Emily L. Compton;
S. 4759. John N. Wheeler;
S. 4762. Sarah E. Leahy;
S. 4826. George W. Kinsel;
S. 4831. Ira Hess;
S. 4833. Charles W. Conser;
S. 4878. Isaac M. Scott;
S. 5259. Carlos C. Shaw;
S. 5264. Alfred G. Brann;
S. 5265. Richard C. Perkins;
S. 5350. John W. Mass;
S. 5519. James Watson;
S. 5700. Georgia McDonald;
S. 5737. John C. Davis;
S. 5738. Alonzo H. Sherman;
S. 5742. Charles G. Bartlett;
S. 5749. Thomas Brown;
S. 5780. Henry A. James;
S. 5841. Hugh Curry;
S. 5865. Charles Kaulen;
S. 5917. Charles G. Vanness;
S. 6030. Robert H. Lowry;
S. 6174. William Henry Freeman;
S. 6188. Lawrence Jacobs;
S. 6213. Annie Smith;
S. 6303. John Nixon;
S. 6333. George Bollinger;
S. 6387. William H. Harris;
S. 6441. Henrietta A. Barnes;
S. 6504. William Wise;
S. 6515. Robert W. Dinsmore;
S. 6518. George D. Runk;
S. 6571. Augustus Wode;
S. 6592. Henry B. Geissinger;
S. 6628. Baiser Lutz;
S. 6633. Thomas H. Mason, alias Williams;
S. 6637. Benjamin N. Bradfield;
S. 6646. George K. Steele;
S. 6655. Samuel Dillon;
S. 6695. John Schoonover;
S. 6711. Lorenzo D. Anderson;
S. 6742. Aubrey Leavitt;
S. 6760. William A. Bartholomew;
S. 6766. Thomas Neely;
S. 6849. Edward King;

S. 6917. George W. Shamel;
 S. 6943. Joseph A. Brinton;
 S. 6946. John E. Moore;
 S. 6952. Mary LeEtta Reed;
 S. 6967. Gilbert Gross;
 S. 6968. Martin Schelinski;
 S. 6982. Edgar M. Connor;
 S. 7008. William P. Delaney;
 S. 7040. Joseph D. Bradley;
 S. 7076. Juretta R. McMillan;
 S. 7092. Jeremiah Hoover;
 S. 7097. Harvey W. Lounsberry;
 S. 7119. John J. Myles;
 S. 7128. Timothy J. Lucy;
 S. 7163. Thomas B. Youtsey;
 S. 7202. Joseph E. Patterson;
 S. 7209. Elizabeth P. Boggis;
 S. 7210. James T. Moody; and
 S. 7216. T. W. Manion.

Mr. CLARK of Wyoming, from the Committee on Public Lands, to whom was referred the bill (H. R. 20554) authorizing the Secretary of the Interior to issue patent to Fred G. Smith and Lula Smith, minor heirs of George Smith, deceased, for the title in fee to the east half of the northwest quarter and the east half of the southwest quarter of section 7, township 24 north, range 13 west, sixth principal meridian, in the State of Nebraska, entered as a homestead by said deceased, reported it without amendment and submitted a report (No. 620) thereon.

Mr. HUGHES, from the Committee on Public Lands, to whom was referred the bill (H. R. 20306) to perfect the title to certain land to the heirs of Henry Hyer and his wife, Julia Hyer, deceased, and other persons, reported it without amendment.

BILLS INTRODUCED.

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

By Mr. SCOTT:
 A bill (S. 8015) granting an increase of pension to Nathan Vanaman (with accompanying papers);
 A bill (S. 8016) granting an increase of pension to Thomas C. Bogges (with accompanying papers); and
 A bill (S. 8017) granting an increase of pension to David E. Leach (with an accompanying paper); to the Committee on Pensions.

By Mr. BEVERIDGE:
 A bill (S. 8018) granting an increase of pension to Isaac Brinkworth (with accompanying papers); to the Committee on Pensions.

By Mr. GALLINGER:
 A bill (S. 8019) providing for the purchase of land for the use of the Reform School for Girls of the District of Columbia (with an accompanying paper); to the Committee on the District of Columbia.

By Mr. FRYE:
 A bill (S. 8020) granting an increase of pension to Robert D. Damren (with accompanying papers); to the Committee on Pensions.

By Mr. SMITH of Michigan:
 A bill (S. 8021) providing for the refund of expenses incurred in attending the meetings of the Assay Commission held at Philadelphia in 1905 to Benjamin S. Hanchett, Grand Rapids, Mich.; to the Committee on Claims.

By Mr. JONES:
 A bill (S. 8022) to amend an act entitled "An act to authorize the sale and disposition of surplus or unallotted lands of the diminished Colville Indian Reservation in the State of Washington, and for other purposes," approved March 22, 1906; to the Committee on Indian Affairs.

By Mr. OWEN:
 A bill (S. 8023) authorizing the Court of Claims to hear and determine the claim of the Choctaw and Chickasaw nations to compensation for the leased district, and for other purposes; to the Committee on Indian Affairs.

A bill (S. 8024) providing a memorial statue and tablet in honor of the members of the Yellow Fever Commission, and for other purposes; to the Committee on the Library.

By Mr. HUGHES:
 A bill (S. 8025) providing that lands of the United States may be acquired by condemnation for public purposes in accordance with state and territorial laws; to the Committee on Public Lands.

By Mr. CLAY:
 A bill (S. 8026) for the reinstatement of Lieut. Col. Constantine Marrast Perkins to the active list of the Marine Corps; to the Committee on Naval Affairs.

A bill (S. 8027) for the relief of the heirs of George Winfrey, deceased; to the Committee on Claims.

By Mr. ELKINS:
 A bill (S. 8028) for the relief of the heirs of J. G. Hayman, deceased; to the Committee on Claims.

A bill (S. 8029) granting a pension to Laurence Cox;
 A bill (S. 8030) granting an increase of pension to Charles

Way;
 A bill (S. 8031) granting an increase of pension to William T. McBee;

A bill (S. 8032) granting a pension to William A. Byers (with an accompanying paper);

A bill (S. 8033) granting a pension to Sophia F. Maloney (with an accompanying paper);

A bill (S. 8034) granting an increase of pension to General L. Boso (with an accompanying paper);

A bill (S. 8035) granting an increase of pension to Jonah Hutzler (with accompanying papers); and

A bill (S. 8036) granting an increase of pension to Peter Mock (with an accompanying paper); to the Committee on Pensions.

By Mr. NEWLANDS (by request):
 A bill (S. 8037) for the relief of H. C. Smith; to the Committee on Claims.

By Mr. CULLOM:
 A bill (S. 8038) granting a pension to Helen E. Wilcox; to the Committee on Pensions.

By Mr. DEPEW:
 A bill (S. 8039) authorizing the settlement of certain outstanding liabilities of the Government by the issue of new drafts upon the return of drafts heretofore issued representing said liabilities; to the Committee on Claims.

ACCEPTANCE OF STATUE OF FRANCIS H. PIERPONT.

Mr. SCOTT submitted the following concurrent resolution (S. Con. Res. 33), which was referred to the Committee on Printing:

Senate concurrent resolution 33.

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound the proceedings in Congress, together with the proceedings at the unveiling in Statuary Hall, upon the acceptance of the statue of Francis H. Pierpont, presented by the State of West Virginia, 16,500 copies, of which 5,000 shall be for the use of the Senate and 10,000 for the use of the House of Representatives, and the remaining 1,500 copies shall be for the use and distribution of the Senators and Representatives in Congress from the State of West Virginia.

The Joint Committee on Printing is hereby authorized to have the copy prepared for the Public Printer, who shall procure suitable copper-process plates to be bound with these proceedings.

BIRTHDAY SPEECH OF SENATOR CHAUNCEY M. DEPEW.

Mr. BRADLEY. Mr. President, on the 23d of April last the senior Senator from New York [Mr. DEPEW] delivered a most notable address at the annual dinner given him by the Montank Club, of Brooklyn, in celebration of his birthday. The address is replete with historical information of great value to the people of the United States. The Senator on that occasion spoke in his usually entertaining and eloquent manner. In view of the historical value of the address and the high standing of the Senator from New York, I move that it may be included in the CONGRESSIONAL RECORD and printed as a Senate document. (S. Doc. No. 518.)

The VICE-PRESIDENT. Is there objection to the request made by the Senator from Kentucky?

Mr. GALLINGER. Would not the Senator be content to have it printed as a document and not have it inserted in the RECORD? I think that would be better.

Mr. BRADLEY. Very well.

The VICE-PRESIDENT. The request is modified that it be printed as a public document. Without objection, the request is complied with.

LONDON AND NEW YORK PRICES.

Mr. GALLINGER. From a catalogue of the Army and Navy Store, London, a British publication, I have a statement giving the retail price of 33 articles which are in common use in the homes of the people of the United States, and also from a catalogue of Park & Tilford's Quarterly, New York, the New York price of the same articles. I ask unanimous consent to insert the statement in the RECORD without reading.

A bill (S. 7995) to amend the act providing for the printing of copies of a compilation entitled "Comparison of the tariff acts of July 24, 1897, and of August 5, 1909, showing rates of duties, respectively, in parallel columns, etc.," in which it requested the concurrence of the Senate.

SENATE.
WEDNESDAY, May 3, 1910.

Mr. KEAN, from yesterday's proceedings was read and approved.

Contingent Expenses of the House.
MESSAGE FROM THE HOUSE.
The House of Representatives, by W. J. Chief Clerk, announced that the House had passed the following bills and joint resolutions:

An act to authorize commissions to issue in the cases of the army retired with increased rank;
S. J. Res. 80. An act to give the consent of Congress to the building of a bridge by the cities of Marinette, Wis., and Menominee, Wis., over the Menominee River;

S. J. Res. 79. An act to authorize the construction of a bridge across Town Creek, North Carolina;

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

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

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

The message also announced that the House had disagreed to the amendments of the Senate to the joint resolution (H. J. Res. 191) to provide for the printing as a House document of 1,000,000 copies of Farmers' Bulletin No. 391, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. COOPER of Pennsylvania, Mr. STURGIS, and Mr. FINLEY managers at the conference on the part of the House.

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

H. R. 7117. An act to increase the efficiency of the Engineer Corps of the United States Army;

H. R. 7549. An act providing for the erection of monuments, respectively, to Gens. Daniel Stewart and James Screven, two distinguished officers of the American Army;

H. R. 18285. An act to authorize the construction of a bridge across the Mississippi River between Moline, Ill., and Bettendorf, Iowa;

H. R. 18700. An act to prevent the dumping of refuse material in Lake Michigan at or near Chicago;

H. R. 22690. An act to give legal status to the lead of wires of the Tri-State Telephone and Telegraph Company across the Mississippi River;

H. R. 23094. An act to provide for sittings of the United States circuit and district courts of the western division of the western judicial district of Missouri at the city of Chillicothe, in said district;

H. R. 24150. An act transferring Oregon County to the southern division of the western judicial district of Missouri;

H. R. 24375. An act to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906;

H. R. 24723. An act granting permission to the city and council of San Francisco, Cal., to operate a pumping station on the Fort Mason Military Reservation, in California;

H. R. 24877. An act to authorize additional aids to navigation in the Light-House Establishment, and to provide for a bureau of light-houses in the Department of Commerce and Labor, and for other purposes;

H. R. 24993. An act to amend section 2169 of the Revised Statutes of the United States;

H. J. Res. 149. Joint resolution to enable the States of Wisconsin, Illinois, Indiana, and Michigan to determine the jurisdiction of crimes committed on Lake Michigan;

H. J. Res. 188. Joint resolution making the act entitled "An act to provide for the appropriate marking of the graves of the soldiers and sailors of the confederate army and navy who died in northern prisons and were buried near the prisons where they died, and for other purposes," apply to the confederate mound in Oakwood Cemetery, at Chicago;

H. J. Res. 189. Joint resolution authorizing the Secretary of War to accept the title to any lands which may be donated to the United States which, in his opinion, may be a suitable place for maneuvering, encampment, rifle and artillery ranges, and convenient for assembling troops from the group of States composed of Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, North Carolina, and South Carolina; and

H. J. Res. 206. Joint resolution to supply a deficiency in the appropriation for printing and binding for the Treasury Department for the fiscal year 1910, and for other purposes.

The message also announced that the House had passed a concurrent resolution providing for the printing of 10,000 copies of a compilation entitled "Comparison of the tariff acts of July 24, 1897, and of August 5, 1909, showing rates of duties, respectively, in parallel columns, etc.," in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

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

S. 2777. An act to establish the Glacier National Park in the Rocky Mountains south of the international boundary line, in the State of Montana, and for other purposes;

S. 6965. An act for the relief of Samuel W. Campbell; and

H. R. 4830. An act establishing regular terms of the United States circuit and district courts of the northern district of California at Sacramento, Cal., and of the southern district of California at San Diego, Cal.

PETITIONS AND MEMORIALS.

Mr. KEAN presented a petition of the Essex County Medical Society, of Newark, N. J., praying for the enactment of legislation to establish a national bureau of health, which was referred to the Committee on Public Health and National Quarantine.

He also presented petitions of Local Grange No. 193, of Allenwood, of Local Grange No. 101, of Sergeantsville, of Local Grange No. 11, of Vineland, and of Mickleton Grange, No. 111, of Swedesboro, all of the Patrons of Husbandry, in the State of New Jersey, praying that an appropriation be made for the extension of the work of the Office of Public Roads, Department of Agriculture, which were referred to the Committee on Agriculture and Forestry.

Mr. CULLOM presented petitions of sundry citizens of Chicago, Ill., praying for the passage of the so-called "boiler-inspection bill," which were referred to the Committee on Interstate Commerce.

Mr. SCOTT presented a petition of sundry members of the Ladies of the Maccabees of the World, of Sistersville, W. Va., 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.

Mr. BULKELEY presented a petition of South Norwalk Hive, No. 36, Ladies of the Maccabees of the World, of South Norwalk, Conn., 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 petition of Local Grange No. 72, Patrons of Husbandry, of Plymouth, Conn., and a petition of Cawasa Grange No. 34, Patrons of Husbandry, of Canton, Conn., praying that an appropriation be made for the extension of the work of the Office of Public Roads, Department of Agriculture, which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of Cawasa Grange, No. 34, Patrons of Husbandry, of Canton, Conn., praying that increased appropriations be made for the support of agricultural colleges, which was referred to the Committee on Agriculture and Forestry.

Mr. CUMMINS presented petitions of sundry citizens of Council Bluffs, Iowa, praying for the enactment of legislation granting extra compensation to free rural letter carriers for furnishing conveyances, horses, and feed, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. BRISTOW presented a petition of sundry citizens of Irene, Kans., praying for the enactment of legislation to prohibit the interstate transportation of intoxicating liquors into prohibition districts, which was referred to the Committee on the Judiciary.

He also presented sundry affidavits to accompany the bill (S. 7815) granting an increase of pension to Abel Markwell, which were referred to the Committee on Pensions.

Mr. BROWN presented a petition of sundry citizens of Omaha, Neb., praying for the passage of the so-called "boiler-inspection bill," which was referred to the Committee on Interstate Commerce.

Mr. BRANDEGEE presented a petition of Whigville Grange, No. 48, Patrons of Husbandry, of Bristol, Conn., praying that increased appropriations be made for the support of agricultural colleges, which was referred to the Committee on Agriculture and Forestry.

Mr. CARTER presented petitions of sundry citizens of Anaconda, Mont., praying for the passage of the so-called "boiler-

inspection bill," which were referred to the Committee on Interstate Commerce.

Mr. HALE presented memorials of Union Grange, No. 326, of Columbia Falls; of Honesty Grange, No. 83, of Morrill; of Westbrook Grange, of Westbrook; of East Eddington Grange, of East Eddington; of Mystic Tie Grange, of Kenduskeag; of Union League Grange, of Kingman; of Princeton Grange, of Princeton; of Winslow Grange, of Winslow; of Good Will Grange, No. 376, of Amherst; of Mountain Grange, of Buckfield; of Perry Grange, of Perry; of Silver Harvest Grange, No. 66, of Waldo; of Gorham Grange, of Gorham; of Harraseeket Grange, of Freeport; of Eastern Star Grange, No. 473, of Calais; of Pleasant River Grange, No. 492, of Vinalhaven; of Sheepscot Valley Grange, of Wiscasset; and of Skowhegan Grange, of Skowhegan, all of the Patrons of Husbandry, in the State of Maine, remonstrating against the repeal of the present oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of Harvest Home Grange, No. 403, Patrons of Husbandry, of West Ellsworth, Me., praying that an appropriation be made to extend the work of the Office of Public Roads, Department of Agriculture, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Bear Mountain Grange, No. 62, Patrons of Husbandry, of Waterford, Me., praying for the enactment of legislation to establish a national bureau of health, which was referred to the Committee on Public Health and National Quarantine.

He also presented memorials of the Rebecca Emery Chapter of the National Society, Daughters of the American Revolution, of Biddeford, Me., and of the Samuel Grant Chapter of the National Society, Daughters of the American Revolution, of Gardiner, Me., 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. DU PONT presented a petition of Local Grange No. 28, Patrons of Husbandry, of Millville, Del., praying that an appropriation be made for the extension of the work of the Office of Public Roads, Department of Agriculture, which was referred to the Committee on Agriculture and Forestry.

Mr. WETMORE presented a petition of Kickemuit Grange, Patrons of Husbandry, of Providence, R. I., and a petition of Cumberland Grange, No. 2, Patrons of Husbandry, of Arnolds Mills, R. I., praying that an appropriation be made for the encouragement and support of agricultural extension work in connection with land-grant colleges, which were referred to the Committee on Agriculture and Forestry.

Mr. FLINT presented a petition of Local Council No. 1832, Royal Arcanum, of Alameda, Cal., and a petition of sundry members of the Ladies of the Maccabees of the World, of San Luis Obispo, Cal., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mails as second-class matter, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Department of California and Nevada, Grand Army of the Republic, remonstrating against the enactment of legislation proposing to abolish certain pension agencies throughout the country, which was ordered to lie on the table.

He also presented a petition of Roosevelt Camp, No. 9, Department of California, United Spanish War Veterans, of Los Angeles, Cal., praying for the enactment of legislation providing for the raising of the wreck of the battle ship *Maine* and the interment of those entombed therein, which was referred to the Committee on Naval Affairs.

He also presented memorials of the Chamber of Commerce of San Francisco, and of the Stock Exchange of Los Angeles, in the State of California, remonstrating against the enactment of legislation withdrawing oil lands from entry located prior to September 27, 1909, which were referred to the Committee on Public Lands.

WITHDRAWAL OF PUBLIC LANDS.

Mr. FLINT. I present resolutions adopted by the Chamber of Commerce of Coalinga, Cal., protesting against the passage of what is known as the Pickett bill. I ask that the resolutions be read and referred to the Committee on Public Lands.

There being no objection, the resolutions were read as follows:

COALINGA, CAL., May 1, 1910.

Whereas there is now pending before the Congress of the United States certain legislation vitally affecting the interests of not only the producers of oil, but of the consumers as well, and therefore every industrial enterprise on the Pacific coast; and

Whereas the proposed legislation, known as the Pickett bill and purporting to conserve the resources of the oil lands of California, is based on erroneous principles of conservation; and

Whereas the small operators and developmental industries dependent on the oil lands of California, and present their views prior to the enactment of Lieut. Col. Coalinga; and

Whereas there is a scarcity of coal or its substitute of Lieut. Col. Coalinga; and our industries are dependent on fuel oil; and it would be a coast-wide calamity did Congress pass George Winfrey, oil lands in which are vested rights and now being effect of any retroactive law would be to immediate. tion of fuel oil to such an extent on lands on which has been made since September 27, 1909, to at once ra. G. Hayman, fuel oil, to prohibitive prices and to allow the large patented lands—and they do now own over 7 per cent of t. oil lands of California—to charge such price as they deeli. would bear, and thus create such a monopoly of oil among interests such as never before has been created by any set Charles the United States. Further, it would discourage the small o. the pioneers who have ever by their untiring work on the frontier, "claim cutting" brought in new and larger fields to add a new source of piam ply to the ever-diminishing pools of the older fields: Now, then, be it

Resolved, That it is the sense of this meeting of the citizens of Coalinga in mass meeting assembled that we are not adverse to a law withdrawing public oil lands from public entry, provided such withdrawal is for the public benefit and not thereby creating a monopoly of the oil business for the benefit of a few large interests, by permitting them to continue pumping and removing the oil, and thus exhausting the several pools at both the Government's and present and prospective small operators' expense, but we are unalterably opposed to any law that is retroactive and which does not recognize the rights of locators of oil lands who located prior to September 27, 1909, who have complied with the usual rules and customs of miners in protecting their locations made prior thereto; that any other treatment of these men at the hands of the General Government would spell ruin to many vested rights and would produce chaos among hundreds of operating companies who have relied upon the good faith and spirit of fair play by the United States.

Resolved, That a copy of this resolution be forwarded to the President of the United States, the Senate and House Public Lands committees, and to every Member of the Congress and Senate of the United States, and to the honorable Secretary of the Interior, at Washington, D. C.

Mass meeting held at Coalinga, April 30, under auspices Coalinga Chamber of Commerce.

CHAMBER OF COMMERCE.

Mr. SMOOT. Mr. President, I think that the good people of California are under a mistaken apprehension as to the withdrawal bill.

The bill known as the Pickett bill passed the House and was referred to the Committee on Public Lands of the Senate, where all after the enacting clause was stricken out and a substitute was reported by that committee to the Senate. In the withdrawal bill as it now stands there is no provision for the withdrawal of oil lands. As chairman of the subcommittee that had the bill under consideration, I will be only too pleased to meet the delegation from California and give them a hearing on this particular matter.

The VICE-PRESIDENT. The resolutions will be referred to the Committee on Public Lands.

RIGHT OF SUFFRAGE.

Mr. OWEN. I present a memorial of the National American Woman Suffrage Association, respectfully demanding recognition by Congress of the right of women to vote. I move that the memorial be printed as a document and referred to the Committee on Woman Suffrage.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. FLINT, from the Committee on Public Lands, to whom was referred the bill (H. R. 20903) to approve the final proof of Edward J. Balch, reported it without amendment and submitted a report (No. 621) thereon.

Mr. SCOTT, from the Committee on Military Affairs, to whom was referred the bill (H. R. 10132) granting certain land to the town of Yuma, in the Territory of Arizona, asked to be discharged from its further consideration and that it be referred to the Committee on Public Lands, which was agreed to.

He also, from the same committee, to whom was referred the bill (H. R. 15611) for the relief of William J. Allen, asked to be discharged from its further consideration and that it be referred to the Committee on Claims, which was agreed to.

Mr. PERKINS, from the Committee on Naval Affairs, to whom was referred the bill (H. R. 22539) to satisfy certain claims against the Government arising under the Navy Department, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims, which was agreed to.

Mr. MARTIN, from the Committee on Claims, to whom was referred the bill (H. R. 24274) to appropriate the sum of \$200 for Fenton T. Ross, of Loudoun County, Va., whose horse was permanently injured by employees of the Agricultural Department in making experiments authorized by law, reported it without amendment.

Mr. PENROSE, from the Committee on Post-Offices and Post-Roads, to whom were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 7994) to repeal section 4035 of the Revised Statutes, providing for the issuance of money-order notices, and for other purposes (Report No. 623); and

A bill (S. 7995) to amend section 3928 of the Revised Statutes, to provide for receipts for registered mail, and for other purposes (Report No. 622).

SYLVIA ISBELL.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred Senate resolution 227, submitted by Mr. PAGE April 26, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Senate resolution 227.

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Sylvia Isbell, widow of William T. Isbell, late a laborer in the Senate of the United States, a sum equal to six months' salary at the rate he was receiving by law at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

BILLS INTRODUCED.

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

By Mr. BEVERIDGE:

A bill (S. 8040) granting an increase of pension to David B. Ott (with an accompanying paper); to the Committee on Pensions.

By Mr. CUMMINS:

A bill (S. 8041) to promote the safety of travelers by limiting to fourteen-hour shifts the service of interstate employees in train service on interstate railroads and to provide for stated periods of permitted rest for such employees; to the Committee on Interstate Commerce.

A bill (S. 8042) for the relief of Daniel Robinson; to the Committee on Claims.

By Mr. DILLINGHAM:

A bill (S. 8043) to amend the act of April 13, 1908, amending the interstate-commerce act approved June 29, 1906; to the Committee on Interstate Commerce.

By Mr. BURROWS:

A bill (S. 8044) granting an increase of pension to Hiram Mead (with an accompanying paper);

A bill (S. 8045) granting an increase of pension to Edwin J. Walton (with an accompanying paper); and

A bill (S. 8046) granting an increase of pension to Oliver M. Wilcox (with an accompanying paper); to the Committee on Pensions.

A bill (S. 8047) authorizing and directing the Secretary of War to muster Clement A. Lounsbury as colonel of the Twentieth Regiment Michigan Volunteer Infantry (with an accompanying paper); to the Committee on Military Affairs.

By Mr. PAGE:

A bill (S. 8048) granting an increase of pension to Carlos W. Carr (with accompanying papers); to the Committee on Pensions.

By Mr. PERCY:

A bill (S. 8049) for the erection of a public building at Clarksdale, Miss.; to the Committee on Public Buildings and Grounds.

By Mr. GALLINGER:

A bill (S. 8050) granting an increase of pension to William H. Appleton (with accompanying papers);

A bill (S. 8051) granting an increase of pension to Helen G. Evans (with accompanying papers); and

A bill (S. 8052) granting an increase of pension to Enoch T. Hanson (with accompanying papers); to the Committee on Pensions.

By Mr. HALE:

A bill (S. 8053) granting an increase of pension to Charles H. Hilton (with an accompanying paper); to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 8054) granting an increase of pension to Lewis A. Doane (with an accompanying paper); to the committee on Pensions.

By Mr. ALDRICH:

A bill (S. 8055) to provide for the purchase of a site and the erection of a public building thereon at Narragansett Pier, R. I.; to the Committee on Public Buildings and Grounds.

A bill (S. 8056) for the relief of Eudora S. Kelly; to the Committee on Claims.

A bill (S. 8057) granting an increase of pension to Anna Hackett;

A bill (S. 8058) granting an increase of pension to Mary E. Harris;

A bill (S. 8059) granting an increase of pension to Caroline W. Tanner;

A bill (S. 8060) granting an increase of pension to Hannah M. Mather;

A bill (S. 8061) granting an increase of pension to George T. Batchelder;

A bill (S. 8062) granting an increase of pension to James B. Hudson (with an accompanying paper);

A bill (S. 8063) granting an increase of pension to Abby M. Knight (with accompanying papers);

A bill (S. 8064) granting an increase of pension to Mary C. Danforth (with an accompanying paper);

A bill (S. 8065) granting an increase of pension to Felix McManus (with an accompanying paper);

A bill (S. 8066) granting an increase of pension to Reuben H. Rich (with an accompanying paper);

A bill (S. 8067) granting an increase of pension to William A. Munroe (with an accompanying paper);

A bill (S. 8068) granting an increase of pension to John Moore (with an accompanying paper);

A bill (S. 8069) granting an increase of pension to William Holley (with an accompanying paper);

A bill (S. 8070) granting an increase of pension to Charles L. Dorr (with an accompanying paper);

A bill (S. 8071) granting an increase of pension to William L. Hines (with an accompanying paper);

A bill (S. 8072) granting an increase of pension to Henrietta Jeffery (with accompanying papers); and

A bill (S. 8073) granting an increase of pension to Mary E. Havens (with an accompanying paper); to the Committee on Pensions.

By Mr. WARNER:

A bill (S. 8074) granting an increase of pension to Hutton Williams; and

A bill (S. 8075) granting an increase of pension to Mary S. Tucker (with accompanying papers); to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 8076) for the relief of E. N. Smith; to the Committee on Claims.

A bill (S. 8077) granting an increase of pension to Jesse N. Albright (with an accompanying paper);

A bill (S. 8078) granting an increase of pension to Henry W. Hewitt (with accompanying papers);

A bill (S. 8079) granting an increase of pension to Francis M. Truax (with accompanying papers); and

A bill (S. 8080) granting an increase of pension to De Witt C. Lukens (with an accompanying paper); to the Committee on Pensions.

By Mr. HALE:

A bill (S. 8081) granting an increase of pension to Bennett B. Fuller (with accompanying papers); to the Committee on Pensions.

By Mr. BURTON:

A bill (S. 8082) to correct the military record of Lewis M. Miller; to the Committee on Military Affairs.

By Mr. PENROSE:

A bill (S. 8083) to provide for the handling of mail on which insufficient postage is prepaid, and for other purposes; and

A bill (S. 8084) to provide for mail receptacles at residences and places of business, and for other purposes; to the Committee on Post-Offices and Post-Roads.

By Mr. DEPEW:

A bill (S. 8085) to authorize the President to convey to the people of Porto Rico certain lands and buildings not needed for purposes of the United States; to the Committee on Pacific Islands and Porto Rico.

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. CURTIS submitted an amendment proposing to appropriate \$9,444.45 to pay the widow of the late David J. Brewer, justice of the Supreme Court of the United States, being a sum equal to the balance of his salary, 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 appropriate \$2,000 for constructing a sidewalk to the national cemetery, Fort Leavenworth, Kans., 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 appropriate \$3,000 for the erection of a monument over the grave of Brig. Gen. James Shields, in St. Mary's Cemetery, Carrollton, Mo., 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.

WITHDRAWAL OF PAPERS—CHARLES HARDY.

On motion of Mr. GUGGENHEIM, it was

Ordered, That the papers in the case of Senate bill No. 5351, Sixty-first Congress, second session, granting an increase of pension to Charles Hardy, be withdrawn from the files of the Senate, there having been no adverse report made upon said bill.

SERVICE OF INTERSTATE RAILROAD EMPLOYEES.

Mr. SMOOT. I ask that 2,500 additional copies of the bill introduced this morning by the junior Senator from Iowa [Mr. CUMMINS] to promote the safety of travelers by limiting employees on interstate railroads to fourteen-hour shifts be printed for the use of the Committee on Interstate Commerce.

There being no objection, the order was reduced to writing and agreed to, as follows:

Ordered, That 2,500 additional copies of the bill (S. 8041) to promote the safety of travelers by limiting to fourteen-hour shifts the service of interstate employees in train service on interstate railroads and to provide for stated periods of permitted rest for such employees be printed for the use of the Committee on Interstate Commerce.

YELLOW-FEVER COMMISSION.

Mr. OWEN. I present a communication from George M. Sternberg, Surgeon-General United States Army, transmitting a report of the occurrences which led to the appointment of the Yellow Fever Commission. I move that the report be printed in connection with the bill (S. 8024) to provide a memorial statue and tablet in honor of the Yellow Fever Commission, introduced by me, and that it be referred to the Committee on the Library. (S. Doc. No. 520.)

The motion was agreed to.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GALLINGER. I submit a conference report on House bill 14464, the District of Columbia appropriation bill. I will state that the report has been read heretofore, and if the Secretary will simply read the last page, which shows that on one amendment there is still a disagreement, it will be sufficient. The report submitted is as follows:

That the Senate recede from its amendments numbered 7, 8, 12, 15, 16, 19, 20, 34, 35, 39, 40, 45, 48, 49, 50, 59, 64, 65, 74, 78, 81, 85, 86, 87, 92, 93, 94, 95, 96, 97, 98, 117, 125, 126, 130, 140, 141, 142, 143, 147, 155, 156, 158, 166, 170, 171, 175, 176, 177, 182, 183, 184, 185, 187, 195, 197, 198, 199, 213, 215, 216, 217, and 218.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 9, 10, 11, 17, 18, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 36, 42, 43, 44, 46, 47, 52, 53, 54, 55, 56, 57, 58, 60, 66, 69, 70, 72, 73, 76, 77, 79, 80, 82, 84, 89, 90, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 113, 114, 115, 121, 122, 123, 124, 128, 129, 131, 136, 138, 139, 146, 148, 150, 151, 152, 153, 154, 157, 159, 160, 163, 164, 165, 167, 169, 179, 180, 181, 186, 188, 192, 202, 203, 204, 205, 208, 209, 210, 212, 214, 220, 223, 224, 225, and 226; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Storekeeper, nine hundred dollars; messenger, six hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one thousand eight hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Chief clerk, one thousand five hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one hundred and nine thousand seven hundred and seventy-six dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "twenty-one thousand seven hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: Strike out the amended paragraph and in lieu thereof insert the following:

"For extra labor in the preparation of tax-sale certificates, with authority to employ clerks, eight hundred dollars."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: Strike out all after the word "clerks," in line 5, down to and including the word "hours," in line 6, of said amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an

amendment as follows: In lieu of the sum proposed insert "thirty-nine thousand four hundred and forty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Provided further, That hereafter no illustrations shall be used in the annual report of any department of the government of the District of Columbia;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: At the end of said amendment, after the word "necessary," insert the following: "to be immediately available;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with amendments as follows: In line 6 of said amendment, after the word "Vernon," strike out the word "avenue" and insert in lieu thereof the word "street;" and in line 8 of said amendment, after the word "Vernon," strike out the word "avenue" and insert in lieu thereof the word "street;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "eighty-nine thousand one hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following:

"The Commissioners of the District of Columbia are hereby authorized to make the following changes of roadway widths between curbs: Eleventh street NW., between I street and K street, from thirty-five feet to fifty feet; I street NW., between New Jersey avenue and Third street, from thirty-five feet to thirty-two feet; O street NW., between Fifteenth street and Seventeenth street, from thirty-two feet to thirty feet; Third street NW., between D street and H street, from forty feet to thirty-two feet; Twenty-sixth street NW., between Pennsylvania avenue and M street, from thirty-two feet to fifty feet; Second street NW., between Indiana avenue and I street, from forty feet to thirty-two feet; Eighth street SE., between L street and M street, from fifty-five feet to fifty feet; Fourth street NE., between East Capitol street and Maryland avenue, from thirty-five feet to thirty-four feet; Washington Circle NW., from fifty-six feet to forty-five feet; Third street NE., between East Capitol street and Massachusetts avenue, from thirty-two feet to thirty feet; P street NW., between Fourteenth street and Fifteenth street, from thirty-two feet to forty-five feet; O street NW., between Sixth street and Seventh street, from fifty-seven feet to thirty-two feet; Massachusetts avenue NW., between Third street and Fourth street, from thirty feet to fifty feet; H street NW., between Third street and Fourth street, from thirty-eight feet to thirty-five feet; Twenty-third street NW., between Washington Circle and L street, from thirty-two feet to thirty feet; Corcoran street NW., between Thirteenth street and Fourteenth street, from thirty feet to twenty-four feet; Second street NE., between East Capitol street and Massachusetts avenue, from thirty-two feet to thirty-one feet; G street NW., from New Jersey avenue to Fifth street, from thirty-five feet to fifty feet; Second street SE., between Pennsylvania avenue and C street, from thirty-five feet to thirty feet; Fifth street NW., between M street and N street, from thirty-two feet or less to thirty feet; Rock Creek Church road NW., east of Georgia avenue, from sixty feet to thirty-five feet: And provided further, That they are similarly authorized to change any roadway width by an amount not in excess of one foot whenever hereafter they consider the same necessary and advisable in connection with the resurfacing or other improvement of the street."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows: Transpose said amendment and insert the same on page 33 of the bill, between lines 21 and 22; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one hundred and ten thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with

and defend himself against the schools of artists in this country. The very first time that that commission of artists is turned down in its recommendation, when the law says that you must have its advice, it will organize a publicity bureau for personal purposes that will make all the rest we have seen around here fade into insignificance, and there is nobody who will stand up before it. Give them that authority, which they have sought for twenty years, and I expect longer in this country—to get authority of law to dictate to Congress how to build these statues and whom to employ—open that door, and I say to you that Congress will lose absolutely the control. It will be just as mandatory as if you put it in the statute books that they shall have that authority.

I do not believe in doing it, I will say frankly, just as I said in the beginning, because, while I want their advice, they are not practical enough, as is shown by Statuary Hall. They do not know enough about the conditions right here locally and the traditions of this capital to make them the best judges of the models, and I am very certain, from a business standpoint, that they are not as good judges as to what artist shall be employed as a committee of the Senate or House would be. I am not willing to turn it over to them and abdicate our duty and responsibility and power, and that is why I offered my amendment.

The VICE-PRESIDENT. The Secretary will report the amendment offered by the Senator from Montana.

The SECRETARY. It is proposed to add at the end of section 1 the following proviso:

Provided, That no statue or monument shall hereafter be erected in the District of Columbia to any person until fifty years after the death of the person whose memory is to be honored thereby.

Mr. OWEN. Mr. President, I hope this amendment will not prevail. I introduced a few days ago a proposal for a statue to be erected in honor of the men known to compose the Yellow Fever Commission—Maj. Walter Reed, Dr. James Carroll, Dr. Jesse W. Lazear, and Dr. Aristides Agramonte, and the other men, who are heroes of peace. Those men have taught the world how to protect itself against yellow fever. They are the ones who established in this country the medium by which yellow fever is really conveyed, and therefore taught the world how to protect itself against an epidemic of yellow fever.

Except for their work we would not have been able to build the Panama Canal. The building of the Panama Canal is due to the work done by the Yellow Fever Commission at Habana. They ought to be rewarded while they are alive. I have no sympathy with offering to a human being fifty years after he is dead a reward for good service performed. If that doctrine be true why not confine the question of monuments to the patriots or perhaps to Adam and go back far enough at one step to satisfy the Senator from Montana; or why not confine this proposition to Montana? The only objection to that is an objection which is obvious.

Mr. CARTER. Mr. President—
The VICE-PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Montana?

Mr. OWEN. Yes.
Mr. CARTER. I did not hear the observation of the Senator from Oklahoma, but I rise to make a suggestion to the Senator. I presented this amendment not with a view to provoking debate or retarding the passage of this bill before the close of the morning hour. Therefore, if it is agreeable to the Senator, I will withdraw the amendment, to the end that the bill may be passed upon before the close of the morning hour.

Mr. OWEN. I thank the Senator from Montana.
The VICE-PRESIDENT. Is there objection to the withdrawal of the amendment? The Chair hears none.

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

The bill was read the third time and passed.

COMMERCE COURT—PAIR OF SENATORS DILLINGHAM AND TILLMAN.

Mr. CLAY. Mr. President, Friday last, when the Senate had under consideration the amendment of the Senator from Iowa [Mr. CUMMINS] to the amendment of the Senator from West Virginia [Mr. ELKINS] to the bill (S. 6737) to create a court of commerce and to amend the act entitled "An act to regulate commerce," approved February 4, 1887, as heretofore amended, and for other purposes, a difference of recollection existed as to the pair of the senior Senator from South Carolina [Mr. TILLMAN] with the senior Senator from Vermont [Mr. DILLINGHAM]. Some of the friends of the senior Senator from South Carolina thought that he was paired with the Senator from Vermont on the bill and amendments. The recollection of the Senator from Vermont was to the effect that he was paired only on the passage of the bill.

I hold in my hand a copy of a letter addressed to Senator TILLMAN which demonstrates beyond any question that the Senator from Vermont was correct, and I desire to read it.

UNITED STATES SENATE,
Washington, D. C., April 12, 1910.

MY DEAR SENATOR: Senator DILLINGHAM has inquired of me about his pair with you, saying he had a general pair with you, but he desired to vote on the committee amendments to the railway bill. Following your instructions in such matters, I stated to Senator DILLINGHAM that you had advised me to confer with Senator BAILEY as to any change of your pair. I have conferred with Senator BAILEY, stating Senator DILLINGHAM's request, and he says he sees no objection to that arrangement, and I have so informed Senator DILLINGHAM. If this is not satisfactory, please wire me at once so I may inform Senator DILLINGHAM.

Very sincerely,

JAMES M. BAKER.

Hon. B. R. TILLMAN, Trenton, S. C.

Mr. Baker is a citizen of South Carolina and assistant librarian of the Senate. The letter clearly shows that the Senator from Vermont was correct that the Senator from South Carolina had been informed that he had a pair only on the passage of the bill, and the Senator from Vermont was entitled to vote on the amendments.

Senators on this side of the Chamber have the highest respect for the integrity of the Senator from Vermont and know that he would not under any circumstances violate a pair.

THE "THIRD-DEGREE" ORDEAL.

The VICE-PRESIDENT. The Chair desires to announce the appointment of the following Senators as members of the committee under the so-called "third-degree" resolution (S. Res. 186), which was passed on Saturday last: The Senator from Idaho [Mr. HEYBURN], the Senator from Kansas [Mr. CURTIS], the Senator from Nebraska [Mr. BROWN], the Senator from North Carolina [Mr. OVERMAN], and the Senator from Missouri [Mr. STONE].

Mr. HEYBURN. Mr. President, while I recognize the duty and the honor, I feel it is only fair to say that the work which I have already on hand, in the way of investigations and the current work and the committee work, is such as to make it undesirable that I should undertake this additional duty. I have the judiciary title here, which is waiting for action whenever there is opportunity, the investigation of the cold-storage proposition, and a number of other matters, and I ask to be excused from serving upon this committee.

The VICE-PRESIDENT. Is there objection to excusing the Senator from Idaho? The Chair hears none. The Chair will name the Senator from Kansas [Mr. CURTIS] as chairman of the committee, and in the place of the Senator from Idaho will name the junior Senator from Idaho [Mr. BORAH] as the third member of the committee.

FARMERS' BULLETIN NO. 391.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the joint resolution (H. J. Res. 191) to provide for the printing as a House document of 1,000,000 copies of Farmers' Bulletin No. 391, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SMOOT. I move that the Senate insist upon its amendment, that it agree to the request of the House for a conference, and that the conferees on the part of the Senate be appointed by the Vice-President.

The motion was agreed to; and the Vice-President appointed as the conferees on the part of the Senate Mr. SMOOT, Mr. GALLINGER, and Mr. CHAMBERLAIN.

HEIGHT OF BUILDINGS IN THE DISTRICT.

Mr. MARTIN. I ask unanimous consent for the present consideration of the bill (H. R. 19070) to regulate the height of buildings in the District of Columbia.

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

Mr. KEAN. Let the bill be read first.

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

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

Mr. CARTER. By direction of the committee I propose the amendments indicated on pages 4 and 5 of the print which I send to the desk.

The VICE-PRESIDENT. The Senator from Montana offers amendments, which will be stated.

The first amendment was, in section 4, page 4, line 1, after the word "District," to strike out "and has since been approved by two of the commissioners of said District as in conformity with the building regulations of said District in force at the time when filed;" in line 5, after the word "buildings,"

to strike out "in said District;" in line 6, after the word "person," to insert "in square 345 of said District;" in line 7, after the word "so," to strike out "approved" and insert "filed;" in line 10, after the word "shall," to strike out "see only that such dome is constructed as set forth" and insert "make no changes;" and in line 11, after the word "specifications," to insert "unless for the structural safety of the building it is necessary to do so," so as to make the clause read:

Towers, spires, or domes, hereafter constructed more than 60 feet above the sidewalk, must be of fireproof material from the foundation up, and must be separated from the roof space, choir loft, or balcony by brick walls without openings, unless such openings are protected by fireproof or metal-covered doors on each face of the wall. That full power and authority is hereby granted to and conferred upon every person, whose application was filed in the office of the commissioners of the District of Columbia prior to the adoption of the present building regulations of said District to construct a steel fireproof dome on any buildings owned by such person in square 345 of said District as set forth in the plans and specifications annexed to or forming a part of such applications so filed, any other provision in this act contained to the contrary notwithstanding. And the inspector of buildings of said District shall make no changes in said plans and specifications, unless for the structural safety of the building it is necessary to do so.

The amendment was agreed to.

The next amendment was, on page 5, section 5, line 17, after the word "designated," to insert "except on the north side of Pennsylvania avenue between Eleventh and Twelfth streets NW., where an extreme height of 160 feet will be permitted," so as to make the paragraph read:

No building shall be erected, altered, or raised in any manner as to exceed the height of 130 feet on a business street or avenue as the same is now or hereafter may be lawfully designated, except on the north side of Pennsylvania avenue between Eleventh and Twelfth streets NW., where an extreme height of 160 feet will be permitted.

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

THEODORE F. COLGROVE.

Mr. FLETCHER. I ask unanimous consent for the present consideration of the bill (H. R. 6542) for the relief of Theodore F. Colgrove.

There being no objection, the Senate, as in Committee of the Whole, proceeded to the consideration of the bill. It provides that in the administration of the pension laws Theodore F. Colgrove shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a lieutenant-colonel of the One hundred and forty-seventh Regiment Indiana Infantry, on the 30th day of September, 1865.

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

HEIRS OF GEORGE S. THEBO.

Mr. OWEN. I ask that the bill (S. 3199) for the relief of the heirs of George S. Thebo go over under Rule IX.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Oklahoma? The Chair hears none, and the transfer is made.

COURT OF COMMERCE, ETC.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays 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. Mr. President, in view of the prolonged debate that we have had upon section 7 of the bill and the doubts entertained as to its legal interpretation, and some confusion in the minds of many Senators as to whether it repeals the anti-trust law or not, I propose on behalf of a majority of the Interstate Commerce Committee to support the amendment offered by the junior Senator from Georgia [Mr. CLAY] to strike out the seventh section.

In order to reach this, it will be necessary to vote on the pending amendment to the amendment of the junior Senator from Iowa, and I will move at the conclusion of my remarks to lay on the table the amendment of the Senator from Iowa [Mr. CUMMINS] to the amendment. After that, if my motion prevails, I will ask the permission of the Senate to withdraw what is known as the Elkins-Crawford amendment.

These being disposed of, then a majority of the committee directs me to state that they will support the amendment offered by the Senator from Georgia to strike out the seventh section.

The committee also instructs me to say that it will, when reached, support the motion of the senior Senator from Minnesota [Mr. NELSON] to strike out section 12 of the bill.

I now move to lay on the table the amendment of the Senator from Iowa to the Crawford amendment.

Mr. CUMMINS. Mr. President—

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). The Senator from West Virginia moves to lay the pending amendment to the amendment on the table.

Mr. CUMMINS. I ask the Senator from West Virginia to withhold that motion for a moment.

The PRESIDING OFFICER. Does the Senator from West Virginia withhold the motion?

Mr. ELKINS. Yes, sir; for a moment, not for a speech. Is it just for a question?

Mr. CUMMINS. I assume the Senator from West Virginia has had so much experience with me that whenever he sees me on my feet he assumes that a speech is about to follow. However, I reassure him upon this point. I do not rise for the purpose of making a speech.

As Senators all know, I have been deeply opposed to section 7 for reasons which I have endeavored to lay before the Senate at various times during the progress of the debate. I have believed during all the debate, however, that if section 7 were amended so that the rates were required to be approved before they went into effect it might have a very beneficial effect upon the business of the country.

However, I am so much gratified to know that we are about to see the section entirely disappear from this discussion that I will, with the permission of the Senate, withdraw the amendment that I have offered to the amendment proposed by the Senator from West Virginia.

But, in order to be entirely candid, I must be permitted to say that when we reach section 9 of the bill I intend to propose an amendment to that section of the same effect as is the amendment I have now pending, except that it will cover all increases in rates proposed by the railway companies and filed with the Interstate Commerce Commission.

Therefore I ask the permission of the Senate to withdraw the amendment which I have proposed to that offered by the Senator from West Virginia, but I do it, it will be remembered, upon the statement made by the Senator from West Virginia that the majority of the committee favor and will support the amendment proposed by the Senator from Georgia, which strikes section 7 entirely from the bill.

Mr. ELKINS. Mr. President, I thank the Senator for his consideration.

The PRESIDING OFFICER. Then the Senator from West Virginia does not move to lay the amendment to the amendment on the table?

Mr. ELKINS. In view of the statement of the Senator from Iowa, I do not press my motion.

The PRESIDING OFFICER. The Senator from Iowa asks unanimous consent to withdraw the amendment which he has offered to the amendment. Is there objection? The Chair hears none, and the amendment to the amendment is withdrawn.

Mr. ELKINS. Now I ask the permission of the Senate to withdraw what is known as the Crawford-Elkins amendment to section 7 of the bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

Mr. CRAWFORD. Mr. President, I am not going to make any speech, but I am going to express my disappointment at this sweeping abandonment of what was a plank in the Republican platform and what was a clear, clean-cut, specific recommendation of the President and of the Interstate Commerce Commission. It is my deliberate judgment that the amendment which I offered, and the second amendment which the Senator from Iowa offered, taken together, would make a workable section and a section which would be a redemption of the party pledge.

But the action decided upon seems to be settled here and I am helpless in the matter. However, I express my protest against the deliberate abandonment of what I think is our plain duty, to make this section as workable as the following sections, which I think could be done.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia to withdraw the pending amendment? The Chair hears none, and the Crawford amendment is withdrawn.

Mr. HEYBURN. Mr. President, that disposes of section 7 and all amendments?

Mr. ALDRICH. Not yet. The amendment of the Senator from Georgia [Mr. CLAY] has not been acted upon.

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

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

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

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

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

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

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

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

Mr. FRAZIER. Mr. President—
The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from Tennessee?

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

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

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

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

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

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

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

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

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

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

Mr. BROWN. I do not know.

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

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

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

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

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

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

How could he? He did not enlist until January.

Mr. GALLINGER. Read the rest of it.

Mr. BROWN. I will.

And that it appears from his own statements that he was not prevented from completing his term of enlistment by disability incurred in the line of duty, and because the case does not come within any of the other provisions of the act of Congress approved March 2, 1859, which is the only law now in force governing the subject of removal of charges of desertion.

That is the concluding paragraph.

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

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

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

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

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

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

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

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

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

Mr. JOHNSTON. Certainly.

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

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

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

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

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

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

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

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

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

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

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

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

Mr. GALLINGER. I call for a division.

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

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

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

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

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

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

The roll call was concluded.

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

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

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

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

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

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

YEAS—15.

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

NAYS—33.

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

NOT VOTING—44.

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

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

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

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

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

powder during the civil war, according to his own statement, and he is on the records as a deserter, without any excuse. The VICE-PRESIDENT. The Senator from Tennessee objects.

WARREN E. DAY.

Mr. GALLINGER. Let the next bill on the calendar be read. The VICE-PRESIDENT. The Secretary will announce the next bill on the calendar.

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

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

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

The amendment was agreed to.

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

The amendment was agreed to.

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

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

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

NATURALIZATION OF ALIENS.

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

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

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

The amendments were agreed to.

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

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

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

Mr. PERKINS. It is.

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

PENSION APPROPRIATION BILL.

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

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

basin of the Tuolumne River for a water supply for its homes and industries, which was referred to the Committee on the Geological Survey.

He also presented a petition of Local Grange No. 54, Patrons of Husbandry, of Plainville, Conn., praying that an appropriation be made for the extension of the work of the Office of Public Roads, Department of Agriculture, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry citizens of Newton, Kans., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. ROOT presented a petition of the Chamber of Commerce and Manufacturers' Club of Buffalo, N. Y., praying for the enactment of legislation to retain as executive officer of the Light-House Board and as inspectors of the several districts men who have had practical experience at sea, which was referred to the Committee on Commerce.

Mr. OWEN. I present resolutions adopted by the National Conference of State and Provincial Boards of Health of North America, at their annual session in the city of Washington, April 29, 1910. I ask that the resolutions be printed in the RECORD and referred to the Committee on Public Health and National Quarantine.

There being no objection, the resolutions were referred to the Committee on Public Health and National Quarantine and ordered to be printed in the RECORD, as follows:

Whereas health is the chief asset of any people constituting, as it does, the foundation on which rests efficiency, prosperity, and happiness; and

Whereas in a dual form of government such as ours a central federal health department is necessary to the proper and efficient promotion of this great cause: Therefore be it

Resolved, That it is the sense of the National Conference of State and Provincial Boards of Health of North America, the membership of which is composed chiefly of representatives of the state and territorial boards of health of the United States, in annual session assembled, that a national department of health, of equal dignity and power with the other departments of the Government, having at its head a secretary of public health with a seat in the Cabinet of the President, should be established without delay.

Resolved, That to this end we recommend the passage of Senate bill 6049, now pending, or essentially similar legislation.

Resolved, That a copy of these resolutions be sent to the President and to each Member of the Senate and of the House of Representatives.

CLAIMS OF POSTMASTERS.

Mr. DICK. I present a statement of the laws and proceedings relating to the claims of postmasters who served between July 1, 1864, and June 30, 1874, from the standpoint of the claimants. I move that the petition be referred to the Committee on Printing for their consideration.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. PERKINS. I am directed by the Committee on Naval Affairs, to whom was referred the bill (H. R. 23311) making appropriations for the naval service for the fiscal year ending June 30, 1911, and for other purposes, to report it with amendments and I submit a report (No. 662) thereon.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

Mr. BOURNE, from the Committee on Fisheries, to whom was referred the bill (S. 8123) to establish a biological station for the study of fish diseases, reported it without amendment and submitted a report (No. 663) thereon.

Mr. DEPEW, from the Committee on the Judiciary, to whom was referred the bill (H. R. 22148) to change and fix the terms of the circuit and district courts of the United States in the district of Delaware, reported it without amendment.

He also, from the Committee on Pacific Islands and Porto Rico, to whom was referred the bill (S. 8085) to authorize the President to convey to the people of Porto Rico certain lands and buildings not needed for purposes of the United States, reported it without amendment and submitted a report (No. 664) thereon.

OREGON COUNTY, MO.

Mr. WARNER. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 24150) transferring Oregon County to the southern division of the western judicial district of Missouri, to report it favorably without amendment. I ask for the present consideration of the bill.

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

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

POSTAL SERVICE.

Mr. PENROSE. I have here two bills introduced by me at the request of the Postmaster-General which will provide economies and savings in the department. I do not think there will be any objection to either of them. I therefore report back from the Committee on Post-Offices and Post-Roads, without amendment, the bill (S. 8083) to provide for the handling of mail on which insufficient postage is prepaid and for other purposes, and I submit a report (Report No. 665) thereon. I ask for the present consideration of the bill.

The PRESIDENT pro tempore. The bill will be read for information.

The Secretary read the bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. HEYBURN. I should like to inquire upon what theory of equity the person to whom a letter is directed should be required to pay double postage because, forsooth, the sender fails to weigh it or properly estimate the postage. I can see no merit in that kind of a proposition.

Mr. PENROSE. This is a matter of great abuse in the Post-Office Department, particularly on the part of persons sending out many thousands of circulars, who deliberately put a large percentage of the envelopes in post-office boxes without stamps, trusting that they will get through the mails without observation. It certainly is no great hardship to put some little penalty upon carelessness or improvidence in this connection. In the opinion of the department it would cause a considerable saving in clerical work and incidental annoyance and trouble.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. HEYBURN. Mr. President, I do not understand that letters which have no postage prepaid are forwarded at all. I understand it is only those that are partially prepaid which are forwarded.

Mr. PENROSE. I understand that letters which have no postage prepaid are forwarded.

Mr. HEYBURN. I do not understand that there is any such ruling.

Mr. PENROSE. That is my understanding, but I may be wrong.

Mr. HEYBURN. I should like to inquire into that. This affects business interests rather seriously. Let the bill go over.

Mr. PENROSE. I am willing that it shall go over.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

Mr. PENROSE, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 8094) to provide for the return of undelivered letters, and for other purposes, reported it without amendment and submitted a report (No. 667) thereon.

He also, from the same committee, to whom was referred the bill (S. 8084) to provide for mail receptacles at residences and places of business, and for other purposes, reported it with an amendment and submitted a report (No. 666) thereon.

Mr. PENROSE. I am directed by the Committee on Post-Offices and Post-Roads, to whom the subject was referred, to report a bill authorizing a five-year period for certain contracts in the postal service, and for other purposes.

The bill (S. 8159) authorizing a five-year period for certain contracts in the postal service, and for other purposes, was read twice by its title.

CRIMINAL JURISDICTION ON LAKE MICHIGAN.

Mr. SUTHERLAND. I am directed by the Committee on the Judiciary, to whom was referred the joint resolution (H. J. Res. 149) to enable the States of Wisconsin, Illinois, Indiana, and Michigan to determine the jurisdiction of crimes committed on Lake Michigan to report it favorably, and I ask for its present consideration.

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

Mr. SUTHERLAND. Out of abundance of caution, I desire to offer an amendment in order to make the purpose of the agreement more definite and certain.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. It is proposed to add at the end of the joint resolution the following words:

In cases where such offenses are committed so near the common boundary lines of said States that the venue thereof may be in doubt.

Mr. HEYBURN. Mr. President, I think the joint resolution goes beyond the power that may be delegated. It seems to me that it delegates to a State the right to make a treaty with a foreign country. I think it does, from hearing it read the first time. If it attempts to do that, we ought to look into it now.

As I understand the joint resolution, it proposes to authorize two States in the Union to make treaties that affect the jurisdiction of the courts for the trial of cases arising outside of the jurisdiction of the United States. I think the joint resolution should be printed, so that we can give it more careful study, and that it had better go over.

Mr. SUTHERLAND. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Idaho object to the present consideration of the joint resolution?

Mr. HEYBURN. I will yield to the Senator from Utah, with the permission of the Chair.

The PRESIDENT pro tempore. The Senator from Utah.

Mr. SUTHERLAND. Mr. President, the joint resolution does not undertake to do what the Senator from Idaho [Mr. HEYBURN] says it does.

Mr. HEYBURN. It sounded that way to me.

Mr. SUTHERLAND. I will agree with the Senator from Idaho that Congress is without power to do that. I can state the situation in a word. The boundary line, for example, between Illinois and Michigan is in the center of Lake Michigan. Offenses are committed so near to that boundary line that it is sometimes impossible to determine on which side of the line the offense has been committed; therefore it is a question of doubt, and there is a consequent failure of justice—a matter of doubt as to whether the offense was committed in one State or the other. The purpose of the joint resolution is to permit those States to agree upon the matter of jurisdiction in that class of cases, so that possibly—it is left to the States to determine the particular method—they may agree that over that zone of doubtful territory either State may have jurisdiction; in other words, that the jurisdiction shall be concurrent. That is the only purpose of the joint resolution.

Mr. HEYBURN. I ask that the joint resolution be again read.

The PRESIDENT pro tempore. The joint resolution will be again read.

The Secretary read the joint resolution as proposed to be amended.

Mr. HEYBURN. Mr. President, I think the joint resolution had better go over. I object to its present consideration.

The PRESIDENT pro tempore. The joint resolution goes over.

BILLS AND A JOINT RESOLUTION INTRODUCED.

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

By Mr. DICK:

A bill (S. 8143) granting an increase of pension to Leo Wilhelm; and

A bill (S. 8144) granting a pension to Minnie Nordyke (with an accompanying paper); to the Committee on Pensions.

By Mr. CLARKE of Arkansas:

A bill (S. 8145) to provide for the purchase of a site and the erection of a public building thereon at the city of Argenta, Ark.; and

A bill (S. 8146) for the erection of a federal building for the post-office at Searcy, Ark.; to the Committee on Public Buildings and Grounds.

By Mr. FLETCHER:

A bill (S. 8147) to incorporate the East Washington Suburban Railway Company; to the Committee on the District of Columbia.

By Mr. JONES:

A bill (S. 8148) for the relief of John Dalton; to the Committee on Military Affairs.

By Mr. CLAPP:

A bill (S. 8149) authorizing the cancellation of allotment of Mo-zo-to-be (Hair Forehead) Brown (with an accompanying paper); to the Committee on Indian Affairs.

A bill (S. 8150) granting an increase of pension to Ellen Sargent; to the Committee on Pensions.

By Mr. SCOTT:

A bill (S. 8151) granting an increase of pension to Hiram Hoover (with accompanying papers); to the Committee on Pensions.

By Mr. PILES:

A bill (S. 8152) granting an increase of pension to William Murlin (with accompanying papers); to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 8153) authorizing the President of the United States to appoint Ensign O. C. F. Dodge, U. S. Navy, now on the retired list, a lieutenant on the retired list; to the Committee on Naval Affairs.

By Mr. PERKINS:

A bill (S. 8154) to authorize the appointment of dental surgeons in the United States Navy; to the Committee on Naval Affairs.

By Mr. WARNER:

A bill (S. 8155) providing for the erection of a public building at De Soto, Mo.; to the Committee on Public Buildings and Grounds.

By Mr. LA FOLLETTE:

A bill (S. 8156) conferring jurisdiction upon the Court of Claims in certain cases; to the Committee on Indian Affairs.

By Mr. McENERY:

A bill (S. 8157) for the relief of the estate of Dominique Pochelu, deceased; and

A bill (S. 8158) for the relief of the estate of Raymond Pochelu, deceased; to the Committee on Claims.

By Mr. PENROSE:

A bill (S. 8160) to promote the efficiency of the naval militia, and for other purposes; to the Committee on Naval Affairs.

By Mr. ROOT:

A bill (S. 8161) granting a pension to Louise B. Otis (with accompanying papers); to the Committee on Pensions.

By Mr. DICK:

A bill (S. 8162) granting an increase of pension to William L. Morris; to the Committee on Pensions.

By Mr. MONEY:

A bill (S. 8163) granting a pension to Fred G. Rockel; to the Committee on Pensions.

By Mr. DICK:

A bill (S. 8164) for the relief of Isaiah Heylin McDonald; to the Committee on Military Affairs.

By Mr. MONEY:

A bill (S. 8165) appropriating \$150,000 to erect a building as an addition to the government building at Vicksburg, Miss.; to the Committee on Public Buildings and Grounds.

By Mr. SHIVELY:

A joint resolution (S. J. Res. 97) authorizing the construction and maintenance of wharves, piers, and other structures in Lake Michigan adjoining certain lands in Lake County, Ind.; to the Committee on Commerce.

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. ROOT submitted an amendment proposing to appropriate \$10,000 for the purpose of carrying on topographic surveys in the State of New York, 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.

Mr. NIXON submitted an amendment authorizing the survey of certain townships in Mount Diablo Base and Meridian, Nev., 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.

Mr. DICK submitted an amendment providing that on and after July 1, 1910, the compensation of messengers employed in the United States Senate shall be \$1,500 per annum, 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.

COURT OF COMMERCE, ETC.

Mr. SIMMONS submitted an amendment intended to be proposed by him to the bill (S. 6737) to create a court of commerce and to amend the act entitled "An act to regulate commerce," approved February 4, 1887, as heretofore amended, and for other purposes, which was ordered to lie on the table and to be printed.

ALLEGED ABUSE OF FRANKING PRIVILEGE.

Mr. STONE. I offer the following resolution and ask for its present consideration.

The resolution (S. Res. 233) was read, as follows:

Senate resolution 233.

Whereas a pamphlet or document of about 480 printed pages, entitled "A Story of a Tariff (The Tariff Act of 1909)—Parts of CONGRESSIONAL RECORD" is being circulated free through the mails under congressional frank; and

Whereas the said pamphlet or document contains numerous indexes, headlines, etc., not in the CONGRESSIONAL RECORD, but which were inserted by the compiler of said pamphlet or document; Therefore be it

Resolved, That the Committee on Post-Offices and Post-Roads be, and are hereby, directed to examine said pamphlet or document and report to the Senate during the present session of Congress whether, in the judgment of said committee, said pamphlet or document is entitled to be transmitted free through the mails under the frank of a Senator or Representative in Congress.

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

Mr. GALLINGER. Mr. President, there can be no objection to passing the resolution. The pamphlet has, to some extent, gone out under my frank and with my consent. I think that

been brought to my attention that seems to me to warrant this long-standing injustice against the men who have laid the foundations of good government in all the great communities of the Rocky Mountains. They are not asking very much; they are certainly not asking a distance tariff. They seem to be willing to pay as much to Salt Lake and Helena as is charged to Portland, Seattle, and San Francisco. They do not ask all that they would naturally seem to be entitled to. The only thing they ask is that a discrimination, not founded in sound railway economy, not founded in any theory of justice that was ever propounded among men, shall give way to the welfare of a population which, while it is small, still represents a very large number of people whose industries lie at the foundation of the prosperity of important sections of the United States.

Mr. HEYBURN. Mr. President—

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

Mr. DOLLIVER. Certainly.

Mr. HEYBURN. May I suggest to the Senator that this system would in a measure preclude the building up of any new business centers? It would look as though they thought they had enough towns and enough business centers and that no new one should ever be built up at all.

Mr. DOLLIVER. It is a tendency of a live town to think that it is the only one, a very proper exaggeration of importance that occurs wherever men are trying to build up a city; but this decision of Judge Cooley says:

Nor that it is designed to build up business or trade centers; nor that the lesser charge on the longer haul is merely a continuation of the favorable rates under which trade centers or industrial establishments have been built up.

The fact that long-haul traffic will only bear certain rates is no reason for carrying it for less than cost at the expense of other traffic.

As I understand this plea, it is not to be given an advantage over anybody else. It is not even claiming the advantages which God and nature would seem to give to every community. It is simply the refusal of Americans to bear in silence the handicap that is involved in discriminations so rank that nobody any longer defends them.

So far as I am concerned, having clear light on that phase of the question, I am willing to walk in a little darkness while I follow the counsel of Senators representing the people injured by these discriminations in their open and determined effort to correct the injustice.

Mr. BEVERIDGE. Mr. President, I have listened to this debate with deep interest and some perplexity; for no one can say that this problem in all its phases is a simple one. And yet the particular question now before us has one phase which is so mountainous in its proportions that it must be plain even to one who has not mastered the subject. In the time remaining, of which I shall occupy only a part, I will refer to one illustration which applies to all the others which have been made and not denied. It is the rate on cotton goods from New York to San Francisco, 90 cents, and upon that same product, shipped from New York to Salt Lake City, a distance of 1,500 miles shorter, the rate is \$3.75. Yet the 90-cent rate from New York to San Francisco has been demonstrated to be remunerative; on the shipment from New York to San Francisco for 90 cents it has been proven, and not denied, that the railroad makes a profit.

If that is true, it is a matter of mathematics that the rate of \$3.75 from New York to Salt Lake City, 1,500 miles near than San Francisco to New York, is not only an injustice but an outrage.

Nor, Mr. President, is that explained by the philosophy of the distributing center, which, it seems to me, is essential to modern railroad transportation, because Salt Lake City is 1,500 miles from San Francisco, and therefore is not a part of that radius of which San Francisco might be called the distributing center. It is absurd to say that goods should be shipped from New York right through Salt Lake City 1,500 miles farther and then redistributed back 1,500 miles to Salt Lake City.

So the philosophy of the distributing center does not explain this extortion.

Neither has it been explained by the curious argument that this lower rate was necessary to get goods from the interior to the seaboard for our export trade; for of course those goods must go there in any event. They could not get to the seaboard by stopping at Salt Lake City or at Spokane or at Missoula or at Denver. And mark this, it is not asked that the rate shall be increased to the coast cities, because it is demonstrated and admitted that that rate is already remunerative.

Yet, Mr. President, these are the only two excuses which appeal to anyone who has studied the problem of economics of the railroad system as to why this extraordinary, these inexcusable injustices occur. That being true I have asked myself,

asked with a desire of getting the information for the purpose of intelligently voting for the interests of the whole people of the country, the chairman of that great committee who has the bill in charge to explain this extortion, and no reply has been given. I have heard other Senators ask the same thing and no response was forthcoming.

Mr. President, that being true, and no other system offered in its place, it being clear that the distributing center does not explain these discriminations, and it being clear furthermore that the argument of getting goods to the seaboard does not, because in both events the seaboard rates are remunerative, it would seem that these discriminations can not be justified or that they should be tolerated.

Therefore, Mr. President, since the amendment of the Senator from Montana has now in it inserted the rule by which the Interstate Commerce Commission can preserve the distributing center and yet destroy those monstrous abuses of which so many have been pointed out, it seems to me that it deserves and it should receive the support of every Senator.

It seems astonishing that a plain, admitted, inexcused outrage, which those who defend will not even explain, should be permitted, especially when it can be cured without injury to anyone except those who are profiting by this particular iniquity. After all, to end an admitted injustice is good policy, especially when the defenders of that injustice do not point out how the ending of it can hurt anybody except to take unrighteous profits from the wrongdoers.

Mr. DIXON. Mr. President, at this time, before the hour of voting, further perfecting the amendment which I offered as pending to the amendment of the Senator from Idaho, and which was reprinted to-day, I now ask unanimous consent to further perfect the amendment by striking out in the last print all the lines after the word "section," on line 22, page 2, in these words:

Provided further, That the rates involved in the application are just and reasonable rates and not unjustly discriminatory nor unduly preferential or prejudicial.

And to insert the following, which I ask the Secretary to read, which is the proviso.

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

The SECRETARY. In the print of the amendment of the Senator from Montana of to-day strike out, on page 2, lines 22 to 25, the proviso in the following words:

Provided further, That the rates involved in the application are just and reasonable rates and not unjustly discriminatory nor unduly preferential or prejudicial.

And in lieu thereof insert:

Provided, however, That the Interstate Commerce Commission may, from its knowledge, or from information, or upon application, ascertain that the circumstances and conditions of the longer haul are dissimilar to the circumstances and conditions of the shorter haul, whether they result from competition by water or rail; then it may authorize a common carrier to charge less for the longer than for the shorter distances for the transportation of passengers or property; but in no event shall the authority be granted unless the commission is satisfied the carrier is charging reasonable rates for the transportation of property and passengers for the shorter distances; and the commission on reasonable notice to the carrier may revoke its orders granting the authority.

Mr. PAYNTER. Mr. President, I would be very glad if the Senator from Montana would substitute my amendment in full, and let us take a vote upon that question.

The VICE-PRESIDENT. Without objection the amendment is modified as suggested by the Senator from Montana.

Mr. PAYNTER. I think perhaps in that way we might simplify the matter.

The VICE-PRESIDENT. The question is on agreeing to the substitute—

Mr. BACON. Mr. President—

The VICE-PRESIDENT. Will the Senator allow the Chair to state what the question is?

Mr. BACON. But I want to recur to the point the Chair had previously stated. While the Senator from Kentucky [Mr. PAYNTER] was on the floor and addressing the Chair and before the Senator had had an opportunity to conclude his remarks, the Chair stated that without objection the modification was permitted. That was done while the Senator from Kentucky was addressing the Chair.

The VICE-PRESIDENT. The amendment can be modified without unanimous consent.

Mr. BACON. Mr. President—

Mr. BEVERIDGE. The Senator from Montana had a perfect right to modify his amendment.

The VICE-PRESIDENT. The Senator from Montana could have modified his amendment without asking unanimous consent.

Mr. BEVERIDGE. Certainly.

Mr. BACON. But the Senator from Kentucky was on the floor addressing the Chair at the time the Chair made the announcement.

The VICE-PRESIDENT. Very good. It was not necessary to give unanimous consent, because the Senator from Montana could modify his amendment without asking for unanimous consent; but, inasmuch as he had asked it, the Chair simply put it in that form.

Mr. BACON. Mr. President, when the Senator from Kentucky was absolutely addressing the Chair—

Mr. ALDRICH. I call the attention of the Chair—

The VICE-PRESIDENT. The Senator from Georgia is speaking to a point of order.

Mr. BACON. When the Senator from Kentucky was addressing the Chair—

Mr. ALDRICH. I ask for the regular order, Mr. President.

The VICE-PRESIDENT. The Senate is proceeding in regular order. The Senator from Georgia [Mr. BACON] is speaking to a question of order.

Mr. ALDRICH. Very well.

The VICE-PRESIDENT. The Senator from Georgia will proceed.

Mr. BACON. Mr. President, the question I suggest to the Chair is that at the time when the Chair made the announcement the Senator from Kentucky was on the floor and absolutely at the time addressing the Chair. That is the point that I make.

The VICE-PRESIDENT. The Chair begs to say that no Senator can address the Chair in order until he has been recognized by the Chair, and the Senator from Kentucky had not been recognized by the Chair.

Mr. BACON. He had been proceeding for some time, and I supposed by that that he had been recognized.

The VICE-PRESIDENT. No; he had not. The Chair had not finished stating what the question was.

Mr. BACON. The Senator from Kentucky had been speaking at least more than a minute before the Chair made the announcement, and it is a reasonable assumption that he had been recognized.

The VICE-PRESIDENT. The Chair had not recognized the Senator from Kentucky. The Chair will state now what the question is. The pending question is on the substitute offered by the Senator from Montana [Mr. DIXON] for the amendment proposed by the Senator from Idaho [Mr. HEYBURN].

Mr. CLAY. Mr. President, I am aware of the fact that debate is not in order. Is it in order for me to suggest as to the pending amendment, which has just been read, that it was hard to catch the reading?

The VICE-PRESIDENT. Debate is not in order, the Chair thinks, under the rule adopted by the Senate yesterday, until the pending amendment has been voted on.

Mr. CLAY. The Chair is correct; but I wanted to ask the Senator from Montana whether his is not the Paynter amendment, with the exception of two lines, which are stricken out.

Mr. DIXON. I am very glad the Senator from Georgia has asked the question. The pending amendment is my amendment with two lines stricken out fixing the rule under which the Interstate Commerce Commission should make the finding—

The VICE-PRESIDENT. Debate is proceeding only by unanimous consent.

Mr. DIXON. And inserting the rule provided in the amendment of the Senator from Kentucky [Mr. PAYNTER].

Mr. GALLINGER. I ask for the regular order, Mr. President.

The VICE-PRESIDENT. The regular order is demanded. The question is on agreeing to the substitute offered by the Senator from Montana for the amendment of the Senator from Idaho.

Mr. STONE. I rise to make an inquiry. I should like to know what two lines in the amendment proposed by the Senator from Montana are left out.

Mr. ALDRICH. I suggest that the amendment as modified be read.

The VICE-PRESIDENT. Without objection, the Secretary will read, as modified, the substitute offered by the Senator from Montana for the amendment offered by the Senator from Idaho.

The SECRETARY. In lieu of the amendment proposed by Mr. HEYBURN it is proposed to insert the following:

Sec. 7. That section 4 of the act entitled "An act to regulate commerce," approved February 4, 1887, be amended by striking out the words "under substantially similar circumstances and conditions," where the same appear in said section 4, and further amend said section 4 of said act by striking out all of said section 4 beginning with the words "Provided, however," and further amend said section 4 so that when amended it will read as follows:

"Sec. 4. That it shall be unlawful for any common carrier subject to the provisions of this act to charge or receive any greater compensation in the aggregate for the transportation of passengers, or of like kind of property, for a shorter than for a longer distance over the same line or route in the same direction, the shorter being included within the longer distance, or to charge any greater compensation as a through route than the aggregate of the local rates; but this shall not be construed as authorizing any greater compensation for a shorter than for a longer distance or to charge less for longer than for shorter distances for the transportation of passengers or property; and the commission may from time to time prescribe the extent to which such designated common carrier may be relieved from the operation of this section: *Provided, however,* That the Interstate Commerce Commission may, in special cases, after investigation by the Interstate Commerce Commission, be authorized to charge less for longer than for shorter distances for the transportation of passengers or property; and the commission may from time to time prescribe the extent to which such designated common carrier may be relieved from the operation of this section: *Provided, however,* That the Interstate Commerce Commission may, from its knowledge, or from information, or upon application, ascertain that the circumstances and conditions of the longer haul are dissimilar to the circumstances and conditions of the shorter haul, whether they result from competition by water or rail; then it may authorize a common carrier to charge less for the longer than for the shorter distances for the transportation of passengers or property; but in no event shall the authority be granted unless the commission is satisfied the carrier is charging reasonable rates for the transportation of property and passengers for the shorter distances; and the commission on reasonable notice to the carrier may revoke its orders granting the authority: *And provided further,* That no rates or charges lawfully existing at the time of the passage of this amendatory act shall be required to be changed by reason of the provisions of this section prior to the expiration of six months after the passage of this act, nor in any case where application shall have been filed before the commission, in accordance with the provisions of this section, until a determination of such application by the commission."

The VICE-PRESIDENT. The question is on agreeing to—
Mr. DIXON. Mr. President, this amendment has been modified rather unexpectedly perhaps; and in order that we may have a thorough understanding—

The VICE-PRESIDENT. Debate is not in order.

Mr. DIXON. I am not trying to debate. I move that the Senate take a recess until 4.30 o'clock.

The VICE-PRESIDENT. The Senator from Montana is debating.

Mr. DIXON. I move that the Senate take a recess until 4.30 o'clock.

The motion was agreed to; and (at 4 o'clock and 10 minutes p. m.) the Senate took a recess until 4 o'clock and 30 minutes p. m.

At the expiration of the recess the Senate reassembled.

The VICE-PRESIDENT. The question is on agreeing to the substitute offered by the Senator from Montana [Mr. DIXON].

Mr. DIXON. Mr. President—

Mr. CLAPP. I would like to have the substitute reported.

Mr. DIXON. I move that the Senate take a recess until 5 o'clock.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Montana that the Senate take a recess until 5 o'clock. [Putting the question.] By the sound the noes appear to have it.

Mr. CLAPP. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. ELKINS. I should like to ask the Senator to make it 5.20. The roll call will take twenty minutes.

The VICE-PRESIDENT. The yeas and nays have been ordered. The request can not be modified thereafter.

The Secretary proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN]. I transfer it to the Senator from Ohio [Mr. DICK] and will vote. I vote "yea."

The roll call was concluded.

Mr. STONE (after having voted in the negative). I have a pair with the senior Senator from Wyoming [Mr. CLARK]. I do not know how he would vote on this motion, and I think I had better withdraw my vote, and I do so.

The result was announced—yeas 56, nays 12, as follows:

| YEAS—56. | | | |
|------------|------------|-------------|------------|
| Aldrich | Carter | Flint | Page |
| Bacon | Clapp | Frazier | Paynter |
| Beveridge | Clay | Frye | Penrose |
| Borah | Crane | Gamble | Perkins |
| Bourne | Crawford | Gore | Piles |
| Bradley | Cullom | Guggenheim | Purcell |
| Brandeggee | Cummins | Hale | Root |
| Briggs | Curtis | La Follette | Simmons |
| Bristow | Dillingham | Lodge | Smoot |
| Brown | Dixon | Martin | Stephenson |
| Bulkeley | Dolliver | Nelson | Sutherland |
| Burkett | du Pont | Nixon | Taylor |
| Burnham | Elkins | Oliver | Warner |
| Burrows | Fletcher | Owen | Wetmore |

| NAYS—12. | | | |
|--------------|-----------|---------|--------------|
| Barton | Gallinger | Jones | Percy |
| Chamberlain | Hughes | McInery | Shively |
| Clarke, Ark. | Johnston | Overman | Smith, S. C. |

| NOT VOTING—24. | | | |
|----------------|---------|------------|--------------|
| Bailey | Depew | McCumber | Smith, Md. |
| Bankhead | Dick | Money | Smith, Mich. |
| Clark, Wyo. | Foster | Newlands | Stone |
| Culberson | Heyburn | Rayner | Taliaferro |
| Daniel | Keam | Richardson | Tillman |
| Davis | Lorimer | Scott | Warren |

to the senior Senator from New York [Mr. DEPEW], and vote "yea."

Mr. FOSTER (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. McCUMBER], who is absent from the Senate on account of illness. If he were present, I am unable to say how he would vote. If I were at liberty to vote, I should vote "yea."

Mr. HALE (when his name was called). I have a pair with the senior Senator from Nevada [Mr. NEWLANDS], who is unavoidably absent, and I withhold my vote.

Mr. JOHNSTON (when his name was called). I have a pair with the SECRETARY. In lieu of the amendment offered by the Senator from Idaho insert the following:

SEC. 7. That section 4 of the act entitled "An act to regulate commerce," approved February 4, 1887, be amended by striking out the words "under substantially similar circumstances and conditions," where the same appear in said section 4, and further amend said section 4 of said act by striking out all of said section 4 beginning with the words "Provided, however," and further amend said section 4 so that when amended it will read as follows:

"SEC. 4. That it shall be unlawful for any common carrier subject to the provisions of this act to charge or receive any greater compensation in the aggregate for the transportation of passengers, or of like kind of property, for a shorter than for a longer distance over the same line or route in the same direction, the shorter being included within the longer distance, or to charge any greater compensation as a through route than the aggregate of the local rates; but this shall not be construed as authorizing any common carrier within the terms of this act to charge or receive as great compensation for a shorter as for a longer distance: *Provided, however,* That the Interstate Commerce Commission may, from its knowledge, or from information, or upon application, ascertain that the circumstances and conditions of the longer haul are dissimilar to the circumstances and conditions of the shorter haul, whether they result from competition by water or rail; then it may authorize a common carrier to charge less for the longer than for the shorter distances for the transportation of passengers or property; but in no event shall the authority be granted unless the commission is satisfied that all the rates involved are just and reasonable and not unjustly discriminatory nor unduly preferential or prejudicial. That no rates or charges lawfully existing at the time of the passage of this amendatory act shall be required to be changed by reason of the provisions of this section prior to the expiration of six months after the passage of this act, nor in any case where application shall have been filed before the commission, in accordance with the provisions of this section, until a determination of such application by the commission."

The result was announced—yeas 57, nays 10, as follows:

YEAS—57.

| | | | |
|-----------|--------------|-------------|--------------|
| Aldrich | Clarke, Ark. | Guggenheim | Piles |
| Bacon | Clay | Jones | Purell |
| Beveridge | Crane | Kean | Root |
| Borah | Crawford | La Follette | Shively |
| Bradley | Cullom | Lodge | Simmons |
| Brandegee | Cummins | Martin | Smith, S. C. |
| Briggs | Curtis | Nelson | Smoot |
| Bristow | Dillingham | Nixon | Stephenson |
| Brown | Dixon | Oliver | Sutherland |
| Burkett | Dolliver | Owen | Taylor |
| Burnham | du Pont | Paynter | Warner |
| Burrows | Elkins | Paynter | Wetmore |
| Burton | Flint | Penrose | |
| Carter | Frazier | Percy | |
| Clapp | Gamble | Perkins | |

NAYS—10.

| | | | |
|----------|-------------|-----------|---------|
| Bailey | Chamberlain | Gallinger | McEney |
| Bourne | Fletcher | Heyburn | Overman |
| Bulkeley | Frye | | |

NOT VOTING—25.

| | | | |
|-------------|----------|--------------|------------|
| Bankhead | Foster | Money | Stone |
| Clark, Wyo. | Gore | Newlands | Taliaferro |
| Cuberson | Hale | Rayner | Tillman |
| Daniel | Hughes | Richardson | Warren |
| Davis | Johnston | Scott | |
| Depew | Lorimer | Smith, Md. | |
| Dick | McCumber | Smith, Mich. | |

The VICE-PRESIDENT. The substitute is agreed to.
Mr. HEYBURN. The Chair has announced that "the substitute is agreed to." This was offered as an amendment to an amendment. I rise to inquire as to the understanding of the Chair whether or not my amendment as amended will now be put to the Senate?

The VICE-PRESIDENT. The proposition of the Senator from Montana was offered as a substitute for that offered by the Senator from Idaho, and it has been adopted as a substitute.

Mr. HEYBURN. If I may be permitted to differ with the Chair, it has at no time been spoken of as a substitute in the instrument itself, which, of course, would govern. It embodies the text of my amendment, and it has not been termed a "substitute" at any time.

Mr. DIXON. Mr. President—

Mr. HEYBURN. I decline to yield for the present. I have the document upon which we were to vote at 4 o'clock, and it was an amendment, and it has been discussed as an amendment all the way through.

The VICE-PRESIDENT. The proposition upon which the Senate did vote is printed as a substitute, and was so stated by the Chair.

Mr. HEYBURN. That is a surreptitious paper. That paper has not been before the Senate for consideration.

The VICE-PRESIDENT. The Chair ruled that it had.

Mr. HEYBURN. That is the official determination of it, but I ask now that my amendment be placed before the Senate.

Mr. BEVERIDGE. As amended?

Mr. HEYBURN. As amended.

Mr. BEVERIDGE. Of course that is the same thing.

The VICE-PRESIDENT. The substitute offered by the Senator from Montana has been adopted in lieu of that offered by the Senator from Idaho, and that substitute now is before the Senate. It must be agreed to as the amendment, or it is amendable.

Mr. HEYBURN. I do not desire to be overinsistent, but having discussed it and the Senate having considered it at all times prior to the hour for voting as an amendment, it is rather a harsh measure—and I do not refer to the ruling of the Chair.

The VICE-PRESIDENT. No; the Chair does not misunderstand the Senator.

Mr. HEYBURN. Had it been known that it was to be considered a substitute after the hour of 4 o'clock, and an amendment before, we would probably have proceeded differently. I merely want that in the Record.

The VICE-PRESIDENT. The Chair very much regrets, but the Chair stated it as a substitute, and it is printed as a substitute.

Mr. HEYBURN. It being a substitute, I now offer an amendment to the substitute.

Mr. NELSON. I rise to a point of order.

The VICE-PRESIDENT. The Senator from Minnesota rises to a point of order. He will state it.

Mr. NELSON. The substitute that we voted upon is an amendment to the amendment of the Senator from Idaho, and the question now is on adopting the amendment of the Senator from Idaho as amended.

The VICE-PRESIDENT. No; the Chair thinks not. The substitute was agreed to, and the question now is whether the substitute will be adopted as it is, as an amendment, or whether it will be amended before it is adopted.

Mr. NELSON. A substitute is nothing but an amendment.

The VICE-PRESIDENT. The substitute displaced the amendment of the Senator from Idaho, the Chair holds.

Mr. GALLINGER. If the Senator from Idaho will permit me, I will venture to suggest to him that if he allows this matter to go to the Senate, he can then offer his amendment as a substitute for the amendment which has been agreed to, so that he can get a vote on his amendment in the Senate.

Mr. HEYBURN. I am inclined to accept that suggestion. Of course that will give an intermediate opportunity to discuss the question, and, as a matter of proceeding, I accept that suggestion.

Mr. ELKINS. Then, if there is nothing before the Senate, I move—

Mr. HEYBURN. There is something before the Senate.

The VICE-PRESIDENT. Wait a minute. There is something before the Senate. The question is on agreeing to the amendment to the bill.

Mr. BACON. I want to say one word before the vote is taken. I am in order, I understand?

The VICE-PRESIDENT. The Chair so understands.

Mr. BACON. Mr. President, there seems to have been some difference of opinion while the substitute was before the Senate, and there was no opportunity then to discuss the question whether there was or was not any difference between the proposition which has just been voted upon and the one which has heretofore been under consideration.

I hope I may have order, Mr. President.

The VICE-PRESIDENT. Will the Senate please be in order? The Senator will wait. The Chair will eventually obtain order for him. Will Senators please cease audible conversation?

Mr. BACON. Mr. President, at a time when there was no opportunity for discussion there were some suggestions as to changes which had been made in this proposition by the amendment or the substitute as finally modified by the Senator from Montana.

I wish to say that the amendment or the substitute as modified by the Senator from Montana and as adopted by the Senate is substantially in all particulars the affirmation in its fullest extent of the contention of all of us who have supported what was known as the Dixon amendment, and who proposed to support the Paynter amendment if that was defeated, and then the Overman amendment if that was defeated. It is the exact opposite of what the Senator from Rhode Island and the Senator from West Virginia and all those who cooperated with them

have been contending for for two weeks past and denouncing as that which if adopted would destroy the railroad systems of the country.

I must congratulate them upon their having seen the light in the last minute.

Mr. ALDRICH. Mr. President—

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

Mr. BACON. I do.

Mr. ALDRICH. I think the Senator from Georgia might congratulate himself upon having achieved a victory, if he sees fit to put it in that way.

Mr. BACON. I am not claiming much of it, because I have had very little to say; but I say that those with whom I have been cooperating have achieved a victory, and a very decided one, and they voted for the substitute, as the Senator from Missouri very properly suggests to me.

Mr. President, the dividing line upon which the battle has been raging for two weeks was this: Under the existing law the railroads themselves have the right to determine when such conditions exist as authorize them to make a lesser rate for a long haul than they make for the short haul. That is the existing law; and under the act of 1896, when complaint was made, the only remedy upon such complaint was for the Interstate Commerce Commission to interfere and make the correction, if they saw proper to do so. That is the existing law.

The amendments which have been offered by the Senator from Montana and the Senator from Kentucky and the Senators from North Carolina—for all of them offered amendments—exactly reverse that proposition, and provide that before the railroads shall make a rate for a long haul less than the rate for the short haul in the same line, it shall have the approval and consent of the commission. Those were the two propositions.

Mr. President, the Senator from Rhode Island and the Senator from West Virginia, and all those who contended with them, have rung the echoes in this Chamber for two weeks that if the proposition as contained in these several amendments which I have mentioned were adopted it would be revolutionary, and destroy the railroad business of the country; and yet these Senators have this afternoon voted for that distinct proposition, and it has been adopted because of the fact that the Senator from Rhode Island and the Senator from West Virginia, in cooperation with those who favored it in the first instance, have rolled up an overwhelming majority in the affirmative for the passage of the substitute.

Mr. President, I do not want there to be any misunderstanding upon this point. The Senator from Rhode Island, with all his prestige, was unwilling to stand a defeat, and rather than stand a defeat he preferred to get upon the winning side. I have no criticism to make upon him; but let it not be supposed for a moment that the substitute which has been adopted is in accordance with the doctrine which the Senator from Rhode Island and the Senator from West Virginia, and those who have cooperated with them for the past two weeks, have advocated on this floor. On the contrary, it is directly the reverse, and in opposition to those things for which they have contended.

Mr. ELKINS. May I interrupt the Senator from Georgia?

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

Mr. BACON. I do, for a moment.

Mr. ELKINS. The Senator is happy, is he not?

Mr. BACON. Absolutely so.

Mr. ELKINS. And we are happy. Then what is the trouble?

Mr. BACON. I am very glad to know—

Mr. ELKINS. Now you know it.

Mr. BACON. I am glad to know that Senators can be made so happy by so small a thing—

Mr. ELKINS. It is a big thing.

Mr. BACON. That in a moment of defeat they can change colors and go to victory under the banner they have been fighting for the past two weeks.

Mr. ALDRICH. Has the Senator ever heard of the adage that "he laughs best who laughs last?"

Mr. BACON. I know what the Senator refers to. The Senator refers to the fact that the bill has to go into conference, and the Senator, I presume, means to have us understand that in the last analysis of the bill, when it comes back, it is to be changed back to the same position it was intended to be put in by Senators—

Mr. ALDRICH. No; I did not mean anything of the sort. I mean that the amendment as adopted can be defended upon the principles which I have advocated upon this floor all the time. That is my judgment about it.

Mr. BACON. If so, the language has to be perverted very greatly from what I understand it to mean, and I want to give my reason for it. There is not a line in these two amendments which have been blended which is not found in the amendments originally. The substitute as adopted was in part the substitute offered by the Senator from Montana, and the vital part of it is the amendment offered by the Senator from Kentucky. The two have been cut in half, and the latter part of the amendment of the Senator from Kentucky has been put on the first half of the amendment of the Senator from Montana. There is the whole of it. If the Senator from Montana had taken the amendment of the Senator from Kentucky and had offered it in place of his amendment, it would have had exactly the same effect as the blended amendment which he finally offered as a modified amendment, and which we have just adopted.

The Senator from Rhode Island suggests that the amendment is susceptible of the construction which he has contended to be the form of the law. The form of the law which the Senator from Rhode Island contended should be that to be adopted was that in no instance should the railroads be deprived of the right to fix a lesser rate for a longer haul without the approval of the commission, but that in all instances, without the approval of the commission, they would have the right to fix a lesser rate for a longer haul. That is the contention of the Senator from Rhode Island.

Mr. BAILEY. I suggest to the Senator from Georgia that he is mistaken about that. That was my position. The Senator from Rhode Island, so far as I know, has made no speech of that kind.

Mr. ALDRICH. No; Mr. President—

Mr. BACON. I am not sure that the Senator from Texas has heard all the speeches made by the Senator from Rhode Island.

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

Mr. ALDRICH. I hope the Senator from Texas will not interfere in this discussion.

The VICE-PRESIDENT. The Senator from Georgia has not yet yielded to the Senator from Texas.

Mr. BACON. I yield to the Senator from Texas.

Mr. BAILEY. The Senator from Rhode Island rose to make some observation.

Mr. ALDRICH. I said I hoped the Senator from Texas would not interfere with the remarks of the Senator from Georgia. He is trying to justify himself for voting with me, as I understand it. [Laughter.]

Mr. BACON. If that were the object, I would be well justified in making an effort to justify myself, because generally, from my standpoint, whenever one votes with the Senator from Rhode Island he needs to justify himself. [Laughter.] Whenever I vote with the Senator from Rhode Island, I want to have an opportunity to show that I was right, because the presumption in such a case certainly is that I would be wrong.

Mr. BAILEY. It is impossible for the Senator from Georgia to show he was right in voting with the Senator from Rhode Island this time.

The VICE-PRESIDENT. The Senator from Texas should not interrupt without obtaining the permission of the Senator having the floor.

Mr. BACON. I beg the Senator's pardon.

The VICE-PRESIDENT. The Senator from Georgia has the floor. The Chair simply suggested that the Senator must not be interrupted without his consent.

Mr. BACON. I thank the Chair very much.

Mr. President, the only object which I had in rising was this: The Senator from Rhode Island, the Senator from West Virginia, and others who train with him upon this occasion, had so suddenly changed front, had so suddenly changed the color of the flag under which they marched, and had so adroitly aligned themselves under that which was victorious, that I could not help calling attention to the fact that it was not in harmony with their original position.

Now, if the Senator can find a court which will rule that, under this bill, a railroad company has the right to fix a rate for a longer haul lesser than for the short haul on the same line, then I must confess that my confidence in courts will not be so great as it has been heretofore.

Mr. HEYBURN. Mr. President, starting with the last suggestion of the Senator from Georgia, there will be no necessity. The railroads have recently been adjusting and readjusting their rates in anticipation of what has happened to-day. This is a great day for the railroads. Their banner is flung to the breeze. They have what they want, and they got it by a coalition. I have no doubt the rejoicing in their hearts will be

Mr. KEAN. No announcement has been made.
The PRESIDENT pro tempore. No announcement has been made.

Mr. GALLINGER. I ask that the announcement be made.
The PRESIDENT pro tempore. Forty-two Senators have responded to their names. There is not a quorum present.

Mr. HEYBURN. Now, I ask that the names of the absentees be called.

The PRESIDENT pro tempore. The names of the absentees will be called.

The Secretary called the names of the absent Senators, and the following Senators answered to their names: Messrs BAILEY, BURNHAM, CULLOM, FLETCHER, NEWLANDS, PERCY, and STONE.

Mr. KEAN (when Mr. BRIGGS's name was called). My colleague [Mr. BRIGGS] is necessarily absent on business of the Senate.

Mr. OLIVER (when the name of Mr. PENROSE was called). My colleague [Mr. PENROSE] is detained from the Senate on important business.

Mr. ELKINS (when Mr. SCOTT's name was called). My colleague [Mr. SCOTT] is unavoidably detained from the Senate.

Mr. RAYNER (when the name of Mr. SMITH of Maryland was called). My colleague [Mr. SMITH of Maryland] is absent on account of sickness.

The PRESIDENT pro tempore. Forty-nine Senators have responded to their names. A quorum is present.

HOURLY MEETING.

Mr. JOHNSTON. I move that the Senate hereafter meet at 12 o'clock. I will ask unanimous consent. I think there should be no objection to it, for the reason that the gentlemen who fixed the hour of 11 as the time for meeting were not present when the time arrived.

Mr. ELKINS. Mr. President, I object.

Mr. JOHNSTON. I make the motion. I believe it does not require unanimous consent. I move that hereafter when the Senate adjourns it shall adjourn to meet at 12 o'clock.

The PRESIDENT pro tempore. The Senator from Alabama moves that until otherwise ordered the Senate shall meet at 12 o'clock. [Putting the question.] The Chair is uncertain.

Mr. ELKINS. I ask for the yeas and nays.

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

Mr. OLIVER (when his name was called). I am paired with the junior Senator from Oregon [Mr. CHAMBERLAIN], and therefore withhold my vote.

The roll call was concluded.

Mr. OLIVER. I will transfer my pair with the junior Senator from Oregon [Mr. CHAMBERLAIN] to my colleague [Mr. PENROSE] and vote "nay."

Mr. STONE (after having voted in the affirmative). I voted inadvertently. I am paired with the Senator from Wyoming [Mr. CLARK], and withdraw my vote.

Mr. DILLINGHAM. I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN], who is absent. I do not know how he would vote if present. So I withhold my vote.

The VICE-PRESIDENT resumed the chair.

The result was announced—yeas 29, nays 28, as follows:

YEAS—29.

| | | | |
|---------|----------|----------|--------------|
| Bacon | Clapp | Heyburn | Percy |
| Bailey | Crawford | Hughes | Perkins |
| Borah | Cullom | Johnston | Simmons |
| Bourne | Dixon | Jones | Smith, Mich. |
| Bristow | Fletcher | McEnery | Smith, S. C. |
| Brown | Frazier | Money | |
| Burrows | Gore | Newlands | |
| Burton | Hale | Paynter | |

NAYS—28.

| | | | |
|----------|-----------|------------|------------|
| Aldrich | Crane | Guggenheim | Page |
| Bradley | Cummins | Kean | Piles |
| Bulkeley | Curtis | Lodge | Rayner |
| Burkett | Elkins | Martin | Smoot |
| Burnham | Frye | Nelson | Stephenson |
| Carter | Gallinger | Nixon | Sutherland |
| Clay | Gamble | Oliver | Wetmore |

NOT VOTING—35.

| | | | |
|--------------|-------------|------------|------------|
| Bankhead | Davis | Lorimer | Shively |
| Beveridge | Depew | McCumber | Smith, Md. |
| Brandegee | Dick | Overman | Stone |
| Briggs | Dillingham | Owen | Tallaferro |
| Chamberlain | Dolliver | Penrose | Taylor |
| Clark, Wyo. | du Pont | Purcell | Tillman |
| Clarke, Ark. | Fillit | Richardson | Warner |
| Culberson | Foster | Root | Warren |
| Daniel | La Follette | Scott | |

So Mr. JOHNSTON's motion was agreed to.

FLOUR TRADE IN LATIN AMERICA.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting, pursuant to law, a report by Special Agent John M. Turner on the flour trade in Latin America, part 1, containing the results of his investigations in the island of Porto Rico, which, with the accompanying paper, was referred to the Committee on Commerce and ordered to be printed.

MACHINE-TOOL TRADE IN AUSTRIA-HUNGARY, ETC.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting, pursuant to law, a report by Capt. Godfrey L. Carden, United States Revenue-Cutter Service, on the machine-tool trade in Austria-Hungary, Denmark, Russia, Netherlands, Italy, and France, which, with the accompanying paper, was referred to the Committee on Commerce and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes:

The wardens and vestrymen of St. James Episcopal Church, of Marietta, Ga., v. United States (S. Doc. No. 548); and

C. Pauline Mahaney, administratrix de bonis non of Joseph P. Mahaney, deceased, v. United States (S. Doc. 547).

The foregoing causes were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 18700) to prevent the dumping of refuse material in Lake Michigan at or near Chicago; asked a conference with the Senate on the disagreeing votes of the two Houses thereon; and had appointed Mr. MANN, Mr. STEVENS of Minnesota, and Mr. SIMS managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 24877) to authorize additional aids to navigation in the Light-House Establishment and to provide for a bureau of light-houses in the Department of Commerce and Labor; asked a conference with the Senate on the disagreeing votes of the two Houses thereon; and had appointed Mr. MANN, Mr. STEVENS of Minnesota, and Mr. BARTLETT of Georgia managers at the conference on the part of the House.

The message further announced that the House had passed without amendment the joint resolution (S. J. Res. 97) authorizing the construction and maintenance of wharves, piers, and other structures in Lake Michigan, adjoining certain lands in Lake County, Ind.

The message also announced that the House had passed the bill (S. 7653) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and wars other than the civil war and certain widows and dependent relatives of such soldiers and sailors with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requests the concurrence of the Senate:

- H. R. 5085. An act for the relief of E. D. Judkins;
- H. R. 13517. An act authorizing a credit in certain accounts of the Treasury of the United States;
- H. R. 15103. An act to reimburse G. H. Kitson for money advanced to the Menominee tribe of Indians, of Wisconsin;
- H. R. 18357. An act for the relief of Matthew McCarthy;
- H. R. 18556. An act for the relief of Charles Kehoe;
- H. R. 19610. An act for the relief of Peter Clark;
- H. R. 20553. An act for the relief of Sanford A. Pinyan;
- H. R. 20860. An act for the relief of John Blackston;
- H. R. 21163. An act for the relief of Frank Chroneberry;
- H. R. 22592. An act for the relief of James B. Boyd;
- H. R. 24683. An act for the relief of Charles Held;
- H. R. 25185. 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. 25406. 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. 25409. 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. 25414. An act for the relief of John Ridenbaugh, alias Henry Ridenbaugh;

H. R. 25773. 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; and

H. R. 25822. 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.

ENROLLED BILLS SIGNED.

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

S. 7610. 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;

S. 8014. 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. 14464. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1911, and for other purposes;

H. R. 19962. An act establishing a commission of fine arts; and

H. J. Res. 191. A joint resolution to provide for the printing as a House document of 500,000 copies of Farmers' Bulletin No. 391.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Chamber of Commerce of Guthrie, Okla., praying for the enactment of legislation providing for the sale of the segregated coal lands of the eastern part of that State, which was referred to the Committee on Public Lands.

He also presented a petition of the Citizens' Northwest Suburban Association of Tennytown, D. C., praying that appropriation be made for the construction and equipment of a convention hall in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. CUMMINS presented a petition of sundry citizens of Iowa, praying that an appropriation be made for the extension of the Office of Public Roads, Department of Agriculture, which was ordered to lie on the table.

Mr. GALLINGER presented a petition of the board of education of Nashua, N. H., praying that an appropriation be made for the extension of the work of the Bureau of Education, which was referred to the Committee on Education and Labor.

He also presented a memorial of the Woman's Home Missionary Society of the Methodist Episcopal Church of Baltimore, Md., remonstrating against the enactment of legislation to facilitate the use of square No. 673, in the city of Washington, for storage warehouse purposes, which was referred to the Committee on the District of Columbia.

Mr. DILLINGHAM presented a petition of the Ethan Allen Chapter of the National Society, Daughters of the American Revolution, of Middlebury, Vt., 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 a petition of the Philadelphia Yearly Meeting of the Religious Society of Friends, of Pennsylvania, praying for the enactment of legislation providing for the suppression of the so-called "white-slave traffic," which was ordered to lie on the table.

Mr. KEAN. I present a communication, in the nature of a petition, from Col. J. M. Foster, of Newark, N. J., praying for the establishment in the War Department of a civil war volunteer officers' retired list. I ask that the communication be printed in the RECORD and referred to the Committee on Military Affairs.

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

In re H. R. 18899 and Report No. 1010.

The Committee on Military Affairs, to whom was referred the bill (H. R. 18899) to create in the War Department and the Navy Department, respectively, a roll designated as "The Civil War Volunteer Officers' Retired List," to authorize placing thereon with retired pay certain surviving officers who served in the Army, Navy, or Marine Corps of the United States in the civil war, and for other purposes, reported thereon with a recommendation that it do pass with certain amendments as in said report (No. 1010) set forth.

As amended the bill provides, in lieu of all pensions, retired pay according to previous rank and length of service for all honorably discharged surviving volunteer officers who served six months or more either as officers or as officers and enlisted men in the Army, Navy, or Marine Corps of the United States during the civil war, and the same provision is made for a limited number of surviving officers of regulars who rendered similar service and have not been retired. The schedule of such retired pay is one-third of the national government pay of officers of corresponding rank in the Regular Army for those beneficiaries who served two years or more, and for those who served less than two years, but not less than six months, similar pay in proportion to length of service. Former officers who lost a limb or an eye in the line of service, or incurred disability as prisoners of war, received the full benefits of the act without regard to the length of service.

The bill fixes minimum limitations by providing that no officer of any rank who served six months or more shall receive less retired pay than \$400 per annum, and that no officer who served two and one-half years or more shall receive less than \$600 per annum. The bill also fixes a maximum limit by providing that no officer of any rank or term of service shall receive retired pay exceeding two-thirds of the present pay of a captain in the Regular Army. Section 5 of the bill provides retired pay of \$30 per month for all surviving honorably discharged enlisted men who served ninety days or more, and whose physical or mental condition is of such a degree of disability (not necessarily of service origin) as to require the frequent and periodical aid and attention of another person. The benefits of the act apply only to those who have reached the age of 70 years.

The purpose of the bill as stated in said report is to remedy an unfair and indefensible discrimination which has thus far existed between regular and volunteer officers, and to thus tardily make good the honorable obligation of the Government to secure equality of treatment for its common and associated defenders in time of war.

The civil war demonstrated the wisdom of that fixed policy of the United States which maintains a dual military army by employing only a small permanent army in peace and war, and depending mainly upon temporary volunteer armies or citizen soldiers for meeting great military crises involving the honor or existence of the Nation. Thus the Republic is enabled to provide for the disabled and aged veterans of its successive wars. Such expenditure for pensions and retired pay is in no sense a charity, but forms a proper and unavoidable part of the cost of war, besides being a mark of the patriotic gratitude of the Nation for perilous military service rendered and sacrifice incurred. It is an investment which, as really as fleets and fortifications, buttresses the stability of the Government by assuring each successive generation of our young men that to hazard life and devote one's best years and strength to service in a great war for national preservation does not mean that the survivors of that war shall be punished for their patriotism by neglect at the hands of the preserved Republic, and humiliating need when overtaken by the disability of age.

President Lincoln and the Congress of that period realized that both in the then pending struggle and thereafter such a military combination could not be very effective or enduring except through the enforcement of entire fairness and equality of treatment and reward by the Federal Government as between regulars and volunteers. Therefore, early in the war, they gave to the several States, and to the volunteers progressively furnished by them, assurance of this equal protection, reward, and recognition. That assurance mainly embodied in the statute of July 22, 1861, is reasonably understood by the now surviving volunteer officers as an equitable guaranty that, whatever provision the Government might make for the old age of its Regular Army officers and enlisted men because solely of service in the civil war, it would make equal provision for the old age of its surviving officers and enlisted men of volunteers because of identical service and sacrifice. This Federal guaranty only reinforced the higher and permanent dictates of natural justice and of enlightened expediency.

The records indicate that the Government's war-time pledge of equality of treatment has been faithfully kept as between the enlisted men of the Regulars and the enlisted men of the Volunteers who served during the civil war. Equal provision is made for the disability or old age of both. But as between the officers of Regulars and Volunteers of similar civil-war service that pledge has been and still is wholly ignored. During the civil war the volunteer troops formed 96 per cent of the armies of the United States and achieved 96 per cent of the historic results. On the other hand, of the honors and rewards since the historic results, exclusively in recognition of their civil-war service and its results to the Nation, Regular officers, through no fault of their own, have received all and Volunteer officers nothing.

As a matter of principle and fair play and quite regardless of the financial considerations involved, this record of unmerited disparagement may well encounter the present protest of surviving civil-war Volunteer officers, and almost equally the protest of the former enlisted men who served in their command.

In the judgment of the committee the provision, by this bill, of a moderate scale of retired pay for the surviving civil-war officers as such is justified by considerations of the greatest weight and supported by reasons that are unanswerable. Since the close of the war no legislation of any nature has been enacted in distinctive recognition of these men and of the invaluable service they rendered to the Nation in its extremity by recruiting, organizing, leading in action, and caring for the citizen soldiers, who formed the bulk of the Union Army.

The merit of the cause of these men has not been disputed and no adverse action has been recorded, but hitherto they have been persistently asked to make way for commercial and other interests and to wait "more convenient season." While thus waiting nearly one-third of their reduced number have died. Obviously, further postponement would mean refusal.

If the time be now at hand to reward these men, and by the passing of such a bill as this to recognize their service to the Union and to fulfill the Government's pledges of equality between the Regulars and Volunteers, why should not that equality be made complete? Why should the benefits of this act apply only to those who shall have reached the age of 70 years? In none of the acts rewarding Regular Army officers has such an age limit been imposed. By successive acts of Congress, notably those of July 28, 1866, March 3, 1875, April 23, 1904, June 29, 1906, March 2, 1907, all regular officers who did civil-war service, whether that service was long or short, as officers or enlisted men, are upon retirement given one advance grade of retired rank and pay not in any degree because of their professional life service in the army and navy, but solely in recognition of that civil-war service which was rendered side by side with civil-war officers of equal merit

all the railroad company would have to do would be to insist on its suit being brought in this new court; but leave that out, the delay before the commission is quite sufficient to make that a very obnoxious provision. I have been told—I do not know that it is by authority—that that will go out; that there is such a general understanding, or rather that Senators will generally accede to the unwisdom of that proposition. Do I make it plain to the Senator from Vermont?

Mr. PAGE. Perfectly.

Mr. CUMMINS. Mr. President, I had hoped that the call for a quorum of the Senate would bring the senior Senator from Minnesota [Mr. NELSON] into the Chamber, for I very much desired that he should fully understand the history of these cases before the circuit courts. I am sure that he would not have reached the conclusion which he apparently has reached if he had examined the cases that have already been before the circuit courts and have been determined. I do not intend to detain you five minutes, but I ask every Senator here what his standard of expedition is in the trial of cases in a circuit court of the United States. How long do you think it ought to be after a suit has begun before it is decided? I venture to say that there will be varying answers to that inquiry; but, as I remarked earlier in the day, there are certain steps in every suit of this character that must be taken that can not be expedited. I venture the assertion, further, that substantially all the delay that has taken place in the circuit courts has taken place for the convenience of counsel, and not because the court was unable to accept a submission of the controversy. I intend that the RECORD shall show now definitely—although it is contained in a table that I presented a few moments ago—the exact time which the cases so far heard have consumed in the circuit courts.

The first one that I have on my list consumed eighteen months, and that was by reason of the inability of counsel to prepare the case for trial. I have ascertained that by making an investigation.

The second case was in the circuit court just two months; the third case was in the court a month and a half; the fourth case was in the court three and one-half months; the fifth case was in the court ten months; the sixth case was in the court a month and a half; the seventh case fourteen months; and again, the delay, as I have ascertained, was due rather to the engagements of counsel than to the inability of the court to take the submission. The eighth case was in the circuit court three months; the ninth case one month; the tenth case one month; the eleventh case three and one-half months; the twelfth case two months; the thirteenth case two and one-half months; the fourteenth case two and one-half months; the fifteenth case six and one-half months; the sixteenth case two months; the seventeenth case one and one-half months; and the eighteenth case fourteen months; and that again was partially due to the want of preparation on the part of counsel. The nineteenth case was in the court one month. That is the history of the nineteen cases in which this new court would have jurisdiction which have been determined by the circuit courts of the United States in the last four years.

Mr. BEVERIDGE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Indiana?

Mr. CUMMINS. I yield.

Mr. BEVERIDGE. So that, with the exception of three cases, the average, as I gathered it as the Senator read the statement, does not exceed two months?

Mr. CUMMINS. I have not computed the average as to any portion of the cases, but as to the whole number of cases.

Mr. BEVERIDGE. One case was ten months and another was nine months. Outside of the three cases, they were pending from one month to two and a half months.

Mr. CUMMINS. The average of the 19 cases that have been decided in the circuit court is four months and twenty-two days.

Mr. BEVERIDGE. Including the three cases which had been delayed for the convenience of counsel?

Mr. CUMMINS. Precisely.

Mr. BEVERIDGE. Outside of those three, as the Senator will find, the average does not exceed two and a half months or two months.

Mr. CUMMINS. When I prepared this list possibly two months ago—I have not examined the matter since—there were nine cases still pending in the circuit court, and only nine. Of that number all but a single one was brought either during mid-summer of last year or during the present year. So that there has been no delay in any of these cases.

I must emphasize the record in this particular. I want no Senator to put his vote upon this proposition upon the false

assumption that there has been any delay in the circuit courts. On the contrary, the circuit courts have a record upon this question beyond and above all criticism, and I believe the time which these cases have consumed in the circuit courts is not one-half the time the ordinary suit in equity consumes in the circuit courts.

I pass from that to the suggestion just made by the senior Senator from Idaho [Mr. HAYBURN] in response to the question of the Senator from Vermont [Mr. PAGE]. His answer may have been perfectly clear to the Senator from Vermont, but it was not so pellucid as it floated over to this part of the Chamber. I think, though, I understood what he said. He said that there would be a great many cases arise before the Interstate Commerce Commission under the change in the law which we authorized on Friday. I agree with him entirely; but he was not quite so clear and definite, I thought, with regard to the number of those cases which would finally find their way into the new commerce court.

Mark you, under its jurisdiction the commerce court can assume the jurisdiction of those cases only in which a suit is brought to enjoin or restrain or set aside or cancel the order of the commission; and I repeat what I said when the Senator from Vermont was in colloquy with the Senator from Georgia, that only orders under the long-and-short-haul provision which could be attacked by these suits are orders fixing rates as to intermediate points or possibly as to terminal points.

Undoubtedly under this section the railroads could bring suit to set aside those orders, just as they can bring suits to set aside all the orders of the commission fixing rates; but the commission can not fix rates any faster than it has in the past. It has taken its time, and I think all of its time, in that work, and we have seen the number of cases which found their way into the courts upon the work of the commission during the last four years. It makes no difference whether the commission fixes the rates before the privilege is given to the railways to charge more for a shorter haul than for a longer distance, or whether it fixes the rates upon complaint of the shippers or of localities after the permission has been granted. That does not increase the number of instances in which the rates are fixed by the commission. That is the point I desire to make.

Mr. PAGE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Vermont?

Mr. CUMMINS. I do.

Mr. PAGE. As I understand the law as it is to-day, a case must be made by a complainant before it comes before the Interstate Commerce Commission. As it will be if this bill passes, every new rate must be passed upon by the Interstate Commerce Commission. It seems to me that within a year, to illustrate, a new road may be built from Chicago, through the Senator's home city, to Omaha, for instance. When it is built that new road may decide that it wants some business that is now taken by the older roads. It reduces its rates from the rates now current, and the result is that every other road must reduce its rates. The change involves a reduction in certain cases, and an enlargement of rates in other cases; but in any event, under the new law as now proposed, every rate must be passed upon by the Interstate Commerce Commission; and if it is inconsistent with the ideas of the railroad company, the railroad company can bring, and, as it seems to me, may be likely to bring, some procedure to take the matter before the court of commerce. I may be wrong about that, but I am simply suggesting it to the Senator.

Mr. CUMMINS. The Senator from Vermont is in error with regard to a portion of what he has just said. In the first place, it is not likely that there will be any such new road built, and it would be very inopportune and unwise for us to establish a new court upon the hypothesis that there will be a railroad of that kind constructed within the next year or two; but assuming now that there is no such road constructed—and I think you may well assume that—the Senator from Vermont is in error in another thing. The Interstate Commerce Commission is not given the authority under the section that we adopted on Friday to take up all the rates in the United States and proceed to fix them. I hope the Senator has not that view of the matter.

Mr. PAGE. But any rate which provides a greater charge for a longer than for a shorter distance becomes automatically operative unless the Interstate Commerce Commission relieves the railroads of the necessity of making a new rate.

Mr. CUMMINS. Of course the Senator knows that those rates comprise a very small portion of the rates in the United States. They may be very flagrant in their enormity, but they are not numerically large as compared with the number of instances in which the long-haul rate is as great as, or greater than, the short-haul rate.

If the railroads desire to charge more for the shorter than the longer distance, then, as I understand this section, they make their application to the Interstate Commerce Commission for permission to do so; but before the commission can grant that authority, it must find that the rates which are involved—that is to say, in those cases or at those points at which the charge is greater for a shorter than for a longer distance—are just and fair and reasonable. There is no authority given for fixing those rates at all.

Mr. PAGE. But allow me to inquire—

Mr. CUMMINS. The only result is that if the commission finds that the rates are unjust and unfair and unreasonable, then it refuses to grant to the railroad company the privilege of charging more for a shorter than a longer distance; and there is no point in connection with such an order that can be challenged by a suit in injunction.

Mr. PAGE. I should like to ask one question more, and then I will not bother the Senator. If a rate is made that is against the ideas of the railroad company, is it not possible for the railroad company in every such case, by some sort of proceeding, to bring the matter before the commerce court?

Mr. CUMMINS. Not at all, Mr. President. The railroad company must file a bill alleging in substance that the rate fixed by the commission confiscates the property of the company; that is to say, takes the property of the company without due process of law. There is no review of the discretion or judgment of the commission. The charge must be made that the commission had so far departed from the authority given to it by the statute that the effect had been to take the property of the railroad company without compensation.

Mr. PAGE. Did I understand the Senator from Idaho [Mr. HEYBURN] correctly when he said, as I understood, that probably all these cases in which the Interstate Commerce Commission entered a decree would be taken before the commerce court?

Mr. CUMMINS. I regret to say that I understood him in much the same way; but, if he were here, I feel that he would take this opportunity to correct that statement, because I believe it was inadvertently made, and that he did not mean to say that all the work of the Interstate Commerce Commission could be reviewed in the commerce court.

The VICE-PRESIDENT. The question is on the amendment offered by the Senator from Iowa [Mr. CUMMINS] to strike out the first six sections of the bill.

Mr. CUMMINS. Mr. President, I understand the yeas and nays have been ordered.

The VICE-PRESIDENT. The yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN], who is detained from the Senate. I transfer that pair to the Senator from Delaware [Mr. DU PONT] and vote. I vote "nay."

Mr. FLINT (when his name was called). I am paired with the senior Senator from Texas [Mr. CULBERSON]. If he were present, I should vote "nay." As he is absent, I withhold my vote.

Mr. JOHNSTON (when Mr. FOSTER's name was called). The Senator from Louisiana [Mr. FOSTER] is paired with the Senator from North Dakota [Mr. McCUMBER].

Mr. OLIVER (when his name was called). I have a pair with the junior Senator from Oregon [Mr. CHAMBERLAIN]. I transfer that pair to my colleague [Mr. PENROSE] and vote. I vote "nay."

Mr. SIMMONS (when Mr. OVERMAN's name was called). My colleague [Mr. OVERMAN] is absent. He is paired with the junior Senator from Missouri [Mr. WARNER]. If my colleague were present he would vote "yea."

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

Mr. STONE (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. CLARK]. That Senator has been for some days and still is detained by sickness. I transfer the pair, under the practice obtaining here, to the junior Senator from Maryland [Mr. SMITH], and I vote "yea."

Mr. FLETCHER (when Mr. TALIAFERRO's name was called). My colleague is absent. He is paired with the junior Senator from West Virginia [Mr. SCOTT].

The roll call was concluded.

Mr. CULLOM. I desire to announce the pair of my colleague [Mr. LORIMER] with the junior Senator from Arkansas [Mr. DAVIS].

Mr. KEAN. My colleague [Mr. BRIGGS] is necessarily absent on business of the Senate. He is paired with the senior Senator from Virginia [Mr. DANIEL]. If my colleague were present he would vote "nay."

Mr. PERCY. My colleague [Mr. MONEY] is unavoidably absent. He is paired with the junior Senator from Wyoming [Mr. WARREN].

Mr. ROOT. My colleague [Mr. DEPEW] is necessarily absent. He is paired with the Senator from Tennessee [Mr. TAYLOR].

Mr. ELKINS. My colleague [Mr. SCOTT] is paired with the senior Senator from Florida [Mr. TALIAFERRO]. If my colleague were present, he would vote "nay."

Mr. SIMMONS. I desire to inquire whether the senior Senator from Ohio [Mr. DICK] has voted.

The VICE-PRESIDENT. He has not.

Mr. SIMMONS. I have a pair with the senior Senator from Ohio on amendments, lasting until to-morrow. I transfer the pair to the Senator from Oklahoma [Mr. OWEN] and let my vote stand.

Mr. DIXON. I wish to announce that the Senator from Wyoming [Mr. CLARK] is absent on account of illness. He is paired with the senior Senator from Missouri [Mr. STONE].

The result was announced—yeas 28, nays 37, as follows:

YEAS—28.

| | | | |
|--------------|----------|-------------|--------------|
| Bacon | Clay | Hughes | Percy |
| Bailey | Crawford | Johnston | Purcell |
| Beveridge | Cummins | La Follette | Rayner |
| Borah | Dolliver | McEnery | Shively |
| Bristow | Fletcher | Martin | Simmons |
| Clapp | Frazier | Newlands | Smith, S. C. |
| Clarke, Ark. | Gore | Paynter | Stone |

NAYS—37.

| | | | |
|-----------|------------|------------|--------------|
| Aldrich | Carte | Guggenheim | Piles |
| Bourne | Crane | Hale | Root |
| Bradley | Cullom | Jones | Smith, Mich. |
| Brandegee | Curtis | Kean | Smoot |
| Brown | Dillingham | Lodge | Stephenson |
| Bulkeley | Dixon | Nelson | Sutherland |
| Burkett | Elkins | Nixon | Wetmore |
| Burnham | Frye | Oliver | |
| Burrows | Gallinger | Page | |
| Burton | Gamble | Perkins | |

NOT VOTING—27.

| | | | |
|-------------|---------|------------|------------|
| Bankhead | Depew | McCumber | Smith, Md. |
| Briggs | Dick | Money | Taliaferro |
| Chamberlain | du Pont | Overman | Taylor |
| Clark, Wyo. | Flint | Owen | Tillman |
| Culberson | Foster | Penrose | Warner |
| Daniel | Heyburn | Richardson | Warren |
| Davis | Lorimer | Scott | |

So the amendment of Mr. CUMMINS was rejected.

Mr. CUMMINS obtained the floor.

Mr. BACON. I have an amendment in regard to this section. If what the Senator from Iowa proposes does not relate to that, I ask that he let me proceed.

Mr. CUMMINS. The Republican minority of the committee has two further amendments to this—

Mr. BACON. To this same section?

Mr. CUMMINS. To these six sections.

Mr. BACON. All right.

Mr. CUMMINS. And if it is just as agreeable to the Senator from Georgia I should be very glad to present them.

Mr. BACON. My amendment relates to the first section upon which we have just acted, and I thought possibly with the matter fresh in the minds of Senators it would be better to vote upon it now than later.

Mr. CUMMINS. I have no objection.

Mr. BACON. I offer an amendment striking out sections 1 and 2 and inserting in lieu thereof the matter contained in this amendment. I will ask that only so much of the amendment as is found on pages 1, 2, 3, 4, and 5, to the ninth line, be now read, because the balance of the amendment relates to changes that will be made necessary if that portion of the amendment be adopted. It is not necessary to read that until the Senate has acted upon it.

If the Senate will pardon me before the amendment is read, I wish to make a short statement. Possibly Senators will better understand what it is. This amendment proposes to substitute the circuit courts of appeals for the commerce court, which is provided for in the bill. In other words, the circuit courts of appeals, if this amendment is adopted, will have the same jurisdiction and the same powers in regard to interstate commerce business that it is proposed to be vested in this particular court, and the amendment is to that effect. I simply make this reference to it to explain it. I now ask that the amendment be read.

The SECRETARY. It is proposed to strike out sections 1 and 2 and to insert in lieu thereof the following:

SECTION 1. That the several circuit courts of appeals, as established by the act entitled "An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdictions of the courts of

For that reason I have offered this amendment; and I desire to state, for I do not think it is improper that I should do so, that I have conferred with eminent judges now upon the bench in regard to it, and it has been presented in harmony with their views. Of course, judges have not volunteered these things, but it has not been improper for them, upon the matter being brought to their attention by those of us who are charged with that responsibility, to give us their views in regard to it; and I am prepared to say that there are eminent judges now on the bench who have been consulted with reference to the amendment, and in their opinion it is vastly superior to the proposition to constitute this proposed commerce court.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Georgia.

Mr. HALE. I was not present when the amendment was read. Let the amendment be again read.

The PRESIDING OFFICER. The amendment will be again read.

Mr. BACON. I will state to the Senator from Maine, if the Chair will pardon me a moment, that it probably will not be necessary to read all the amendment, but the first part of it, in which the change is made. I want to have it read as far as the Senator desires, but it is quite long, and I will say to him that, in the main, in so far as the powers of the court are concerned, and so forth, it is substantially a copy of the bill, and the principal change is in the substitution of this court for the proposed commerce court.

Mr. HALE. I wish to have the language dealing with that feature read.

Mr. BACON. Yes; that is what I thought, and that probably it might not be necessary to read the entire amendment.

The PRESIDING OFFICER. The amendment is to strike out sections 1 and 2 and to insert as the Secretary will read.

Mr. BACON. Beginning at the beginning.

The Secretary read as follows:

SECTION 1. That the several circuit courts of appeals, as established by the act entitled "An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdictions of the courts of the United States, and for other purposes," approved March 3, 1891, shall have exclusive original jurisdiction to exercise in chambers and term time over all cases of the following kinds, but no other different or greater jurisdiction with respect thereto than is now possessed and exercised under existing law by the circuit courts of the United States: First. All cases for the enforcement otherwise than by adjudication—

Mr. HALE. That is sufficient.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Georgia. [Putting the question.] The yeas seem to have it.

Mr. BACON. What is the motion? I could not hear it.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Georgia.

Mr. BACON. It was not understood here.

The PRESIDING OFFICER. The Chair will put the question again. The question is on the amendment proposed by the Senator from Georgia. Senators in favor of the amendment will say "aye," contrary "no." [Putting the question.] The yeas seem to have it. The yeas have it.

Mr. BACON. I desire to say that I do not call for the yeas and nays simply because the vote indicates that it probably will be practically the same as that which has already been taken. Otherwise I should certainly call for the yeas and nays. I do not desire unnecessarily to consume time. I deem it proper to make this announcement in order that it may not appear to have been passed by without reference to the question of the yeas and nays.

So Mr. BACON'S amendment was rejected.

The PRESIDING OFFICER. The Secretary will proceed with the reading of the bill.

Mr. CUMMINS. Before offering the amendment I have before me, I desire to propose an amendment to the bill and ask that it be printed and lie on the table, to be offered hereafter; and also a second amendment, to be likewise printed and lie on the table.

The PRESIDING OFFICER. Without objection, the amendments will be printed and lie on the table.

Mr. CUMMINS. I desire also to modify the amendment proposed by myself, representing the minority of the committee, on March 18, 1910, striking out sections 13, 14, and 15. The amendment proposed at that time will be found printed on pages 30 and 31 of the reprint of the bill of April 7, 1910.

I desire the amendment reprinted with the following inserted after the word "purpose," on page 31, line 15.

If the orders I requested are entered, I now offer another amendment to the bill.

The PRESIDING OFFICER. The order will be entered, as requested. The Secretary will read the amendment.

The SECRETARY. On page 2, line 24, strike out the word "five" and insert the word "three" before the word "judges," so that if amended it will read:

The said court shall be composed of three judges.

Mr. CUMMINS. There are a series of amendments on the paper sent to the desk. They are of like import. They are intended to so change the bill that the court of commerce will be composed of three judges instead of five judges.

The PRESIDING OFFICER. The entire amendment will be read.

Mr. CUMMINS. I would be very glad if the amendments could be considered together, because they are a part of the same proposition.

Mr. KEAN. May I ask the Senator from Iowa if the amendments now offered treat of salaries too?

Mr. CUMMINS. They do not.

Mr. ALDRICH. I suggest that the amendments be read so that we may know what they are.

The PRESIDING OFFICER. The amendments will be read in full.

The SECRETARY. On page 2, line 24, strike out "five" and insert "three," so as to change the number of judges from five to three; on page 3, line 2, strike out "five" and insert "three," so as to read:

For the period of three years.

On page 3, line 4, strike out the word "five" where it reads "five additional circuit judges" and insert "three," so as to read:

Three additional circuit judges.

On page 3, line 6, after the word "three," strike out the comma; and also strike out the word "four," with the comma after the same, and the words "and five," and insert the word "and" after the word "two," so as to read:

Shall be designated by the President to serve for one, two, and three years, respectively.

Mr. CUMMINS. Mr. President, I ask the consent of the Senate that these amendments may be disposed of in a single vote, because it would be very incongruous if one of them should be adopted and the others defeated. I desire above all things to maintain a certain harmony in the bill.

I have but a word to say about the amendments. The bill as it is now establishes a court of five members. There certainly must be very grave doubts in the minds of Senators whether the work to be done will require the services of five members of the new court. I do not believe there is work for one judge continuously, but I would be unwilling to establish a court with a single judge because of the gravity of the questions that would be presented to the court. Therefore, in order that the tribunal may be as inexpensive as possible, having due regard to its entire efficiency in transacting all the business that can possibly come before it, I have offered these series of amendments. Whenever debate upon them is closed, I wish to ask for the yeas and nays.

The PRESIDING OFFICER. In the absence of objection the several items in the proposed amendments will be treated as one amendment. The Chair hears no objection. The question is on the amendments.

Mr. CUMMINS. I ask for the yeas and nays.

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

Mr. KEAN (when the name of Mr. BRIGGS was called). My colleague [Mr. BRIGGS] is necessarily absent. He is paired with the Senator from Virginia [Mr. DANIEL]. If my colleague were present he would vote "nay."

Mr. DILLINGHAM (when his name was called). Again I announce my general pair with the Senator from South Carolina [Mr. TILLMAN]; but I transfer that pair on this vote and all other votes to-day to the Senator from Delaware [Mr. DU PONT], and vote. I vote "nay."

Mr. FLINT (when his name was called). I again announce my pair with the senior Senator from Texas [Mr. CULBERSON]. If he were present I should vote "nay."

Mr. PERCY (when Mr. MONEY'S name was called). My colleague [Mr. MONEY] is paired with the Senator from Wyoming [Mr. WARREN].

Mr. OLIVER (when his name was called). I am paired with the junior Senator from Oregon [Mr. CHAMBERLAIN], but I transfer that pair to my colleague [Mr. PENROSE] and vote "nay." I make this statement to apply to all other votes that may be taken to-day.

Mr. SIMMONS (when Mr. OVERMAN'S name was called). I again announce the absence of my colleague [Mr. OVERMAN] on official business. He is paired with the junior Senator from

Missouri [Mr. WARNER]. I shall not make the announcement again to-day.

Mr. SIMMONS (when his name was called). I am paired with the senior Senator from Ohio [Mr. DICK].

The roll call was concluded.

Mr. JOHNSTON. I desire to announce that my colleague [Mr. BANKHEAD] is paired with the Senator from Delaware [Mr. RICHARDSON], and that the Senator from Arkansas [Mr. DAVIS] is paired with the Senator from Illinois [Mr. LORIMER].

Mr. ROOT. I wish again to announce the pair of my colleague [Mr. DEFEW] with the Senator from Tennessee [Mr. TAYLOR].

The result was announced—yeas 25, nays 35, as follows:

| YEAS—25. | | | |
|------------------|------------|-------------|--------------|
| Bacon | Clay | Hughes | Purcell |
| Bailey | Crawford | Johnston | Rayner |
| Beveridge | Cummins | La Follette | Shively |
| Borah | Dolliver | Martin | Smith, S. C. |
| Bourne | Fletcher | Newlands | |
| Bristow | Frazier | Paynter | |
| Clapp | Gore | Percy | |
| NAYS—35. | | | |
| Aldrich | Carter | Guggenheim | Perkins |
| Bradley | Crane | Hale | Piles |
| Brandegee | Cullom | Jones | Root |
| Brown | Curtis | Kean | Smith, Mich. |
| Bulkeley | Dillingham | Lodge | Smoot |
| Burkett | Elkins | McInery | Stephenson |
| Burnham | Frye | Nixon | Sutherland |
| Burrows | Gallinger | Oliver | Wetmore |
| Burton | Gamble | Page | |
| NOT VOTING—32. | | | |
| Bankhead | Depew | McCumber | Simmons |
| Briggs | Dick | Money | Smith, Md. |
| Chamberlain | Dixon | Nelson | Stone |
| Clark, Wyoming | du Pont | Overman | Tallafarro |
| Clarke, Arkansas | Filart | Owen | Taylor |
| Culberson | Foster | Penrose | Tillman |
| Daniel | Heyburn | Richardson | Warner |
| Davis | Lorimer | Scott | Warren |

So the amendment of Mr. CUMMINS was rejected.

The PRESIDING OFFICER. The Secretary will proceed with the reading of the bill.

Mr. CUMMINS. I offer the amendments which I send to the desk. I may say, before the Secretary reports them, that they refer to a single subject, which I shall explain as soon as the Secretary has read the amendments.

The PRESIDING OFFICER. The Secretary will state the amendments proposed by the Senator from Iowa [Mr. CUMMINS].

The SECRETARY. It is proposed to strike out, in line 9, page 8, the words "United States" and to insert the words "Interstate Commerce Commission."

Strike from lines 11 and 12, page 8, the words "and in the Department of Justice."

Strike out lines 8, 9, 10, and 11 and the words "United States, and," in line 12, page 11, leaving section 4 to read:

SEC. 4. The United States may intervene in any case or proceeding in the court of commerce whenever, though it has not been made a party, public interests are involved.

Strike out section 5, being from and including line 15, page 11, to and including line 3, page 12.

Mr. CUMMINS. Mr. President, I assume that these amendments will provoke some discussion. They are intended to restore this bill to the practice or procedure of the present law, so far as suits brought against the Interstate Commerce Commission are concerned.

It will be remembered that in this part of the bill it is provided that all such suits as have heretofore been brought against the Interstate Commerce Commission to set aside, annul, or restrain the orders of that body shall hereafter be brought against the United States; that notice in such suits shall be served upon the Attorney-General; and that he may, in behalf of the United States, defend them. These amendments strike out such parts of the bill as so provide; but, in so far as the first six sections are concerned, which relate to the court of commerce, they would remain, authorizing the procedure with which we are at the present time familiar.

I believe that one of the vicious things about the bill as it originally came into the Senate was the transfer of the defense of cases arising upon orders entered by the Interstate Commerce Commission from the commission to the Attorney-General. I expressed my views upon that subject with some earnestness and at some length when I originally reviewed the bill. Reflection has only strengthened the conviction I then held. We will make a serious mistake if we dismiss the Interstate Commerce Commission from the defense of suits which involve the validity of its orders and substitute for the commission the Attorney-General of the United States.

I have no disposition to discriminate among Attorneys-General. There are some good ones and there are some bad ones; there are some wise ones and there are some foolish ones; there are some who have great skill in the law and there are some who have not. I want it to be distinctly understood that I am not basing these amendments upon any weakness or any strength of any Attorney-General we have ever had or upon the probability of Attorneys-General in the years to come. The principle established by the bill is bad and will render, in a measure, the law ineffective. All Senators know the character of these cases; but I may be permitted to develop, I think without offense, some of the characteristics of these cases.

A complaint is filed before the Interstate Commerce Commission, either by a shipper or by a civic organization interested in railway rates and seeking relief. The commission at once begins to investigate, sometimes employing its own lawyer for the purpose and sometimes depending upon the counsel employed by the aggrieved shipper or organization. These complaints involve intricate accounts; they involve usually the review of many economic, industrial, and commercial conditions; and they usually drag their weary way over a period of many months. You have just put upon the people of the United States a court of commerce, upon the pretense, or upon the assumption—I will not call it a "pretense"—that there has been great delay in the circuit courts of the United States in the disposition of the cases over which this new court is to have jurisdiction; whereas the real delay is in the Interstate Commerce Commission.

I do not mean to criticize the commission, because I believe that a more energetic and faithful and hard-worked body of men are not known to the laws of the United States than the Interstate Commerce Commission; but, instead of an average of four months, as we have seen in the average of cases in the courts, I venture to say—although I have not examined the matter, and I can not be accurate—that the average of the cases of any importance in the Interstate Commerce Commission is more than two years, and always will be so.

It is a record of that sort that precedes the conclusion of the commission, and during the course of that examination the members of the Interstate Commerce Commission and the counsel who have been employed by the Interstate Commerce Commission, or who have appeared for the complainant shipper or organization have become familiar to the last detail and most minutely with all the conditions and circumstances surrounding the case. The commission decides it, and the railway company believes, we will assume, that the order of the commission so far transcends its authority or is such an abuse of its discretion that it can successfully attack the order in court, and then the suit is brought, not in the circuit court of the United States but, as the Senate has just ordained, in the commerce court sitting at Washington. Do you not think that a commission which has already reached the conclusion that the complaint of the shipper or of the organization, as it may be, is well founded, can better defend that case than an Attorney-General who knows nothing whatsoever about it, and who can not, without infinite pains and patience and time, become familiar with what the Interstate Commerce Commission already knows and with what its counsel has already developed?

But that is not the most serious objection to this proposition. The most serious one is that when the case comes to the Attorney-General, ignorant as he is with regard to what has transpired, it is for him to determine whether or not he will defend the case at all. I had some discussion about this matter when I addressed the Senate upon the subject before. No matter how much confidence we may have in the Attorney-General, nevertheless when that case comes to him, he is bound in his conscience to examine it and to defend it if he believes there is a good defense; but if he believes there is no defense, it becomes his duty to refuse to defend it. And yet the Interstate Commerce Commission has, after long investigation, decided that the complainant had a grievance and ought to have a remedy. Are you intending to destroy the relief which the commission has granted in such a case to the shipper simply because the Attorney-General differs from the commission respecting the merits of the controversy? It is a most extraordinary proposition.

Now, tell me why this proposition is made anyway? Why do you take away from the Interstate Commerce Commission this right to defend its orders? It does not save you any money; on the contrary, it adds to your annual expense. Does it make any more effective the defense? No; it takes away some of the protection we now have.

I will tell you why; and if you have pursued, and have become familiar with the course of this development, you will know why. It was thought by some very learned people that the whole scheme ought to be reorganized. It was believed that

Mr. FLINT presented a petition of Pomona Grange, No. 1, of Sonoma County, Cal., praying for the establishment of a national bureau of health, which was referred to the Committee on Public Health and National Quarantine.

Mr. BULKLEY presented a petition of Local Grange No. 74, Patrons of Husbandry, of Farmington, Conn., and a petition of Local Grange No. 78, Patrons of Husbandry, of Colchester, Conn., praying that an appropriation be made for the extension of the work of the Office of Public Roads, Department of Agriculture, which were ordered to lie on the table.

He also presented a petition of Local Grange No. 78, Patrons of Husbandry, of Colchester, Conn., praying for the establishment of a national bureau of health, which was referred to the Committee on Public Health and National Quarantine.

Mr. DILLINGHAM presented a memorial of Local Union No. 32, United Garment Workers of America, of Brattleboro, Vt., remonstrating against any increase in the rate of postage on second-class mail matter, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Religious Society of Friends, of Plainfield, N. J., praying for the enactment of legislation to suppress the so-called "white-slave traffic," which was ordered to lie on the table.

Mr. SIMMONS presented a petition of the Chamber of Commerce of Hickory, N. C., praying for the enactment of legislation making certain changes in the present discriminatory freight rates, which was referred to the Committee on Interstate Commerce.

Mr. BURKETT presented a communication from the Beaver City Telephone Company, of Beaver City, Nebr., transmitting resolutions adopted by the Missouri Independent Telephone Association, favoring the enlargement of the powers of the Interstate Commerce Commission, giving them jurisdiction over telephone companies, which were referred to the Committee on Interstate Commerce.

Mr. ROOT presented resolutions adopted by the New York Board of Trade and Transportation favoring an appropriation of \$250,000 to provide for a tariff commission, which were referred to the Committee on Appropriations.

Mr. OWEN. I present a telegram in the nature of a petition from the Farmers' Educational and Cooperative Union of America and the American Society of Equity in joint convention assembled at St. Louis, Mo., May 7, 1910, which I ask may be printed in the Record and referred to the Committee on Public Health and National Quarantine.

There being no objection, the petition was referred to the Committee on Public Health and National Quarantine and ordered to be printed in the Record, as follows:

St. Louis, Mo., May 7, 1910.

Hon. R. L. OWEN.

United States Senate, Washington, D. C.:

The following resolutions adopted by rising vote. Kindly file copy with Committee on Public Health and give copy to every member of the Senate in the name of the organized farmers of the country.

Whereas the preservation of the national health is a matter of the utmost importance to all the farmers of the country; and

Whereas it is proposed to establish a national department of health, which will assume the functions of the various bureaus for the Federal Government having charge of this subject and form a practical working organization, which will cooperate with the States in all matters relating to the public health: Therefore

Resolved, That the Farmers' Educational and Cooperative Union of America and the American Society of Equity, in joint convention assembled, pray for the establishment of a national department of health and urge upon Congress the immediate enactment of legislation for this purpose.

C. S. BARRETT, President Farmers' Union.

Mr. HEYBURN presented the petition of Asenath Roberts and 41 other citizens of Wardner, Idaho, praying for the enactment of legislation admitting to the mails publications of fraternal societies as second-class matter, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Local Grange No. 40, Patrons of Husbandry, of Emmett, Idaho, and a petition of Local Grange No. 54, Patrons of Husbandry, of Dale, Idaho, praying for the establishment of a national bureau of health, which were referred to the Committee on Public Health and National Quarantine.

He also presented a petition of the Philadelphia Yearly Meeting of the Religious Society of Friends of Pennsylvania, praying for the enactment of legislation to prohibit the so-called "white-slave traffic," which was ordered to lie on the table.

Mr. FRYE presented petitions of Rowe's Corner Grange, No. 583, of Auburn; of New Century Grange, of Dedham; of Local Grange of Gardiner, and of Eastern Star Grange, of Bangor, all of the Patrons of Husbandry, in the State of Maine, praying that an appropriation be made for the extension of the work of the Office of Public Roads, Department of Agriculture, which were ordered to lie on the table.

He also presented a petition of Local Union No. 549, Painters and Decorators, of Erie, Pa., praying for the enactment of legislation to amend the laws governing the seamen of the American merchant marine, which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

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

A bill (H. R. 6766) for the relief of R. Q. Merrick (Report No. 696);

A bill (H. R. 2648) for the relief of Harry W. Krumm, postmaster at Columbus, Ohio (Report No. 697); and

A bill (S. 7314) for the relief of Carl Krueger (Report No. 698).

Mr. BRADLEY, from the Committee on Claims, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to, and the bills were postponed indefinitely:

A bill (S. 3631) for the relief of E. Scott Arrington (Report No. 699); and

A bill (S. 7420) for the relief of J. Walter Duncan (Report No. 700).

Mr. OLIVER, from the Committee on Claims, to whom was referred the bill (H. R. 11524) for the relief of James T. Caswell, postmaster at Narragansett Pier, R. I., reported it without amendment and submitted a report (No. 701) thereon.

Mr. OWEN, from the Committee on Indian Affairs, to whom was referred the bill (S. 1978) providing for the enrollment of certain persons as members of the Osage tribe of Indians, reported it with amendments and submitted a report (No. 702) thereon.

ALASKA SHORT LINE RAILWAY AND NAVIGATION COMPANY.

Mr. PILES. From the Committee on Territories I report back favorably with amendments the bill (S. 7056) to extend the time for construction and beginning construction of the Alaska Short Line Railroad in Alaska, and I submit a report (No. 695) thereon. I request the immediate consideration of the bill.

Mr. ELKINS. Will it excite debate, I will ask the Senator from Washington?

Mr. PILES. Oh, no; there will be no debate about it. It is simply a little railroad in competition with no other line. The bill merely proposes that the time for construction shall be extended.

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

The amendments were, on page 1, line 1, after the word "Alaska," to insert "by the Alaska Short Line Railway and Navigation Company;" in line 5, page 1, to strike out "twelve" and insert "eleven," so as to read "1911;" on page 1, line 9, to strike out "twelve" and insert "eleven," so as to read "1911;" and on page 2, line 3, at the end of the bill, after the word "Alaska," to insert a colon and the following additional proviso:

Provided further, That if the actual construction of the road be not commenced within one year after June 1, 1910, the right hereby granted shall not be so construed as to interfere with the attachment of other rights prior to the commencement of such construction.

So as to make the bill read:

Be it enacted, etc., That in consideration of the construction of the Alaska Short Line Railroad in Alaska by the Alaska Short Line Railway and Navigation Company being actually commenced prior to June 1, 1911, the time for the completion of the survey and construction of said railroad be, and the same is hereby, extended to a period of three years from said 1st day of June, A. D. 1911: *Provided,* That said company shall file with the Secretary of the Interior maps of definite location of its line of road prior to the beginning of the construction of any 20-mile section thereof, the same to be approved by the Secretary of the Interior, as is now required by the act approved May 14, 1898, providing for right of way for railroads in the District of Alaska: *Provided further,* That if actual construction of the road be not commenced within one year after June 1, 1910, the right hereby granted shall not be so construed as to interfere with the attachment of other rights prior to the commencement of such construction.

The amendments were agreed to.

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

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

The title was amended so as to read: "A bill to extend the time for construction and beginning of construction of its line of railway in Alaska by the Alaska Short Line Railway and Navigation Company."

BILLS INTRODUCED.

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

By Mr. BOURNE:

A bill (S. 8237) granting an increase of pension to Daniel J. Haynes (with an accompanying paper); to the Committee on Pensions.

By Mr. FLINT:

A bill (S. 8238) for the relief of Henry Prince and certain other army officers and their heirs or legal representatives; to the Committee on Military Affairs.

A bill (S. 8239) granting a pension to Harry McFarlin; and
A bill (S. 8240) granting an increase of pension to Gunner Larsan (with an accompanying paper); to the Committee on Pensions.

By Mr. PILES:

A bill (S. 8241) providing for the reappraisal and sale of certain lands in the town site of Port Angeles, Wash., and for other purposes (with an accompanying paper); to the Committee on Public Lands.

By Mr. CARTER:

A bill (S. 8242) to meet unusual conditions in the postal service, and for other purposes; to the Committee on Post-Offices and Post-Roads.

By Mr. MARTIN:

A bill (S. 8243) for the relief of the trustees of the Union Church, of Frederick County, Va.;

A bill (S. 8244) for the relief of the heirs of C. T. Clatterbuck, deceased;

A bill (S. 8245) for the relief of the heirs of John E. Lewis, deceased; and

A bill (S. 8246) for the relief of Charles F. Smith and others; to the Committee on Claims.

By Mr. BURTON:

A bill (S. 8247) granting a pension to Alice Jordan; and
A bill (S. 8248) granting an increase of pension to George A. James; to the Committee on Pensions.

By Mr. FRYE:

A bill (S. 8249) granting a pension to Mary H. Jones; to the Committee on Pensions.

By Mr. ALDRICH:

A bill (S. 8250) granting an increase of pension to Violetta M. Weaver;

A bill (S. 8251) granting an increase of pension to Lydia A. Verry;

A bill (S. 8252) granting an increase of pension to John V. Perkins;

A bill (S. 8253) granting an increase of pension to Samuel J. Goldsmith;

A bill (S. 8254) granting an increase of pension to Mary I. Kenyon;

A bill (S. 8255) granting an increase of pension to Louise B. Barnard;

A bill (S. 8256) granting an increase of pension to Louise Bowen;

A bill (S. 8257) granting an increase of pension to Mary Murray (with an accompanying paper);

A bill (S. 8258) granting an increase of pension to John A. Hall (with an accompanying paper);

A bill (S. 8259) granting an increase of pension to James G. Robertson (with an accompanying paper);

A bill (S. 8260) granting an increase of pension to Mary J. Lincoln (with an accompanying paper);

A bill (S. 8261) granting an increase of pension to Louise M. Wilson (with an accompanying paper); and

A bill (S. 8262) granting an increase of pension to Mary A. Wall (with an accompanying paper); to the Committee on Pensions.

By Mr. BRADLEY:

A bill (S. 8263) for the relief of Harvey Floyd and others; to the Committee on Claims.

By Mr. SIMMONS:

A bill (S. 8264) granting an increase of pension to Jefferson D. Coats (with an accompanying paper); to the Committee on Pensions.

By Mr. SHIVELY:

A bill (S. 8265) granting an increase of pension to William C. Fisher;

A bill (S. 8266) granting an increase of pension to Winfield S. Webster;

A bill (S. 8267) granting an increase of pension to Loren Shedd;

A bill (S. 8268) granting an increase of pension to Ira Adamson;

A bill (S. 8269) granting an increase of pension to Libbins W. Davis;

A bill (S. 8270) granting an increase of pension to William H. Power;

A bill (S. 8271) granting an increase of pension to John Richardson;

A bill (S. 8272) granting an increase of pension to Dorious Neel;

A bill (S. 8273) granting an increase of pension to Anna Eliza Dunkelberg;

A bill (S. 8274) granting a pension to Mary S. King (with accompanying papers);

A bill (S. 8275) granting an increase of pension to Enoch Allman (with accompanying papers);

A bill (S. 8276) granting an increase of pension to Francis Kelley (with accompanying papers);

A bill (S. 8277) granting an increase of pension to Lemuel Cohee (with accompanying papers);

A bill (S. 8278) granting a pension to E. Belle Platt (with accompanying papers); and

A bill (S. 8279) granting an increase of pension to Abraham G. Hendryx (with accompanying papers); to the Committee on Pensions.

A bill (S. 8280) to correct the military record of Oliver C. Rice and to grant him an honorable discharge; and

A bill (S. 8281) to correct the military record of William C. Horner and to grant him an honorable discharge; to the Committee on Military Affairs.

COURT OF COMMERCE, ETC.

Mr. SIMMONS submitted an amendment intended to be proposed by him to the bill (S. 6737) to create a court of commerce and to amend the act entitled "An act to regulate commerce, approved February 4, 1887," as heretofore amended, and for other purposes, which was ordered to lie on the table and be printed in the Record, as follows:

Add after the last proviso of the long-and-short-haul amendment this additional proviso: "Provided further, That when application is made to the said commission by a carrier to fix a lower rate for longer than for shorter distances on account of water competition, said application shall not be granted if the commission, after investigation, shall find that the lower rate asked for will destroy water competition."

AFFAIRS OF DECEASED INDIANS.

Mr. FLINT submitted an amendment intended to be proposed by him to the bill (H. R. 24992) to provide for determining the heirs of deceased Indians, for the disposition and sale of allotments of deceased Indians, for the leasing of allotments, and for other purposes, which was referred to the Committee on Indian Affairs and ordered to be printed.

WITHDRAWAL OF PAPERS—ELIZABETH B. PRESTON.

On motion of Mr. BURNHAM, it was

Ordered, That the papers in the case of Elizabeth B. Preston (S. 3187) be withdrawn from the files of the Senate, no adverse report having been made thereon.

MONTHLY PRICES OF COMMODITIES.

Mr. LODGE. I present a statement furnished by the United States Bureau of Labor on the monthly prices of commodities from January, 1909, to March, 1910. I move that the statement be printed and referred to the Select Committee on Wages and Prices of Commodities. (S. Doc. No. 549.)

The motion was agreed to.

SPANISH TREATY CLAIMS COMMISSION.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States (S. Doc. No. 550), which was read and, with the accompanying paper, referred to the Committee on Foreign Relations and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, for the information of the Congress, the final report of the Spanish Treaty Claims Commission, dated May 2, 1910.

THE WHITE HOUSE, May 17, 1910.

WM. H. TAFT.

NAVIGATION REGULATIONS.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 7359) to amend laws for preventing collisions of vessels and to regulate equipment of certain motor boats on the navigable waters of the United States.

Mr. GALLINGER. I move that the Senate disagree to the amendment made by the House of Representatives and ask for a conference on the differences between the two Houses, and that the Chair appoint the conferees on the part of the Senate.

I know something of the difficulties which such an intervener encounters when he is trying a lawsuit side by side with the Attorney-General of the United States. There is no kinship between them; there is no sympathy, and can be none, as you must have observed if you have watched with care the progress of these cases through the Supreme Court of the United States.

I hope, therefore, that even those Senators who believe in the spirit of the amendment offered by the Senator from Michigan [Mr. SMITH]—which unquestionably was intended by him to accomplish a worthy and beneficent purpose, that the Interstate Commerce Commission should still be intrusted with the power that we have heretofore given them, a power that, so far as I know, has never been betrayed; a power which, so far as I know, has never been abused; a power that has been exercised only for the benefit and the advantage and the welfare of the American people—will adhere to the amendment proposed by the minority of the committee and vote against the substitute proposed by the Senator from Michigan.

Mr. HEYBURN. Mr. President, I should like to ask the Senator from Iowa a question, if it will not bother him.

Mr. CUMMINS. I shall be very glad to answer any question that I can.

Mr. HEYBURN. May it not occur that the United States, represented by the Attorney-General, would be attacking the Interstate Commerce Commission, for the language here is "by or against the United States?" It would certainly be intolerable to have one of the branches of the Government attacking another branch in the courts.

Mr. CUMMINS. Precisely. I think, not under the second paragraph conferring jurisdiction upon the court of commerce, but upon other branches of the law and upon other subjects, the very situation which the Senator from Idaho has suggested may arise.

Mr. HEYBURN. Under section 4, under the provision that—

From and after the passage of this act all cases and proceedings in the court of commerce which, but for this act, would be brought by or against the Interstate Commerce Commission shall be brought by or against the United States.

I have some difficulty in adjusting the language "shall be brought by or against the United States." Then it goes on to provide for the Attorney-General representing the cause. Suppose this suit attacking the judgment of the Interstate Commerce Commission is brought against the United States, in what position would the Interstate Commerce Commission be placed? It would be defending against a proceeding brought by the United States in effect.

Mr. CUMMINS. Mr. President, I can not conceive of any such suit as that just mentioned by the Senator from Idaho.

Mr. HEYBURN. It is enumerated in the proposed statute.

Mr. CUMMINS. But I agree with the conclusion that is evidently in the mind of the Senator from Idaho, that it is simply absurd to mix up the Interstate Commerce Commission and the Department of Justice in this way.

Mr. HEYBURN. You can not bring them in without antagonizing one against the other. It would be intolerable.

Mr. CUMMINS. That is true.

Mr. HEYBURN. I think that some have lost sight of the fact that the court, when it once has jurisdiction, can settle many of these questions which have been debated to-day. The court has the inherent power to order in new parties. If it appears from the case as it develops that there are other real parties in interest who have not been made parties to the suit, a court of equity has the inherent power to order that they be brought in, and Congress can neither deprive them of that right nor can it confer it upon them. That is the power which the Constitution of the United States gives the courts. The wording of the Constitution in providing for the organization of the courts is very plain. Section 2 of Article III of the Constitution says:

The judicial power—

That is, of the United States courts—

shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, etc.

These suits will arise under the laws of the United States, and the judicial power to determine them is conferred, not by the provisions of an act of Congress, but by the inherent power vested in a court of equity under the organic law. The power would be in the court and could not be controlled by Congress. It would not be because of anything that we say in the nature of legislation that they might order parties into court to make them become parties. We could not say that they should not do it, because that is the exercise of the power of the court as distinguished from the jurisdiction. Congress defines the jurisdiction of the courts; it creates courts and defines their juris-

isdiction, but it does not limit their power, nor can it do so. The judicial power must always be clearly distinguished from jurisdiction, otherwise we fall into all kinds of mistakes.

This bill provides specifically that this court shall have equity jurisdiction as well as jurisdiction in actions at law. We have, therefore, created the jurisdiction of the court as an equity court and should stop there. To go further is useless. The minute provisions in reference to this matter and this discussion as to what the Attorney-General can do and what he can not do are far from the real question. When a case comes before the court and it has assumed jurisdiction, that court says what shall be done and how the case shall proceed. It is utterly unnecessary for us to attempt by legislation to control the exercise of that power.

Section 5 of this bill provides:

That the Attorney-General shall have charge and control of the interests of the Government—

Well, that is always subject to the control of a court of equity—

shall have charge—

The word "control" there is not necessary. He shall have charge of the proceedings in which the Government is interested. I repeat:

The Attorney-General shall have charge and control of the interests of the Government—

It is limited to that—

in all cases and proceedings in the court of commerce and in the Supreme Court of the United States upon appeal from the court of commerce.

That is not intended to control the court in any way; that is defining the duties of the Attorney-General, and not the duties nor the rights nor the privileges of the court in any manner whatever. The court would determine that under the rules that govern courts of equity. In conferring jurisdiction at law the rule is not exactly the same. Equity begins where law ends. The old definition of equity was that it is that with which the court deals wherein the law by reason of its universality is deficient. Equity does not exist coextensive with the law; but it exists beyond the law. The United States courts, whether it be the court of commerce or the Supreme Court of the United States, determine from the facts presented who are the real parties to a suit; and nothing that we can say about it can change it. They are not bound by any legislation upon that subject. If they find that there are other parties in interest who ought to be heard, who present to them a petition showing their interest, they will order them brought in, in spite of the limitations we might attempt to place in this bill.

It is for that reason that I have given slight heed to the provisions of this bill that attempt to go beyond that principle. They would be mere surplage; any court will take care of them; and if there were provisions in the bill—and there are some—that go beyond it, I would not think it worth while to make it a turning point upon which my vote should rest in this matter. I would leave it to the court, having confidence that the court would adjudicate these cases according to the rules governing a court of equity. I should rely upon that. If a party has been defrauded, if inequitable duties or restrictions have been imposed upon him by the Interstate Commerce Commission, a court of equity has the inherent power to correct it by any of the recognized proceedings in such a court. For that reason and the additional suggestion that I would not undertake to merge the Interstate Commerce Commission, whose judgment is to be reviewed at all, I can see no objection to this provision.

Mr. NEWLANDS. Mr. President, I should like to ask the Senator from Michigan whether he would object to the insertion in the amendment, on the first line, after the word "Attorney-General," of the words "acting under the direction of the Interstate Commerce Commission," so that it would read:

That the Attorney-General, acting under the direction of the Interstate Commerce Commission, shall have power and control of the interests of the Government—

And so forth.

Mr. SMITH of Michigan. Mr. President, I certainly will object to that, because it might very much more properly say the "Attorney-General, appointed by the Interstate Commerce Commission."

Mr. GALLINGER. Or, "acting under the direction of the Weather Bureau."

Mr. NEWLANDS. I do not quite understand the Senator from Michigan. Does the Senator object to those words?

Mr. SMITH of Michigan. Yes; I object to those words.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Michigan [Mr. SMITH] to the amendment of the Senator from Iowa [Mr. CUMMINS].

Mr. CUMMINS. I ask for the yeas and nays. The yeas and nays were ordered.

Mr. HEYBURN. Mr. President, as there is some confusion and the amendments apparently overlap, I should like to have the amendment upon which we are to vote read.

Mr. RAYNER. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum being suggested, the Secretary will call the roll.

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

| | | | |
|-------------|-----------|-------------|--------------|
| Aldrich | Clapp | Guggenheim | Penrose |
| Bacon | Clay | Hale | Percy |
| Beveridge | Crane | Heyburn | Perkins |
| Borah | Cullom | Hughes | Piles |
| Bourne | Cummins | Jones | Rayner |
| Bradley | Curtis | Kean | Root |
| Brandegee | Dixon | La Follette | Shively |
| Briggs | Dolliver | Lodge | Simmons |
| Bristow | du Pont | McEnery | Smith, Mich. |
| Brown | Elkins | Martin | Smoot |
| Bulkeley | Fletcher | Nelson | Stephenson |
| Burkett | Flint | Newlands | Taylor |
| Burnham | Frazier | Nixon | Wetmore |
| Burton | Frye | Oliver | |
| Carter | Gallinger | Owen | |
| Chamberlain | Gamble | Page | |

The PRESIDENT pro tempore. Sixty-one Senators have responded to their names. A quorum of the Senate is present. The question is on the amendment of the Senator from Michigan [Mr. SMITH] to the amendment of the Senator from Iowa [Mr. CUMMINS].

Mr. HEYBURN. I ask that the amendment upon which we are about to vote be stated.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to strike out all of section 5, and in lieu thereof to insert a new section 5, as follows:

Strike out section 5 of the bill and insert a new section 5, as follows:

"Sec. 5. That the Attorney-General shall have charge and control of the interests of the Government in all cases and proceedings in the commerce court, and in the Supreme Court of the United States upon appeal from the commerce court; and if, in his opinion, the public interest requires it, he may retain and employ in the name of the United States, within the appropriations from time to time made by the Congress for such purposes, such special attorneys and counselors at law as he may think necessary to assist in the discharge of any of the duties incumbent upon him and his subordinate attorneys; and the Attorney-General shall stipulate with such special attorneys and counsel the amount of their compensation, which shall not be in excess of the sums specifically appropriated therefor by Congress for such purposes, and shall have supervision of their action: *Provided*, That the Interstate Commerce Commission and any party or parties in interest to the proceeding before the commission, in which an order or requirement is made, shall be notified of the commencement of such proceedings and may appear as parties thereto of their own motion and as of right, and be represented by their counsel, in any suit wherein is involved the validity of such order or requirement or any part thereof, and the interest of such party; and the court wherein is pending such suit may make all such rules and orders as to such appearances and representations, the number of counsel, and all matter of procedure and otherwise, as to subserve the ends of justice and speed the determination of such suits: *Provided further*, That communities, associations, corporations, firms, and individuals, who are interested in the controversy or question before the Interstate Commerce Commission, or in any suit which may be brought by anyone under the terms of this act, or the acts of which it is amendatory, or which are amendatory of it relating to action of the Interstate Commerce Commission, may intervene in said suit or proceedings at any time after the institution thereof; and the Attorney-General shall not dispose of or discontinue said suit or proceeding over the objection of such party or intervenor aforesaid, but said intervenor or interveners may prosecute, defend, or continue said suit or proceeding unaffected by the action or nonaction of the Attorney-General of the United States therein."

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BRIGGS (when his name was called). I have a pair with the junior Senator from North Dakota [Mr. PURCELL]. I transfer that pair to the senior Senator from New York [Mr. DEPEW] and vote. I vote "yea."

Mr. SMITH of Michigan (when Mr. BURROWS's name was called). My colleague, the senior Senator from Michigan [Mr. BURROWS], is necessarily absent from the Senate. I understand he is paired with the Senator from Alabama [Mr. JOHNSON]. If he were present, my colleague would vote "yea."

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN], who is absent from the Senate. I therefore withhold my vote.

Mr. FLINT (when his name was called). I am paired with the senior Senator from Texas [Mr. CULBERSON], who is unavoidably detained from the Senate. If he were present, I should vote "yea;" but as he is absent, I withhold my vote.

Mr. BACON (when Mr. FOSTER's name was called). I again announce the necessary absence of the Senator from Louisiana [Mr. FOSTER] on business of the Senate. I do not know whether or not he is paired.

Mr. ALDRICH. He is paired with the senior Senator from North Dakota [Mr. McCUMBER].

Mr. BACON. I am informed that the Senator from Louisiana [Mr. FOSTER] is paired with the senior Senator from North Dakota [Mr. McCUMBER]. If the Senator from Louisiana were present, he would vote "nay."

Mr. SIMMONS (when Mr. OVERMAN's name was called). My colleague [Mr. OVERMAN] is necessarily absent from the Chamber. He is paired with the junior Senator from Missouri [Mr. WARNER]. If he were present, my colleague would vote "nay."

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

Mr. DU PONT (when Mr. RICHARDSON's name was called). My colleague [Mr. RICHARDSON] is necessarily absent. If he were present, he would vote "yea."

Mr. FLETCHER (when Mr. TALLAFERRO's name was called). I desire to announce that my colleague [Mr. TALLAFERRO] is absent, and is paired with the Senator from West Virginia [Mr. SCOTT]. My colleague will be detained for some days, and I will not again make this announcement.

The roll call was concluded.

Mr. STONE. I announce my pair with the Senator from Wyoming [Mr. CLARK], who is detained from the Senate by reason of sickness. I therefore withhold my vote.

The result was announced—yeas 40, nays 23, as follows:

YEAS—40.

| | | | |
|-----------|-----------|---------|--------------|
| Aldrich | Cullom | Heyburn | Penrose |
| Bradley | Curtis | Hughes | Perkins |
| Brandegee | du Pont | Jones | Piles |
| Brown | Elkins | Kean | Root |
| Bulkeley | Fletcher | Lodge | Smith, Mich. |
| Burnham | Frye | McEnery | Smoot |
| Burton | Gallinger | Nelson | Stephenson |
| Carter | Gamble | Nixon | Sutherland |
| Crane | Hale | Oliver | Taylor |
| | | Page | Wetmore |

NAYS—23.

| | | | |
|-----------|-------------|-------------|--------------|
| Bacon | Chamberlain | Frazier | Percy |
| Beveridge | Clapp | La Follette | Rayner |
| Borah | Clay | Martin | Shively |
| Bourne | Cummins | Newlands | Simmons |
| Bristow | Dixon | Owen | Smith, S. C. |
| Burkett | Dolliver | Paynter | |

NOT VOTING—29.

| | | | |
|--------------|------------|------------|------------|
| Bailey | Davis | Lorimer | Stone |
| Bankhead | Depew | McCumber | Tallafarro |
| Burrows | Dick | Money | Tillman |
| Clark, Wyo. | Dillingham | Overman | Warner |
| Clarke, Ark. | Flint | Purcell | Warren |
| Crawford | Foster | Richardson | |
| Culberson | Gore | Scott | |
| Daniel | Johnston | Smith, Md. | |

So the amendment of Mr. SMITH of Michigan to the amendment of Mr. CUMMINS was agreed to.

Mr. ALDRICH. Mr. President, on page 18 of the print of the bill which I have, in line 23, I move to strike out the word "sixty" and insert the words "one hundred and twenty."

The PRESIDENT pro tempore. The amendment will be stated.

Mr. CUMMINS. Mr. President, as I remember, there is an amendment pending to this section that was offered last evening, but the consideration of which was postponed upon the request of the Senator from Rhode Island. It might be just as well to dispose first of the amendment I offered, although I do not care anything about that.

Mr. ALDRICH. I think it might as well be—

Mr. CUMMINS. I simply wanted to remind the Chair—

Mr. ALDRICH. The Senator's amendment is not pending.

Mr. CUMMINS. Of the fact that the amendment was pending, I do not know just what the parliamentary situation is. The amendment we have just voted on was postponed until to-day. Thereupon another amendment was offered and was pending, and it also was postponed until to-day. I thought that upon the disposition of the amendment just voted upon the other would automatically be before the Senate.

The PRESIDENT pro tempore. The Chair is of the opinion that the amendments offered by the Senator from Iowa, which were postponed until this morning, are pending amendments.

Mr. ALDRICH. Does the Chair rule—

Mr. CUMMINS. Mr. President, I hope the Chair will not think I am referring to the other amendments to this particular subject upon which we have now voted. Now I am referring to an amendment offered to section 9 of the bill, which provides that increases in railway rates shall not take effect until they are approved by the commission. That is the amendment that was offered just before we adjourned last evening and

He also presented a petition of the Twentieth Century Topic Club, of Wauwatosa, Wis., praying that an investigation be made relative to the charges that tuberculosis and other diseases are traceable to dairy products, which was referred to the Committee on Agriculture and Forestry.

Mr. BROWN presented a petition of the E. W. Hayes Division, No. 397, Brotherhood of Locomotive Engineers, of Beatrice, Nebr., praying for the passage of the so-called "boiler-inspection bill," which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Central Labor Union of Lincoln, Nebr., praying for the adoption of certain amendments to section 1753 of the Revised Statutes relating to the civil service; to the Committee on Civil Service and Retrenchment.

He also presented a petition of sundry members of the Ladies of the Maccabees of the World of Lincoln, Nebr., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. KEAN presented memorials from Pompton Valley Grange, No. 175, of Pompton Lakes; of Local Grange No. 64, of Pennington; of Local Grange No. 150, of Burlington; of Local Grange No. 25, of Mannington; of Local Grange No. 51, of Mullica Hill; of Oak Grove Grange, No. 119, of Pittstown; of Hamilton Grange, No. 79, of Hamilton Square; of Local Grange No. 123, of Cape May; of Blackwood Grange, No. 90, of Camden; of Livingston Grange, No. 104, of Chatham; of Local Grange No. 11, of Vineland; of Riverside Grange, No. 125, of Three Bridges; of Local Grange No. 67, of Vincentown; of Haddon Grange, No. 38, of Haddonfield; of Local Grange No. 101, of Sergeantsville; of Local Grange No. 166, of Blue Anchor; of Local Grange No. 36, of Medford; of Local Grange No. 179, of Clayton; of Liberty Grange, No. 99, of Bradevelt; and of Moravian Grange, No. 187, of Hope, all of the Patrons of Husbandry, in the State of New Jersey, remonstrating against the repeal of the present oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry citizens of Plainfield, N. J., praying for the enactment of legislation to suppress the so-called "white-slave traffic," which was ordered to lie on the table.

He also presented the petition of O. J. Schwat, of Newark, N. J., praying for the passage of the so-called "eight-hour bill," which was referred to the Committee on Education and Labor.

DEPARTMENT OF PUBLIC HEALTH.

Mr. OWEN. I present sundry abstracts which bear on the question of public health from the Oklahoma State Conference of Charities and Corrections, the president of the Iowa Medical Society, the Nebraska State Medical Association, the Grand Council of the Royal Arcanum of Minnesota, and of sundry granges, Patrons of Husbandry, together with a large number of communications signed by the governors of different States. I present them in the nature of memorials, and I should like to have them printed in the RECORD.

The PRESIDENT pro tempore. The Senator from Oklahoma asks that the papers he has sent to the desk be printed in the RECORD.

Mr. BACON. I should like to inquire of the Senator from Oklahoma what is the nature of the papers which he desires to go into the RECORD. It makes a tremendous volume if everything in the nature of a memorial goes into the RECORD.

Mr. OWEN. The matter which I submit are abstracts taken from letters of governors of States and very important organizations. None of them are merely from private individuals nor inconsequential, but they are matters which ought to be known to the Congress of the United States, and I wish to take this means of making them known.

Mr. BACON. I understand there is a bill pending on the subject, introduced by the Senator. It seems to me the proper reference of the papers is to the committee having charge of the matter. I have no objection in the world except the tremendous volume that is added to the contents of the RECORD if matters in the shape of memorials are printed. Of course if it is allowed in one case, it must be allowed in others.

Mr. GALLINGER. If the Senator will permit me, I will state that for many years after I became a member of this body we were very chary about printing any such matters in the RECORD, but for the last year or two we have for some reason or other printed perhaps everything that Senators have asked. I think we ought to be more careful than we are about loading down the RECORD with all sorts of petitions and memorials. I think it would be better to have this matter printed as a document.

Mr. BACON. Of course, there would be no objection in the world to that.

Mr. OWEN. My purpose, Mr. President, was that this matter, which is very important, should be made known to the members of the Senate and House of Representatives.

Mr. GALLINGER. There are hearings going on now, and I apprehend that this very material, or substantially the same, will likely be printed with the hearings.

Mr. OWEN. Undoubtedly that is the case; but I wish this matter to be made known to the members of the Senate, where they will see it conveniently in the RECORD, and to Members of the House. I take it that it would not be out of order for me to read the matter in the form of a speech, and put it in the RECORD in that way. I thought it would be more convenient to put it in the RECORD in this form. If Senators prefer that I should deliver it as a portion of a speech, I will take that course.

Mr. GALLINGER. It might then be heard by some Senators. If it goes in the RECORD in the form the Senator asks, it will never be read by Senators; that is certain.

Mr. OWEN. I hardly feel willing to accede to that suggestion. Some Senators of course will not read it, but I think some may. It is a matter which I regard of the deepest importance and consequence. I am very much concerned in it; and I am very desirous that the Senate and the House should be aware of this matter.

Mr. GALLINGER. Congress has taken cognizance of this matter to the extent of giving extended hearings on the subject, which are now in progress, and they will all be printed. This very material will be printed as a part of those hearings.

Mr. BACON. I spoke of the fact, as I understood it, that there was a bill pending which had been introduced by the Senator from Oklahoma upon the subject to which these memorials relate. Am I correct in that?

Mr. OWEN. Yes.

Mr. BACON. It seems to me that the proper reference is to the committee having that bill in charge, but of course if the Senator insists, there is no purpose on the part of anyone, I suppose, to endeavor to interpose. We simply desired to suggest to him in the interest of the proper volume of the contents of the RECORD, as the matter is going to be printed anyhow in another shape, and nobody would object to its being printed in the shape of a document, it might possibly constitute a consideration which would change the Senator's view in regard to it. But if the Senator insists upon it, of course I shall not pursue the matter further.

Mr. GALLINGER. I will suggest, further, that I notice by the newspapers there is a very earnest movement on the other side of this question, and of course those gentlemen—Mr. Flower, of the Arena, and other gentlemen—will come in and ask us to put their material in the RECORD. I really think we ought not to do it. That is my judgment.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Oklahoma?

Mr. GALLINGER. Mr. President, I object.

The PRESIDENT pro tempore. Objection is made.

NAVAL APPROPRIATION BILL.

Mr. PERKINS. I am directed by the Committee on Naval Affairs, to whom was recommitted the bill (H. R. 23311) making appropriations for the naval service for the fiscal year ending June 30, 1911, and for other purposes, to report it with amendments, and I submit a report (No. 711) thereon. I am also directed by the committee to give notice that to-morrow morning, immediately after the morning business, the bill will be called up for consideration, unless the railroad rate measure should interfere with it.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

REPORTS OF COMMITTEES.

Mr. WETMORE, from the Committee on Public Buildings and Grounds, to whom were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 8090) to provide for the purchase of a site and the erection of a public building thereon at Narragansett Pier, in the State of Rhode Island (Report No. 708); and

A bill (S. 5254) to increase the limit of cost of the public building at Missoula, Mont. (Report No. 709).

Mr. BULKELEY, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 6217) to provide for the purchase of a site and the erection of a public building at Lorain, Ohio, reported it with amendments and submitted a report (No. 710) thereon.

Mr. GAMBLE, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 186) providing for

the erection of a public building in the city of Brookings, S. Dak., reported it with an amendment and submitted a report (No. 712) thereon.

Mr. CHAMBERLAIN, from the Committee on Public Lands, to whom was referred the bill (S. 5628) relating to homestead entries in the former Siletz Indian Reservation, in the State of Oregon, reported it with an amendment and submitted a report (No. 713) thereon.

He also, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 48) granting to the Siletz Power and Manufacturing Company a right of way for a water ditch or canal through the Siletz Indian Reservation, in Oregon, reported it without amendment and submitted a report (No. 714) thereon.

Mr. TAYLOR, from the Committee on Public Buildings and Grounds, to whom were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 3892) to provide for the purchase of a site and the erection of a public building thereon at Rochester, in the State of New Hampshire (Report No. 715);

A bill (S. 7427) for the purchase of a site and erection of a public building at Humboldt, Tenn. (Rept. No. 716); and

A bill (S. 578) to erect a post-office building in the city of Morristown, Tenn. (Report No. 717).

Mr. FRYE, from the Committee on Commerce, to whom was referred the bill (S. 5677) to promote the efficiency of the Life-Saving Service, reported it with amendments and submitted a report (No. 718) thereon.

Mr. HUGHES, from the Committee on Public Lands, to whom was referred the bill (S. 7668) to grant certain lands to the city of Colorado Springs, the town of Manitou, and the town of Cascade, Colo., reported it with amendments and submitted a report (No. 721) thereon.

He also, from the same committee, to whom was referred the bill (S. 8108) to amend an act entitled "An act creating the Mesa Verde National Park," approved June 29, 1906, reported it without amendment and submitted a report (No. 719) thereon.

He also, from the same committee, to whom was referred the joint resolution (H. J. Res. 164) construing section 6 of the act of May 29, 1908, entitled "An act authorizing a resurvey of certain townships in the State of Wyoming, and for other purposes," reported it without amendment and submitted a report (No. 720) thereon.

Mr. ROOT, from the Committee on Foreign Relations, to whom was referred the bill (S. 6877) to amend an act entitled "An act to incorporate the American National Red Cross," approved January 5, 1905, reported it with amendments and submitted a report (No. 722) thereon.

Mr. PURCELL, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 22642) to authorize the Secretary of the Interior to sell a portion of the unallotted lands in the Cheyenne Indian Reservation, in South Dakota, to the Milwaukee Land Company for town-site purposes, reported it with amendments and submitted a report (No. 723) thereon.

Mr. BULKELEY, from the Committee on Military Affairs, to whom was referred the bill (H. R. 18556) for the relief of Charles Kehoe, reported it without amendment and submitted a report (No. 724) thereon.

He also, from the same committee, to whom was referred the bill (S. 8238) for the relief of Henry Prince and certain other army officers and their heirs or legal representatives, asked to be discharged from its further consideration and that it be referred to the Committee on Claims, which was agreed to.

HEIRS OF FRANCIS H. BACON, DECEASED.

Mr. BURNHAM, from the Committee on Claims, reported the following resolution (S. Res. 238), which was considered by unanimous consent and agreed to:

Senate resolution 238.

Resolved, That in compliance with a communication from the chief justice of the Court of Claims, the Secretary of the Senate be, and he is hereby, directed to return to the Court of Claims the congressional case of William H. Bacon and Annie M. Smith, heirs at law of Francis H. Bacon, deceased, No. 10942 (C. and F. 191), certified to the President of the Senate under date of February 14, 1908 (S. Doc. 276, 60th Cong., 1st sess.), and the said court is hereby authorized to proceed in said case as if no return therein had been made to the Senate.

BILLS INTRODUCED.

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

By Mr. GUGGENHEIM:

A bill (S. 8294) granting a pension to Mary S. W. Frain; to the Committee on Pensions.

A bill (S. 8295) for the relief of the estate of Samuel H. Elbert; to the Committee on Claims.

A bill (S. 8296) to authorize the President to appoint Col. James W. Pope, assistant quartermaster-general, to the grade of brigadier-general in the United States Army and place him on the retired list; to the Committee on Military Affairs.

By Mr. BULKELEY:

A bill (S. 8297) for the erection of a public building at New Haven, Conn.; to the Committee on Public Buildings and Grounds.

By Mr. ELKINS:

A bill (S. 8298) granting a pension to Albert L. Graves; and a bill (S. 8299) granting a pension to Lucinda Phares (with an accompanying paper); to the Committee on Pensions.

By Mr. HEYBURN:

A bill (S. 8300) to authorize the extension of Seventeenth street NE.; to the Committee on the District of Columbia.

By Mr. TAYLOR:

A bill (S. 8301) granting an increase of pension to Edwin P. McFarland; to the Committee on Pensions.

By Mr. BROWN:

A bill (S. 8302) for the relief of Walter M. Sheppard and Louise J. Sheppard; to the Committee on Claims.

By Mr. GALLINGER:

A bill (S. 8303) to authorize the Commissioners of the District of Columbia to suspend and revoke certain licenses and permits (with an accompanying paper); to the Committee on the District of Columbia.

By Mr. CLAPP:

(By request.) A bill (S. 8304) to amend section 24 of an act entitled "An act to authorize the Secretary of the Interior to issue patents in fee to purchasers of Indian lands under any law now existing or hereafter enacted, and for other purposes;" to the Committee on Indian Affairs.

A bill (S. 8305) to reimburse Dr. M. K. Knauff; to the Committee on Claims.

By Mr. BORAH:

A bill (S. 8306) granting an increase of pension to Sarah Coffin (with an accompanying paper); to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 8307) granting a pension to Michael Quinn (with an accompanying paper); to the Committee on Pensions.

By Mr. BEVERIDGE:

A bill (S. 8308) granting an increase of pension to Ralph C. Fesler (with accompanying papers); to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 8309) granting an increase of pension to Matilda Simpson; and

A bill (S. 8310) to provide for the disposition of pensions due inmates of the naval home; to the Committee on Pensions.

By Mr. BAILEY (by request):

A bill (S. 8311) for the relief of the legal representatives of the estate of Stanford Mims; and

A bill (S. 8312) for the relief of the estate of Lemuel Thomas, deceased (with accompanying papers); to the Committee on Claims.

WITHDRAWAL OF PAPERS—MORTIMER A. WILBUR.

On motion of Mr. BULKELEY, it was

Ordered, That the papers in the case of Mortimer A. Wilbur (S. 5356) be withdrawn from the files of the Senate, no adverse report having been made thereon.

EMPLOYEES IN IRON AND STEEL INDUSTRY.

Mr. BORAH. I submit a resolution and ask that it lie on the table subject to call.

The resolution (S. Res. 237) was read, as follows:

Senate resolution 237.

Resolved, That the Department of Commerce and Labor, through the Bureau of Labor, be, and is hereby, directed to investigate and report to the Senate as early as possible as to the conditions of the employment prevailing in the iron and steel industry of the United States, with the details concerning the wages paid, the hours of labor per day, and the number of days' labor per week, and the number employed.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Idaho that the resolution lie on the table subject to call?

Mr. GALLINGER. I was going to suggest that I think we have a report on this very subject. I recall finding a printed report on my table yesterday.

Mr. BORAH. I did not understand what the Senator said.

Mr. GALLINGER. I suggested that I thought we had a report on this very subject from the Commissioner of Labor, Mr. Neill, and it is in print—a very elaborate report.

Mr. BORAH. The Senator is in error. The report to which he refers is only partial, in reference to one or two institutions.

West Virginia wants the people to bear the burden of that delay. I am not saying that he is not just as sincere as I am, but that is the difference between him and me in this regard.

I pass, therefore, for the present, from the consideration of the language of the bill and the language of the amendment to a brief review of what has happened lately, in order that we may know whether there is something here against which we ought to protect the people.

Mr. HEYBURN. Mr. President—
The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. CUMMINS. I do.
Mr. HEYBURN. Before the Senator passes from that rather drastic statement—
Mr. CUMMINS. It is not drastic.

Mr. HEYBURN. Well, I do not mean that in a drastic sense, either—that those who vote against the amendment must be classed with those whose sympathies are with the railroads' right—

Mr. CUMMINS. I did not say that.
Mr. HEYBURN. I am stating the substance.
Mr. CUMMINS. No; you are not stating the substance of it, if I am allowed to interrupt you.

Mr. HEYBURN. I would like to be corrected if—
Mr. CUMMINS. I said that those who believed that the railroads ought not to bear the burden of delay would vote against my amendment, and that those who believed that the people generally should not bear the burden of the delay will vote for my amendment. There is no suggestion or imputation of any kind in that statement. It is a mere conclusion that I draw from the comparison of the two measures.

Mr. HEYBURN. One must be sure that the people will bear the burden under the circumstances.
Mr. CUMMINS. I am arguing that the people will. The Senator from Idaho may think they will not.

Mr. HEYBURN. Yes; but I do not want to feel called upon to make a distinct speech or statement in order that I may not be charged with acquiescing in this proposition, and I thought, with the permission of the Senator, I would at this time state that I am not at all sure in my mind that under existing conditions the people would be bearing the burden during the determination, because we know that the railroads have now, in anticipation of just such legislation, put up the rates so that it would be a question of reducing them.

Mr. CUMMINS. And if the Senator—
Mr. HEYBURN. And I am not sure that the—
Mr. CUMMINS. And if the Senator votes for the bill as it is, and the invitation there found is extended to the railways, the rates will be raised very, very much above the point where they are now.

Mr. HEYBURN. But if they are raised in anticipation of the legislation we want to be in a position where any action that is taken at all will be to lower the rates. We do not want to hamper that at all.

Mr. CUMMINS. I am not hampering it. I am trying to prevent the railways from raising their rates until those raises are found to be right. The people can not be hurt by that proposition. The only concerns that can be injuriously affected are the railroads, if they are prevented from raising the rates. I say they ought to bear the burden.

Mr. HEYBURN. If legislation could be put in operation by touching a button, it would be one thing, but we must remember that it can not. This legislation can not possible be put in force for weeks or months. It is between now and then that I am looking after the situation.

Mr. CUMMINS. But the bill that the Senator from Idaho is evidently for—that is, the provision reported by the committee—will no more take care of this intervening period than the amendment I have offered.

Mr. HEYBURN. I admit that. Next comes the inquiry as to why the amendment is necessary. Neither of them will take care of it.

Mr. CUMMINS. Neither of them will take care of the increases that are made between now and the time the bill takes effect.

Mr. HEYBURN. That is right.

Mr. CUMMINS. But the Senator from Idaho will live years after that time. We are not making a law for the next two or three months. We are making a law for years and years to come. We can not avoid the calamity that has already fallen upon the people in the general increase of railway rates, but do not give the railroads an opportunity to repeat that performance in days to come.

Mr. HEYBURN. But they will do it. In anticipation they will put themselves in a position where they will not find the

necessity for invoking any right to raise the rates. They will have them raised before the law goes into effect.

Mr. CUMMINS. No; my observation is they will want to raise them again next year and again the year after, because the increase in railway rates has been continuous and persistent for the last eleven years.

Mr. HEYBURN. I should have to go into a discussion of the question before I would be able to agree with the Senator.

Mr. CUMMINS. I have authority for my statement, and it will be demonstrated here before the debate is over.

Mr. BORAH. Mr. President—
The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. CUMMINS. Yes.
Mr. BORAH. I observe there are some ten or fifteen Senators in the Chamber. I move that we take a recess for one hour.

Mr. HALE. I hope that will not be done.
The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Idaho that the Senate take a recess for one hour. [Putting the question.] The ayes seem to have it.

Mr. HALE. I ask for the yeas and nays.
The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN], which I transfer to the Senator from Ohio [Mr. DICK] and will vote. I vote "nay."

Mr. STONE (when his name was called). I have a pair with the senior Senator from Wyoming [Mr. CLARK]. In his absence, by reason of sickness, I withhold my vote.

The roll call having been concluded, the result was announced—yeas 21, nays 44, as follows:

| | | | |
|----------------|--------------|-------------|--------------|
| YEAS—21. | | | |
| Beveridge | Clapp | Fletcher | Owen |
| Borah | Clarke, Ark. | Gore | Paynter |
| Bourne | Clay | Jones | Purcell |
| Bristow | Cummins | La Follette | |
| Brown | Dixon | Martin | |
| Chamberlain | Dolliver | Overman | |
| NAYS—44. | | | |
| Bacon | Cullom | Hale | Root |
| Bradley | Curtis | Heyburn | Shively |
| Brandeggee | Depew | Kean | Simmons |
| Briggs | Dillingham | Lodge | Smith, Mich. |
| Bulkeley | du Pont | Nixon | Smith, S. C. |
| Burkett | Elkins | Oliver | Smoot |
| Burnham | Flint | Page | Stephenson |
| Burton | Frye | Penrose | Sutherland |
| Carter | Gallinger | Percy | Taylor |
| Crane | Gamble | Perkins | Warner |
| Crawford | Guggenheim | Piles | Wetmore |
| NOT VOTING—27. | | | |
| Aldrich | Davis | McCumber | Scott |
| Bailey | Dick | McEnery | Smith, Md. |
| Bankhead | Foster | Money | Stone |
| Burrows | Frazier | Nelson | Tallaferro |
| Clark, Wyo. | Hughes | Newlands | Tillman |
| Culberson | Johnston | Rayner | Warren |
| Daniel | Lorimer | Richardson | |

So Mr. BORAH's motion was rejected.

AGRICULTURAL APPROPRIATION BILL.

Mr. DOLLIVER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18162) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1911, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 12, 17, and 41.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 18, 19, 20, 21, 22, 23, 25, 27, 29, 30, 31, 32, 33, 34, 35, 36, 38, 39, 40, 46, 47, 48, 49, 51, 52, 53, 54, 55, 56, 57; and agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the amount proposed in the amendment substitute the words "two hundred and fifty thousand one hundred and fifty-five dollars;" and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the amount proposed in the amendment substitute the words "one million one hundred and ninety-three thousand three hundred and forty-six dollars;" and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and

agree to the same with an amendment as follows: In lieu of the amount proposed in the amendment substitute the words "one million seven hundred and fifty-eight thousand two hundred and six dollars;" and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lieu of the amount proposed in the amendment substitute the words "eight hundred and ninety-five thousand seven hundred dollars;" and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: In lieu of the amount proposed in the amendment substitute the words "five thousand dollars;" and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: In lieu of the amount proposed in the amendment substitute the words "two hundred and two thousand nine hundred dollars;" and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the amount proposed in the amendment substitute the words "five hundred and thirty-two thousand one hundred and eighty dollars;" and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu of the amount and the language proposed in the amendment, strike out the comma and substitute the words as follows: "of which sum five thousand dollars shall be especially devoted to experiments relating to the culture of coffee;" and the Senate agree to the same.

Amendment numbered 58: That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows: In lieu of the language proposed in the amendment substitute the words "The Secretary of Agriculture for the fiscal year nineteen hundred and twelve, and annually thereafter, shall transmit to the Secretary of the Treasury for submission to Congress in the Book of Estimates detailed estimates for all executive officers, clerks, and employees below the grade of clerk, indicating the salary or compensation of each, necessary to be employed by the various bureaus, offices, and divisions of the Department of Agriculture;" and the Senate agree to the same.

Amendment numbered 59: That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: In lieu of the amount proposed in the amendment substitute the words "thirteen million four hundred and eighty-seven thousand six hundred and thirty-six dollars;" and the Senate agree to the same.

Amendment numbered 37: That the conferees have been unable to agree.

J. P. DOLLIVER,
F. E. WARREN,
H. D. MONEY,

Managers on the part of the Senate.

CHAS. F. SCOTT,
WM. W. COCKS,
JOHN LAMB,

Managers on the part of the House.

The report was agreed to

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives still further insisting upon its disagreement to the amendment of the Senate (No. 37) to the bill (H. R. 18162) making appropriation for the Department of Agriculture for the fiscal year ending June 30, 1911, and requesting a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. DOLLIVER. I desire to state to the Senate that there is no difference between the two Houses except as to a single Senate amendment to this bill, and that is the amendment which increases from 25 to 35 per cent the portion of the forest fund which is paid over to the States in which the forests are located for the purpose of maintaining schools and roads. The Senate by an amendment increased it from 25 to 35 per cent. To this increase the House objects, and it has repeatedly rejected the conference report on that ground only.

Mr. GALLINGER. I move that the Senate recede from its amendment.

The PRESIDENT pro tempore. The Senator from New Hampshire moves that the Senate recede from its amendment

referred to by the Senator from Iowa. [Putting the question.] The "ayes" seem to have it.

Mr. CARTER. On that I ask for the yeas and nays. The yeas and nays were not ordered.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from New Hampshire that the Senate recede from its amendment.

The motion was agreed to.

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

COURT OF COMMERCE, ETC.

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.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Iowa [Mr. CUMMINS]. Is the Senate ready for the question?

Mr. BORAH. The Senator from Iowa has left the Chamber. Mr. HALE. I do not think we ought to proceed and take the vote in the absence of the Senator from Iowa. He has been here all the morning.

Mr. ELKINS. Is there some one else who wishes to address the Senate?

Mr. HALE. Probably the Senator from Montana or the Senator from Idaho.

Mr. BORAH. I do not desire to address the Senate, and I do not desire to have the vote proceed in the absence of the Senator from Iowa under the circumstances in which he left the Chamber.

Mr. HALE. I do not think that ought to be done.

Mr. DOLLIVER. I make the point that no quorum is present.

The PRESIDENT pro tempore. The Secretary will call the roll.

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

| | | | |
|-------------|--------------|-------------|--------------|
| Bacon | Clarke, Ark. | Gore | Perkins |
| Borah | Clay | Guggenheim | Piles |
| Bourne | Crawford | Hale | Purcell |
| Bradley | Cullom | Heyburn | Rayner |
| Brandegee | Curtis | Johnston | Simmons |
| Briggs | Depew | Jones | Smith, Mich. |
| Bristow | Dillingham | La Follette | Smoot |
| Brown | Dixon | Lodge | Stone |
| Bulkeley | Dolliver | Martin | Sutherland |
| Burkett | Elkins | Oliver | Taylor |
| Burnham | Frazier | Owen | Warner |
| Burton | Frye | Page | Wetmore |
| Chamberlain | Gallinger | Paynter | |
| Clapp | Gamble | Percy | |

The PRESIDENT pro tempore. Fifty-four Senators have responded to their names. A quorum is present.

PENSIONS AND INCREASE OF PENSIONS.

Mr. BURNHAM. I am directed by the Committee on Pensions to request that the Senator from North Dakota [Mr. McCUMBER], the Senator from West Virginia [Mr. SCOTT], and the Senator from Florida [Mr. TALLAFERRO] be excused from service as conferees on the part of the Senate on the following omnibus pension bills: Senate bill 5237, Senate bill 5573, and House bill 19403, and that the Senator from Utah [Mr. SMOOT], the Senator from Kansas [Mr. CURTIS], and the Senator from Tennessee [Mr. TAYLOR] be appointed in their place.

I am also directed by the committee to ask that the Senator from North Dakota [Mr. McCUMBER] and the Senator from West Virginia [Mr. SCOTT] be excused from service as conferees on the part of the Senate on the following omnibus pension bills: H. R. 20490, H. R. 21754, S. 6073, and S. 6272, and that the Senator from Utah [Mr. SMOOT] and the Senator from Kansas [Mr. CURTIS] be appointed in their place. As Senators know, the Senator from North Dakota [Mr. McCUMBER] is ill, confined in a hospital.

The PRESIDENT pro tempore. The Senator from New Hampshire asks that the Senators named by him be excused from service as conferees on the bills he has indicated, and that the Senators he has named be appointed in their place. Without objection, it will be so ordered.

PUBLIC BUILDING AT PLYMOUTH, MASS.

Mr. CLAY. From the Committee on Public Buildings and Grounds I report back without amendment the bill (S. 5101) to increase the limit of cost for the purchase of a site and the erection of a post-office and custom-house at Plymouth, Mass. I call the attention of the Senator from Massachusetts to the bill.

Mr. LODGE. I ask for the present consideration of the bill.

Mr. ELKINS. How long will it take?

Mr. LODGE. About one minute.

was found to be futile from the start, not alone because of the physical difficulties and the armed resistance with which they had to contend, but because the opinion, not only of the United States, but of Europe, was against them.

Much reference has been made to Turkey and to China. Mr. President, we are not in the same class with China or with Turkey. Some reference might perhaps be made to the condition of Turkey in the sixteenth century, and here again I am not quite able to agree with the Senator from Massachusetts as to the historical facts. It is true that Turkey in the sixteenth century was probably the strongest power in the world, received tribute from Austria, threatened the nations of western Europe, and was extending her borders in all directions. Then came the battle of Lepanto in 1571. I am unable to think that the decadence of Turkey was due to that battle. It is true Spain, Venice, and the Knights of Malta united in a navy which defeated the Turks, but if I correctly recall the facts, the Turkish navy was rebuilt. The three allies became jealous one of the other and went their separate way. After that battle was fought Venice recognized the possession of Cyprus by Turkey. It does not look very much as if this one encounter had overthrown the Turkish power, when after that battle an island which had been in the possession of Venice was yielded to Turkey.

Be that as it may, what was it that caused the decadence of Turkey? Not an unsuccessful naval battle, but the growth of the western nations of Europe in civilization, the advancement caused by the invention of printing, the discovery of America, and all the awakening developments which followed. Among the principal results were included greater skill and prowess in the war. Turkey was standing still in the meantime while England and France were going ahead. It was these great events, part of a great world tendency, attended by great triumphs of invention and of progress, rather than the loss of a navy to which the decadence of Turkey was due. An argument for the navy has been made by comparing it with the Revenue-Cutter Service and fire departments. The Revenue-Cutter Service and the fire department are precautions against an ever-present danger. The navy is a precaution against something remote, more or less imaginary, and with the chances overwhelmingly against the danger ever existing.

If you trace the diplomatic history of this country it will be found that reliance has been had upon our justice and our position among the nations rather than upon a military force. We acquired Alaska by purchase. It is true that we did secure rich possessions in the Southwest and on the Pacific by a war with Mexico, but that crown of all our acquisitions—the Louisiana Purchase—came by agreement with France. We have in that respect an unusual record, that our triumphs have been those of peace and not those of war. Yet, in this year 1910, with all this record behind us, we are told that our navy, already so great, is insufficient; that we must build two battle ships and keep on with that programme.

It has been argued here to-day that we have nearly reached adequacy in our naval establishment. Do not believe it if those who are advocates of a strong navy have their way. Ten or twelve years ago we were building ships of less than 10,000 tons, and now we are building those of 26,000 tons.

How will you ever have an adequate navy at that rate when the smaller ships are being abandoned and there is this demand for larger ships every year? It requires something more than that vain confidence, which has been expressed in these discussions for years, that we shall come to the end pretty soon; that we shall have an adequate navy. There are other factors besides the mere problem of adequacy in this question. There is this great rivalry among nations, constantly seeking greater battle ships. Besides that there is the disposition to enlarge our own navy among certain classes of people, many of whom do not think at all of the problem of protection, but rather of their financial interest in the building of these great war ships.

Reference has been made to the aggressions of France at the end of the century before the last. We can not overlook the progress of more than one hundred and ten years. In that day privateering, which was much akin to piracy, was tolerated. Now it is virtually driven from the sea. In that day there were no courts of arbitration; there was no disposition on the part of any nation to yield; on the contrary, there was everywhere aggression and the desire to gain the greatest advantage.

Now, if any nation unjustly attacks another, it must be in the face of an opposition more potent than serried ranks of soldiers or great squadrons of war ships. There are moral, economic, and political forces now at work which had no efficiency whatever in 1797 or in 1798. Great nations are now reluctant to go to war.

Think of the incentive to war when the Russian battle fleet fired on inoffensive fishermen off the Dogger banks when on its way out to China and Japan! I am afraid that if that had happened in this country and fishermen from Gloucester had been attacked, the sentiment of this people would have demanded war; but this provocation of the most serious nature was passed by without any conflict, and that, too, when the British navy was one which could have blown that of the opposing nation into kingdom come in a very short time. Nevertheless, peace prevailed.

Then, there is the disposition on the part of all other nations to join hands in restraining a belligerent nation from making aggressions. All here join in saying that the building of war ships is an unfortunate necessity. We all talk for peace. No one will rise here and say he wants war. Then, what is the most effective way to bring about peace? It is not by the building of war ships; it is not the giving out of the impression that we are in a strenuous contest for the world's supremacy, but it is rather by a reliance upon an influence among the nations which makes for justice and for peace.

The great cardinal said, "My art was Justice." Our greatest triumphs have been those of justice. The progress that will make toward peace will be accomplished by proclaiming to the world the reign of justice, rather than that of force, by proclaiming as well that we are willing to stop short of this ambitious programme. Let us be done in reliance that other peoples will accept our view, believing that an era of arbitration and of peace is better than one of increasing armaments, which is becoming more and more year by year a crushing weight upon the citizens of every land.

Mr. GALLINGER. Mr. President, for some unaccountable reason I have been quoted in the public press as having joined the Senators who are determined upon having but one battle ship this year. I thought I very distinctly stated in the few remarks I made on last Friday that I had not reached that point; that I hoped the time would come in the near future when we might be able to get along with one additional battle ship, but that, so far as the present year was concerned, I should vote for the recommendation made by the Committee on Naval Affairs, which I intend to do.

Mr. President, so far as the historical discussion between the Senator from Massachusetts [Mr. LODGE] and the Senator from Ohio [Mr. BURTON], which has been so entertaining, is concerned, I propose to leave that matter to those two distinguished scholars to fight it out between themselves. There is one historical fact, however, that I think I may with propriety allude to, and that is, if this Nation had been better prepared for war in 1860 than it was, we would have saved hundreds of thousands of human lives and millions upon millions of public treasure. I do not think it is a thing that ought to be cited against a nation when in time of peace it is fully prepared for any emergency in the matter of war that may be precipitated against it; and I hope that the United States, both in its army and its navy, will always have an adequate force, so that if war should come—and it may come in the twinkling of an eye; no one is wise enough to prophesy to the contrary—this country will be in a condition to defend itself against any power that may assail it.

I arose more particularly now—and I shall occupy but a moment—to call attention to figures that I want to be accurate about and which do not differ materially from the figures which I gave on Friday last in relation to the cost of battle ships.

Before doing that, however, I will say that I was somewhat astonished to have the Senator from Minnesota [Mr. CLAPP], who has probably not looked into this matter very carefully, say a moment ago that in maintenance the cost of a battle ship was almost \$3,000,000 a year. The best authorities on that subject tell us that the cost is about \$1,000,000 a year. It was stated on Friday last that the items for repairs should be added to that, but repairs are always included in maintenance. So I think it is safe to say that each battle ship that we construct will during its lifetime cost for maintenance about \$1,000,000 a year.

Mr. President, take a 26,000-ton battle ship—and that is the size of the two ships, the *Wyoming* and the *Arkansas*, that we are now constructing—and leaving out of consideration the eight-hour law, which does not apply to those ships, the cost is estimated very accurately to be \$11,556,222. It is, as I said on Friday last, a larger sum than I had thought they would cost. The amount as given is found in the testimony before the House Committee on Naval Affairs, printed on pages 525 and 526, Sixty-first Congress, second session, and is doubtless accurate. The approximate cost—and that has likewise been figured out very carefully—of 27,000-ton battle ships—and I understand

that the two battle ships we are providing for this year will probably be about 27,000 tons—leaving out the difference in cost that will accrue if they are constructed under the eight-hour law, will be \$11,830,408 each.

Then, Mr. President, if those battle ships are to be constructed under the provisions of the eight-hour law, according to a memorandum that is absolutely as accurate as any estimate that can be made—I am not permitted to give my authority for it—each of those battle ships will cost from \$12,750,000 to \$13,250,000. It is a very large sum, but it is a very much less sum than the distinguished Senator from Maine [Mr. HALE] stated on Friday last, when he said that he was satisfied they would cost from \$16,000,000 to \$18,000,000 each. I feel sure that the figures I have given are as accurate as it is possible to secure.

Mr. President, I said a moment ago, in answer to the Senator from Minnesota, that, so far as our economies were concerned, we had done pretty well this year in the matter of our army and naval appropriations. The naval appropriation bill of last year carried \$136,935,199.05, and we had a deficiency appropriation of \$2,281,345.97, or a total of \$139,216,545.02. This year's naval appropriation bill, as reported to the Senate—and it is safe to say that in conference it will be somewhat reduced—carries \$130,737,934.38, or \$6,197,164.67 less than last year's appropriation bill, and \$8,478,610.64 less than was spent last year, including the deficiency appropriation. So that we have every reason to believe that, so far as our navy appropriations for this year are concerned, they will be less by at least \$8,000,000, possibly \$9,000,000, than they were last year, while our military appropriations are less than they were last year by the sum of \$9,000,000. This means that in these two appropriation bills we will save over the expenditures of last year about \$18,000,000, which, I think, ought to be kept in mind when Senators are criticising these appropriations.

The Senator from Minnesota criticised us because of extravagant appropriations for naval construction and called attention to the fact that there were a great many bills before Congress which we were refusing to report and act upon that were much more meritorious than appropriations for war vessels.

The Senator alluded to certain pension bills. Well, Mr. President, I have been a fairly good friend to the soldiers of the country. For a good many years I occupied the position of chairman of the Committee on Pensions of the Senate, and I think no one could ever charge me with having been other than generous in the matter of pension legislation. It ought to be borne in mind that while the necessities of the remnant of our Union Army are great, our appropriations are certainly reasonably liberal. Forty-five years after the close of the civil war our pension appropriation bill is larger than it has been in any one year, with one single exception, since the close of that war. The amount of money paid in pensions in the United States is larger than is paid by all the other civilized nations of the world combined, and I feel sure that Congress has responded generously to every call that has been made in behalf of the soldiers who fought for and saved the Government from overthrow.

But, Mr. President, there are bills before Congress to-day in the matter of pension legislation that, if they were enacted into law, would absolutely put the Government of the United States in a condition of bankruptcy. It is proper that when those bills are presented to us we should scan them and ask ourselves the question whether or not, under existing conditions and circumstances, we ought to increase the pension appropriations to any very great extent at the present time. About \$160,000,000 will be appropriated for pensions this year, and, in addition to that, we are passing without comment or without a word of opposition private pension bills by the hundreds and the thousands that will bring relief to a great many soldiers who need added relief beyond that which they are receiving at the present time.

The Senator from Minnesota also called attention to the fact that the men who are delivering the mail, especially in the rural districts of the United States, are inadequately paid. I agree to that. I think they are inadequately paid, but their compensation was increased last year, and I have no doubt their compensation will be greatly increased in the near future.

We can not, Mr. President, meet all these demands at once. We must feel our way along and do the best we can from year to year. I really feel that this Congress has shown a commendable desire to economize, wherever economies could be made, and that the reduced appropriations for the army and the navy are full warrant on my part for saying that we have done all that could reasonably be expected this year.

We surely ought to keep our navy up to a very high point of efficiency, and for that reason I accept the recommendations of the President of the United States, of the Secretary of the Navy, of the Committee on Naval Affairs of the Senate, and the action of the House of Representatives, and give my support to an appropriation for two battle ships, hoping, as I have heretofore said, that in the near future we may be able to get along with one new battle ship each year.

Mr. President, I hope a vote will soon be taken on this proposition. I have no disposition to detain the Senate unnecessarily, and will close by asking that a portion of an editorial in a recent number of the New York Press, which meets this question in a very practical way, may be read by the Secretary from the desk.

The VICE-PRESIDENT. Without objection, the Secretary will read, as requested.

The Secretary read as follows:

When the United States maintains an adequate sea power it is taking out insurance against foreign aggressions that might be tempted by our unpreparedness. Those insurance premiums—the cost of building battle ships and of preserving the navy at a high efficiency—are paid out of the current income from year to year. No bankruptcy is incurred and no bankruptcy is threatened when those expenditures are out of such income. On the contrary, bankruptcy is provided against when the nation thus takes measures, easily paid for from year to year, to safeguard the country from attack and stress in war, that would pile a crushing debt upon the people, to be extinguished only with generations of enormous payments, as in the case of the civil war, running before the end into billions upon billions.

Supporting a fire department at comparatively slight cost from year to year so as to prevent hideous loss of life and vast destruction of property that must be suffered through unpreparedness against fire is not an extravagance by a city, much less a bid for municipal bankruptcy. No more is the support of a navy adequate to protect the country from the ravages of a foreign foe.

In government, as in private business, there are short-sighted economies of the moment that put a premium upon incalculable extravagances of the future. Our own history, the history of the world, shows that there is nothing which costs a people more than the military unpreparedness which comes from the blind policy of trying to save copper pennies to-day that to-morrow must be redeemed in golden eagles.

Mr. OWEN. Mr. President, I wish to give my adherence to the proposal of the Senator from Ohio [Mr. BURTON]. I agree that it would be better for international peace if we should no longer continue to enlarge the great navy, which we already have established, the maintenance of which constitutes a very heavy tax on the people of the United States. To the arguments which have been advanced by the Senator from Ohio, by the Senator from Minnesota [Mr. CLAPP], and by the Senator from Maine [Mr. HALE], I wish to give my approval. I believe they are substantially right.

Always when the naval bill comes up the press is filled with alluring arguments about the conservation of peace by making preparation for war. Slowly I have come to believe, and I do believe, that these arguments in the public press are not in the interest of peace, but are in the interest of those who have something to sell.

Under the message of the President of the United States two years ago I supported the proposition to greatly enlarge this navy when the naval bill came up at a previous session. I did so, believing that we were in danger of some foreign complication. I have gradually changed my mind about that. I do not believe that we are in any danger whatever. The tremendous financial power of the United States, its far-reaching commercial connections with every nation of the earth, its ties by blood with every nation of Europe, make the idea of war well-nigh impossible.

I have been led to believe that when we are making these enormous expenditures—\$130,000,000 on this insurance policy against war—it would be well to appropriate a small amount directly for the purpose of promoting international peace, and I propose to offer an amendment that one-tenth of 1 per cent of the amount in this bill shall be used by the President of the United States for the direct purpose of promoting international peace. It is only a small amount; it is but one dollar out of a thousand, and since this bill is on the basis of insurance, I hope that everybody who believes in the insurance system will agree to the expenditure of one dollar out of a thousand in the direct promotion of peace.

I simply rose, Mr. President, to give my support to the doctrine that the time has come when we ought to set an example to the nations of the world, and demonstrate that we do not have any desire for aggression; that we do not feel inspired by ambition; that we are already beginning to curtail this vast naval upbuilding, and that we offer an example of limiting naval armament to the other nations of the world.

Actions speak louder than words with nations as well as with men. I have but little confidence in the man who invites

me to peace while he runs for a gun. We have no sufficient ground to invite the other nations of the world to limit their naval armaments when we go on spending millions and tens of millions, and have now a naval budget of \$130,000,000. We ought to put a limitation upon naval expenditures, and we ought directly, as the nation best fitted to do so in all the world, to promote international peace, not by the possible suggestion that we are ready for war, but we ought to do it by direct action. We ought to invite the nations of the world to limit their naval armaments. I know of no proposal in the Senate for that purpose. Why do not those who desire the limitation of our own naval armament and who are in control of the affairs of the Senate pass a resolution through the Senate of the United States declaring in favor of the limitation of naval armaments?

Those who are in control of the affairs of government, those who are charged with the duty to the people of the United States of directing the affairs of government, those who can, if they will, put upon the statute books the proper steps toward maintaining universal peace, owe it to their country and they owe it to the people of the world to take the first positive, direct step, as a national legislature, calling for universal peace and authorizing the officers of this Government to take those steps which are essential and necessary to promote the peace of the nations of the world. We are, as I have said, the best-fitted nation on earth to do that, both by great financial and commercial power and by geographical position, and because in our Nation center the ties of blood with every nation on the earth, and they would listen to us more readily than they would to those who are of an alien tongue, and who have no ties of blood.

Mr. President, I simply wish to give my support to the amendment proposed by the Senator from Ohio, limiting the building of new battle ships to one *Dreadnought*.

Mr. HEYBURN. Mr. President, I think the discussion of this measure or of kindred measures should be based upon a business proposition and not upon war talk. I do not believe it is wise to discuss in the open session of the Senate of the United States the probabilities of war with any nation. I do not believe it is wise or profitable to compare the naval strength of or consider the probabilities of war with any nation by name in the discussion of this measure.

It is the war talk that accompanies this class of legislation which constitutes a greater threat, a menace, than anything we may do by our votes. I do not intend to criticise or be insidious in my suggestions, but in the seven years or more that I have been a member of this body I have always felt, when the recurring discussion of this measure was before the Senate, that it was a mistake to discuss it in open session at all.

Mr. President, the people are seldom, I might say never, in favor of war. No war of which history furnishes a record would ever have been brought about had the people on either or both sides voted upon it. War is brought about by men who term themselves or are accepted as leaders of the people, leaders chosen not for the purpose of determining that question, but leaders chosen for the purpose of taking upon themselves the general management of affairs. But, I repeat, there never was a war which would have been declared had the people voted on it; and I will not limit it to either side—either to the strong side or to the weak side.

Wars have been necessary. The civilization of the world has been brought about by great conflicts that established the domination, I may say, in every instance of the better element in the world's affairs, and good has come from war.

Frequently suggestions have been made in the way of comparison with the expenses of pensions. They are not in the same class with any other expenditure of the Government. We legislate here so as to affect the prosperity of the great business world and the commercial world. We enact tariff laws that men engaged in active business may prosper as against others. But the pensioner is not within that class; and I speak now as a rule.

A very large, overwhelming percentage of the pensioners are not engaged in any of the business enterprises of the country or capable of engaging in them. So the only participation they have in the prosperity of the country comes to them through the pensions they receive. The money that pays the pensions is a mere toll out of the profits of the great business enterprises of the country. So the criticism of the pension roll of the country is not appropriate or in point in considering expenditures for the permanent establishment and maintenance of the Government.

Mr. President, I have been considering as to the time when I would think we might safely curtail our naval establishment.

I am, in my present mood, inclined to say that that time will be measured by the completion of the canal. We now are, with our vast coast lines and with the interposition of a continent that breaks it in two, in a position where we must have a larger navy because of the necessity of division of the fleet. But when the canal is constructed it will be all one navy; we will have little cause to consider the question of the Pacific and the Atlantic fleets, because they can pass rapidly from one to the other. I am inclined, until the canal is completed, to vote for a reasonable and fair addition to the navy, so that when that time comes we will stand in a position where we can dictate, if dictation is wisdom; confer, if conference is wise, and as the Senator from Oklahoma has suggested, enter or attempt to enter into some arrangement with the world, and we will be in a better position to do that if we have our country thus connected shore with shore.

I do not think our navy is inordinately large. I do not think our navy is out of proportion to the functions that it must fulfill. The navy in time of peace is not without very great benefit to the people. As has been suggested, and as must always recur to the mind of one considering it, the building of our ships is largely a question of labor, and it is a distribution of the wealth of the country among those who labor. The remaining per cent represents materials which must, under our law, be American materials. Our ships are built by our own people, out of our own raw material. A vast market is created for that which would otherwise not have a market or not so good a market. The field of labor is benefited to the extent of hundreds of millions of dollars, which goes immediately back into the channels of trade. It does not pass into the hands of those who hoard it or withdraw it from the channels of trade; but the man who works in the navy-yard or who works upon the ships almost immediately, I would say almost within a month, sends the money back again into the channels of trade.

I have not considered, and shall not, in voting upon this bill, consider the question of war. I regard it as in keeping with the policy of nations that we should have a navy. I regard it as in keeping with the duty of this country that its navy should be adequate to its defense if it must defend; that it should stand as a pledge of the ability and of the disposition of this country to command the peace of the world. So that I can, without violating any part of my conscientious belief in regard to these matters, support this provision for the building of two battle ships.

Mr. DEPEW. Mr. President, I did not intend to say anything upon this proposition, but I must dissent from the remarks made by my friend the Senator from Idaho [Mr. HEYBURN], that there never yet was a war which would have taken place if it could have been submitted to the vote of the people. There never was a war in history that was brought about against the wishes of the leaders, and especially of the great leader, the President of the United States, by popular acclaim and demand, like the war with Spain.

I knew very well the position of President McKinley on that subject. I knew how utterly opposed he was to that war. I knew the efforts which he made to prevent any declaration of war, and how he was finally forced to yield because of the pressure of popular opinion.

I know still more that there was a time when it would have been possible to have settled every question involved between Spain and the United States upon terms just as favorable as were received at the conclusion of that war, with all its expenditure of treasure and of life. In fact, there was a period when Spain, a very proud nation, would not submit terms unless she felt sure they would be accepted, but when she was willing to accept any terms if she could be informed beforehand that a proposition submitted would be accepted by the United States.

Mr. HEYBURN. Will the Senator from New York permit me to ask him a question?

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

Mr. DEPEW. Certainly.

Mr. HEYBURN. In the Senator's judgment, how would President McKinley have voted personally in the Australian ballot box on the question of war?

Mr. DEPEW. President McKinley personally would have voted against war.

Mr. HEYBURN. A pretty good criterion.

Mr. DEPEW. He would have voted against the war, but I believe that if it had been submitted to a popular vote it would have been 99 out of 100 in favor of war.

Mr. HEYBURN. Will the Senator permit me to ask him another question?

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

Mr. DEPEW. Certainly.

Mr. HEYBURN. I hope the Senator from New York does not confuse the popular vote with the newspaper vote.

Mr. DEPEW. No. I know what a newspaper vote is, but generally it reflects the popular will. In advocating war with Spain it expressed accurately the passionate desire of the people.

Mr. HALE. Mr. President—

The VICE-PRESIDENT. Does the Senator from New York yield to the Senator from Maine?

Mr. DEPEW. Yes.

Mr. HALE. Does not the Senator from New York believe, as I believe, that if the country had not been hurried and swept into war with Spain in that excitable spring, and if the question had gone over, President McKinley, before the opening of the next session of Congress, would have negotiated Spain off the American continent?

Mr. DEPEW. I have already said that I knew, of my own knowledge, that Spain, if not humiliated by presenting terms which would be rejected, and if she could have found out beforehand that the United States would accept her abandonment of Cuba and of Porto Rico, would have quit.

Mr. HALE. And war would have been saved.

Mr. DEPEW. War would have been saved. And President McKinley knew that, too, but the pressure behind him was so great that he could not hold the country.

Mr. HALE. The Senator from Connecticut says to me that if that had happened, war would have been saved, Spain would have left the American continent by peaceful processes, and, as the Senator says, we would not have been negotiated into taking possession, with all their burdens, of the Philippine Islands.

Mr. DEPEW. Undoubtedly; but the President of the United States did not happen to have a strong enough personality—

Mr. HALE. No; that is right.

Mr. DEPEW. To resist the popular demand.

There is another instance upon the question how easily nations get into war, and what little things turn them aside. When President Cleveland sent that message to Great Britain about the Venezuelan affair we were probably as unprepared for a war with Great Britain as at any time in our history. An intimate friend of mine was an intimate friend of Lord Salisbury, at that time the British premier, and Salisbury said to him:

I believe that the American Government means to have a war with this country some time or other, and means to try out in war the bitterness which has come down from the Revolutionary period and which was accentuated because of certain things which occurred during the civil war. And if it is to come, now is the best time for it, when we are the strongest naval power in the world and when America has no navy worth mentioning and when her ports are utterly undefended. It would be the greatest calamity that ever happened in the world, resulting in frightful losses to the two countries, but it will end forever this dispute.

The views of Lord Salisbury, the prime minister of England, on that occasion, were overruled in the first place by Queen Victoria, always our friend; in the second place by the late King, who was always our friend; and in the next place by statesmen like Rosebery, though in the other party, and by statesmen in his own party who understood the situation. So it never came to a point where it was a matter of debate. But if Lord Salisbury had had the power in the British Government that some prime ministers have had that question would have been tried out at that time, when we were wholly unprepared.

During the Spanish war gentlemen from the interior of the country knew very little what was the feeling along the coast. In Boston, in every coast city, in New York even, people were frightened to death when that fleet started from the other side, and it was felt that we could not sufficiently patrol the sea for the purpose of protecting ourselves.

From a State of the Middle West came a governor to New York, and he made a speech. I sat on the same platform with him. He said:

Of all the absurd things that I have met with in my life is this fear among you people here in New York of the armed fleet which is coming from Spain. If a fleet of ironclads should enter New York Harbor, do you know what would happen? Three million western men would come here with their muskets and drive it into the ocean or sink it.

That was the western view at that time.

Mr. HEYBURN. I should like to inquire how far west was that? [Laughter.]

Mr. DEPEW. It was not from Idaho. [Laughter.]

Mr. GALLINGER. Mr. President—

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

Mr. DEPEW. Certainly.

Mr. GALLINGER. I do not know what happened in the case of the rich men of New York City when that scare was on, but I very well remember that in the coast cities of New England valuables were sent inland at a hurried rate for fear the Spanish fleet would bombard the coast cities.

Mr. DEPEW. I know, sir; they could not keep a house-keeper in the cottages at Newport. [Laughter.]

There was another occasion when we were on the brink of war, and that was when Germany had a dispute with Haiti. It was felt at that time that an aggressive movement on the part of the Emperor toward Haiti might be the opening wedge to disregard the Monroe doctrine. The Emperor, younger then than he is now, understood that perfectly. Our State Department endeavored to check action in order that the dispute might be sent to arbitration, and that was met by peremptory orders to the German cruisers which happened to be in the Caribbean Sea to go at once to the harbor of Port au Prince and demand a full indemnity or blow up the town. They went there, and the indemnity was paid within twenty-four hours, which was the only time limit allowed. If we had had a navy, there would have been negotiations.

Now, I remember two years ago there was up the question of four battle ships or two, and if I remember rightly there was a general understanding then as to the scheme of two battle ships. Two battle ships will not put us into the mad race which is going on on the other side to keep our end and build as fast as any other nation. We know that Great Britain is obliged to do that; and I understand she is building eight ships this year, or putting them under contract, against our two. Germany is obliged to keep up. France is obliged to keep up.

There has been quoted here a remark made by ex-President Roosevelt in one of his speeches on the other side. Those remarks are on the line of peace, but they are not a bit different in their general opinion and sentiment and trend from the messages which he sent to Congress. All he says in the presence of these great powers is "not that America will stop building, as an example to you," but "that all the great maritime nations of the world should get together and arrive at a conclusion that will end this mad race, which will bankrupt them if they keep it up, and if they agree they can disarm sufficiently to stop these extravagances and these dangers and at the same time promote the peace of the world."

But I have read no declaration of the ex-President—and I have read everything he has said—or any intimation from him that the United States should begin, as has been suggested by the Senator from Ohio this afternoon, as an example, to stop the construction of battle ships and other ships and refrain from keeping our navy up to the full position which is necessary to guard our coasts in the case of sudden war or to prevent a war if any nation sees fit to bring it about for any purposes of its own or impelled by the ambition of its rulers or the animosity of its people.

Now, then, it has been my custom since I have been a member of the Senate to follow pretty closely the recommendations of the President of my own party, believing that they have been made after considerations and information which are impossible to the individual Senator, and it has been my habit as a rule to follow the recommendations, if they were reasonably unanimous, of the regular committee which has had the matter under consideration and has had advantages for information which were impossible to any individual Senator.

So in this matter, which is highly technical, which requires a survey of the whole field around the globe and a knowledge of what are the necessities of our own coasts to-day and to-morrow and next year and the year beyond and of our possessions across the sea, when the President of the United States makes a recommendation, and when he is backed up in it by his Cabinet, and especially by the Secretary of the department which has the matter in charge, and then when the great committees of the two Houses having independently taken testimony have come to the same conclusion, I feel that I am incompetent to form a separate opinion, and therefore I shall vote as those gentlemen have recommended.

Mr. BAILEY. Mr. President, I simply wish to observe that if this naval programme is to bankrupt the nations of the Old World, if we will simply conserve our resources by not following their bad example, we will have no difficulty with them in the war which the Senator from New York [Mr. DEPEW] seems to anticipate, because a nation with its resources well cared for has no trouble with a bankrupt nation.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Ohio [Mr. BURTON].

Mr. BURTON. On that I ask for the yeas and nays. The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLAY (when his name was called). I have a pair with the junior Senator from New York [Mr. ROOR]. If he were present, he would vote "nay" and I should vote "yea." I transfer the pair to the Senator from Alabama [Mr. BANKHEAD] and will vote. I vote "yea."

Mr. PAGE (when Mr. DELLINGHAM's name was called). My colleague is necessarily absent. He is paired with the senior Senator from South Carolina [Mr. TILLMAN].

Mr. FLINT (when his name was called). I am paired with the senior Senator from Texas [Mr. CULBERSON]. I transfer the pair to the senior Senator from Connecticut [Mr. BULKELEY] and will vote. I vote "nay."

Mr. FOSTER (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. McCUMBER], who is absent on account of illness. If I were at liberty to vote, I should vote "nay."

Mr. GUGGENHEIM (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. PAYNTER], who is unavoidably detained. I transfer the pair to the senior Senator from Pennsylvania [Mr. PENROSE] and will vote. I vote "nay."

Mr. OLIVER (when Mr. PENROSE's name was called). My colleague [Mr. PENROSE] is unable to attend the session of the Senate to-day. As stated by the Senator from Colorado [Mr. GUGGENHEIM], he stands paired on this vote with the Senator from Kentucky [Mr. PAYNTER].

Mr. PURCELL (when his name was called). I am paired with the junior Senator from New Jersey [Mr. BRIGGS]. I transfer my pair to the Senator from South Carolina [Mr. SMITH] and vote "yea."

Mr. RAYNER (when his name was called). I am paired with the junior Senator from Delaware [Mr. RICHARDSON]. If he were present, I should vote "yea."

Mr. SCOTT (when his name was called). I have a general pair with the senior Senator from Florida [Mr. TALLIAFERRO]. I understand that he would vote "yea" if present. I should vote "nay." Under the circumstances I withhold my vote.

Mr. WARREN (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. MONEY]. That Senator is not present. I do not know how he would vote. Were he present and I at liberty to vote, I should vote "yea."

The roll call was concluded.

Mr. OWEN. I am paired with the senior Senator from Rhode Island [Mr. ALDRICH]. If he were present I should vote "yea."

The result was announced—yeas 26, nays 39, as follows:

YEAS—26.

| | | | |
|-------------|----------|-------------|---------|
| Bacon | Crawford | Hale | Percy |
| Bailey | Cummins | Hughes | Purcell |
| Burton | Dixon | Johnston | Skively |
| Chamberlain | Dolliver | La Follette | Simmons |
| Clapp | Fletcher | Newlands | Stone |
| Clay | Frazier | Overman | |
| | Gore | Page | |

NAYS—39.

| | | | |
|-------------|--------------|------------|--------------|
| Beveridge | Clarke, Ark. | Gallinger | Perkins |
| Bourne | Crane | Gamble | Piles |
| Bradley | Cullom | Guggenheim | Smith, Mich. |
| Brandeggee | Curtis | Heyburn | Smoot |
| Brown | Dewey | Jones | Stephenson |
| Burkett | Dick | Kean | Sutherland |
| Burnham | du Pont | Lodge | Taylor |
| Burrows | Elkins | McEnery | Warner |
| Carter | Flint | Nixon | Wetmore |
| Clark, Wyo. | Frye | Oliver | |

NOT VOTING—27.

| | | | |
|------------|------------|------------|--------------|
| Aldrich | Davis | Nelson | Scott |
| Bankhead | Dillingham | Owen | Smith, Md. |
| Borah | Foster | Paynter | Smith, S. C. |
| Briggs | Lorimer | Penrose | Talliaferro |
| Bulkeley | McCumber | Rayner | Tillman |
| Culbertson | Martin | Richardson | Warren |
| Daniel | Money | Root | |

So Mr. BURTON's amendment was rejected.

Mr. OWEN. I offer the amendment which I send to the desk.

The SECRETARY. On page 63, after line 17, insert:

That a sum equal to one-tenth of 1 per cent of the amount annually appropriated for the naval service by this act is hereby appropriated as a continuing annual appropriation to be used by the President of the United States in promoting international peace and in promoting an international agreement to limit the construction of naval armaments.

Mr. OWEN. I call for the yeas and nays—

Mr. PERKINS. Mr. President, I feel constrained to make a point of order on the amendment.

The VICE-PRESIDENT. What is the point of order?

Mr. PERKINS. That there is no estimate for it; that it proposes new legislation on an appropriation bill, and is in violation of Rule XVI.

The VICE-PRESIDENT. The Chair sustains the point of order.

Mr. SMITH of Maryland. On page 44, line 19, before the word "dollars," I move to strike out the words "one thousand six hundred" and to insert "two thousand five hundred and twenty," so as to read:

One dentist, \$2,520.

Mr. President, I should like to state that when the salary of this office was fixed in 1879, over thirty years ago, the midshipmen at the Naval Academy numbered 360. To-day the midshipmen at the Naval Academy number over 800. At the time this allowance was made for four months of the year the services of a dentist were not required.

This increase has been recommended by the superintendent of the Naval Academy and it has been recommended by the Surgeon-General.

In comparison with what is being allowed at the Military Academy, I wish to state that whereas the Military Academy has only a few over 400 cadets to be looked after by a dentist, the Naval Academy has over 800 midshipmen. The Military Academy has one chief who gets \$2,520 a year and an assistant who gets \$1,800 a year, making between \$4,000 and \$5,000, whereas this man, who does twice the work, gets a little over one-third the amount.

Mr. GALLINGER. The Senator will not forget, too, that in the Military Academy they have allowances which are not allowed to this officer.

Mr. SMITH of Maryland. As the Senator from New Hampshire states, they have an extra allowance at the Military Academy which this man does not have. I think it but fair to the Government, fair to this man, and fair to the midshipmen at the Naval Academy that the allowance should be increased as I have proposed. I hope the Senate will adopt the amendment.

Mr. HALE. There is no objection to it.

The PRESIDING OFFICER (Mr. DEWEY in the chair). The question is on agreeing to the amendment proposed by the Senator from Maryland.

The amendment was agreed to.

Mr. JOHNSTON. On page 62, line 2, after the word "dollars," at the end of the line, I move to insert:

Increase of the navy; torpedo boats: On account of torpedo vessels, whose vitals are located below the normal load-water line, upon condition of compliance with the authorization in the act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1910, and for other purposes," \$445,000: *Provided*, That the Secretary of the Navy may, in his discretion, expend any part of the amount hereby appropriated for small vessels of this type having a speed exceeding 19 knots, at a cost not to exceed \$30,000: *Provided*, That nothing herein contained shall be construed as mandatory upon the Secretary of the Navy to purchase said vessels.

I wish to say that the Secretary of the Navy approves this amendment. He is now trying and investigating one of the vessels of this class. The amendment merely gives him authority in case he approves of it to pay the money.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Alabama.

The amendment was agreed to.

Mr. HALE. Now, if there are no further amendments—

Mr. GALLINGER. There is one.

The PRESIDING OFFICER. There were two amendments on pages 59 and 60 passed over.

Mr. HALE. Those have been disposed of.

The PRESIDING OFFICER. The question is on agreeing to those amendments.

Mr. PERKINS. They have been disposed of. They were disposed of in the vote taken on the two battle ships. All the committee amendments have now been disposed of.

Mr. NEWLANDS. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated. The SECRETARY. It is proposed at the proper place to insert:

That the President is authorized to scale or reduce any of the expenditures authorized under the appropriations provided by this act or the act providing for military expenditures, or both, to an amount or amounts which will enable the Government to keep its expenditures within its revenue for the fiscal year ending June 30, 1911.

Mr. PERKINS. Mr. President, I make a point of order against the amendment.

Mr. NEWLANDS. Mr. President, with reference to this amendment I have to say that it is—

The PRESIDING OFFICER. The Senator from California rises to a point of order.

Mr. PERKINS. If the Senator wishes to speak to the amendment I will withhold the point of order.

The PRESIDING OFFICER. What is the Senator's point of order?

Mr. PERKINS. That it is new legislation.

Mr. HALE. General legislation.

Mr. NEWLANDS. I do not see how this can be called new legislation.

Mr. BEVERIDGE. General legislation.

Mr. NEWLANDS. Mr. President, we are appropriating by the bill \$130,000,000 for naval expenditures. My amendment provides that in case it shall appear that the revenue for the next fiscal year shall not equal the total amount of the appropriations the President shall be authorized to scale the appropriations provided in the bill to an amount or amounts which will enable the Government to keep within its revenue. This, therefore, is an amendment which qualifies the appropriations made in the bill and scales them down in the contingency that the revenue of the Government for the coming fiscal year shall not be sufficient to meet all the appropriations made by Congress. I can not understand how it can be regarded as lacking in relation to the bill if we provide that in a certain contingency the appropriations shall be diminished a certain percentage.

Mr. President, what is the necessity for this amendment? The present administration, for the first time I believe in the history of the Government, or at all events within the history of modern administrations, has sought to prepare a budget to calculate exactly the revenue which the Government will receive and to square its expenditures with that revenue. It was a most praiseworthy move upon the part of the administration. For the first time in many years the attention of the Cabinet was brought specifically to the question of squaring our expenditures with our revenue, and we all know the care and the attention and the deliberation which the Cabinet and the President gave to this question.

I understand that Congress has exceeded the recommendations of the President and it is claimed that the total appropriations of this session will be in excess of our revenue. Congress sought to supplement the action of the President by providing in the Senate a Committee on Public Expenditures composed in the main of the chairmen of the various committees of the Senate.

Mr. CLAPP. Will the Senator pardon an interruption?

Mr. NEWLANDS. Certainly.

Mr. CLAPP. I can not see the force of the Senator's amendment. Nearly all the appropriations are merely authorized, so that the authorization would include the positive authority to dispense with them. More than that, the natural influences of the Chief Executive in connection with the association with this department would result, if he saw fit, in reducing the expenditures to almost any extent. If the law required an estimate from time to time, and if it appeared then that the appropriations would exceed the expenditures and the law placed the limitation, there would be some force in it, but as I read the amendment the President is simply authorized to cut down the appropriations as he sees fit. He has the authority to have these two battle ships built. He is not directed to build them; he is only authorized to build them.

Mr. JOHNSTON. I should like to ask the Senator from Minnesota if he ever heard of a dollar being left of an appropriation in the naval appropriation bill.

Mr. CLAPP. Yes; and we had up in committee at this session—

Mr. JOHNSTON. I should like to know when the whole appropriation to build battle ships was not used.

Mr. CLAPP. At this very session we had the question of allowing the department to take the unexpended appropriation for certain purposes, and the argument was made, I think with a good deal of force, that if that was permissible within certain lines it would encourage a continuation of a surplus unexpended under appropriations. But there is nothing in the amendment of the Senator from Nevada which enforces any reduction. It is simply repeating just the authority the President has to-day. It seems to me that the amendment is without force.

Mr. NEWLANDS. Mr. President, I understand the position of the Senator from Minnesota to be that this entire appropriation bill, then, is merely permissive, not mandatory.

Mr. CLAPP. Oh, I would not say that. It anticipates of course that the Navy Department shall be kept running; but

I do say that besides the permissive features of the appropriation, the power inherent in the relation of the Executive to the Cabinet officer, together with the power of the two, leaves it within the power of the administration to make almost any reasonable and material reduction in expenditures, if the President sees fit. They could cut off this officer or that officer tomorrow if they wanted to do so. I refer to the clerical force; I do not mean the enlisted force.

Mr. HALE. Mr. President, the Senator in charge of the bill raised a direct point of order against the amendment. I submit that nothing but that is before the Senate. I hope the Chair will rule on it.

The PRESIDING OFFICER. The Chair decides that the point of order is well taken.

Mr. CARTER. I offer an amendment to be inserted after line 2, page 27.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 27, after line 2, insert:

That the Philadelphia, Baltimore and Washington Railroad Company be, and it is hereby, authorized and required to maintain its track connection with the United States navy-yard in the city of Washington, D. C., from the said company's freight yard, commonly known as the New Jersey avenue freight yard, by means of a single track, as at present located, on Canal street and K street SE., and thence to the navy-yard, or as the said track may be hereafter located, in whole or in part, and to continue the operation thereof for two years under regulations to be established by the Commissioners of the District of Columbia, anything contained in any prior act or acts of Congress to the contrary notwithstanding.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Montana. The amendment was agreed to.

Mr. LA FOLLETTE. Mr. President, on page 62, line 21, I move to strike out all in that paragraph after the word "delivery."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 62, line 21, after the word "delivery" strike out the words:

Provided also, That contracts for furnishing said domestic armor in a reasonable time, at a reasonable price, and of the required quality can be made with responsible parties.

Mr. HALE. I think that is right, Mr. President.

Mr. LA FOLLETTE. I find on investigation that that proviso crept into the appropriation bill of a year ago. Prior to that time it had not been in the bill at all. It should go out.

Mr. PERKINS. There is no objection to the amendment.

The amendment was agreed to.

Mr. PERKINS. I desire to correct two or three typographical errors. On page 10, I move to change the total in lines 16 and 17 by striking out "940,440" and inserting "1,096,280."

The amendment was agreed to.

Mr. PERKINS. On page 24, line 12, I move to strike out the word "officers" and to insert "offices."

The amendment was agreed to.

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

Mr. OWENS. I offer an amendment to be added at the end of the bill.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. Insert at the end of the bill:

That the Secretary of the Interior shall establish a crude-oil storage tank farm on the Gulf of Mexico at tide water, and lay in a supply of crude oil, as rapidly as market conditions justify, of 25,000,000 barrels of fuel oil for the use of the navy, and the money necessary to carry out the provisions of this act is hereby appropriated out of the moneys in the United States Treasury not otherwise appropriated.

Mr. HALE. I make the point of order that there is no estimate for that.

The PRESIDING OFFICER. The point of order is sustained.

Mr. LA FOLLETTE. Mr. President, it is not my purpose to detain the Senate. Without offering any formal amendment I wish to submit some figures with respect to two sister battle ships, the *Connecticut*, constructed in the government navy-yard at New York, and the *Louisiana*, constructed upon contract in a private yard by the Newport News Shipbuilding Company. I do this because of the contention of the Senator from New Hampshire [Mr. GALLINGER] of the excessive cost of ships built in government yards by reason of the enforcement of the eight-hour provision.

Mr. PERKINS. I will state to the Senator from Wisconsin that an amendment was adopted on Friday during his absence, providing for the building of one of the battle ships in one of the navy-yards.

Mr. LA FOLLETTE. Permit me to say to the Senator from California that I was present when the amendment to which

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

Mr. KEAN. The bill has already been read and amended.

The VICE-PRESIDENT. The bill will go over on the request of the Senator from Utah.

DAVID W. STOCKSTILL.

The bill (S. 1013) for the relief of David W. Stockstill was considered as in Committee of the Whole. It proposes to pay to David W. Stockstill the sum of \$700.

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

The VICE-PRESIDENT. The Committee on Claims report an amendment to strike out the preamble. The question is on agreeing to the amendment.

The amendment was agreed to.

COURT OF COMMERCE, ETC.

Mr. KEAN. I call for the regular order.

The VICE-PRESIDENT. The regular order is the consideration of the unfinished business, the half hour to be devoted to the calendar having expired.

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. JONES. I desire to present a substitute for the amendment offered by the junior Senator from Kansas [Mr. BRISROW], which I intend to propose at the proper time. I ask that it may be read and printed and lie on the table.

The VICE-PRESIDENT. It will be printed and lie on the table, to be offered at the proper time.

Mr. JONES. I ask that it be read. It is very short.

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

The SECRETARY. At the end of line 6, on page 19, insert the following proviso:

Provided, That if any such hearing can not be concluded within the period of suspension the Interstate Commerce Commission may, in its discretion, extend the time of suspension for a further period not exceeding six months.

DEPARTMENT OF PUBLIC HEALTH.

Mr. OWEN. Mr. President, while awaiting the return of the Senator from Wisconsin [Mr. LA FOLLETTE] I wish to make a few comments on the bill (S. 6049) establishing a department of public health, and for other purposes.

Mr. President, I have been amazed, and I suppose that every homeopath, osteopath, eclectic, chiropractic, and practitioners and believers in Christian Science and suggestive therapeutics, and from other good citizens, protesting against a department of public health apparently upon the unfounded notion that the bill introduced by me (S. 6049) proposed or made possible some interference by the Federal Government with the practice of medicine and constituted a possible invasion of the medical freedom of the citizen to employ whom he pleased when sick. None of the protests point out the language of the bill by which this could possibly happen, and for the obvious reason that no such language exists in the bill. None of these protests suggest any amendment to correct either an error of omission or commission in the bill. They simply protest against an interference with the medical freedom of the citizen, with which the bill contemplates no interference, with which the Federal statutes can not interfere within any State.

I understand that during the last week a large number of so-called "taxpayers and voters" associations have been organized with many members in several States of the Union for the purpose of opposing a department of public health.

I am informed that the sudden and surprising interest of the "taxpayers and voters" of the United States who are organized in this artificial manner and the active interest alleged or manifested of the "homeopaths" and of the "osteopaths" and of the "eclectics" and of the great variety of those who have special views with regard to the various methods of healing the sick has taken place within seven days, and like a flash of lightning telegrams are coming in from Maine to California. The chairman of the Committee on Public Health and National Quarantine of the Senate received a very large number of them. Such sudden universality of disapproval of a department of public health on such an unsound theory is astounding; it is more, it is extremely suspicious; it is obviously artificial; it is perfectly apparent that somebody is spending a very

large amount of money on this sudden propaganda; it can hardly be doubted that somebody, in gross error, is advising the "homeopaths," the "osteopaths," the "eclectics" that their right to practice medicine is about to be invaded by the Federal Government.

The agency through which this propaganda is being carried on against a department of public health is carrying the flag of "medical freedom."

And an active and authorized representative of this organization in the Washington Post is quoted as saying (Friday morning, May 20, 1910):

I believe the creation of a federal department of health would mean the abridgment of long-cherished rights of the people, which would mean the taking away of the enjoyment of one of the most sacred rights for which man has had to contend—the right to select the practitioner of his choice in the hour of sickness. If such a bill became law, hundreds of practitioners would be thrown out of practice, men who have succeeded in curing persons who have been given up by physicians. It would particularly affect Christian Science healers and osteopaths. In their line, both these classes of practitioners undoubtedly have done a world of good, and they should not by unfair legislation be outlawed. It should make no difference whether we believe in Christian Science, osteopathy, or any other practice, the people should have the privilege of choosing their own practitioners. They should not be prohibited from so doing by legislation.

This is an astonishing and utterly impossible interpretation of the bill which I introduced in the Senate of the United States proposing a department of public health.

The bill itself merely brings the various bureaus affecting the public health in one body, under one head, without changing the character of the activities or authorities of such existing bureaus, to wit:

All departments and bureaus belonging to any department (excepting the army and navy) affecting the medical, surgical, biological, or sanitary service, or any questions relative thereto, shall be combined in one department.

The greatest of these bureaus dealing with the public health is the Bureau of Public Health and Marine-Hospital Service, but various public hospitals, the Bureau of Chemistry and of pure foods and drugs, and bureau of meat inspection, including some 16 laboratories of the Federal Government, are to be transferred to one department by this proposed bill.

Nobody has heretofore protested against the existence of these bureaus or their functions.

Nobody has declared them unconstitutional.

Nobody has charged that they in any wise have interfered with the homeopaths, osteopaths, eclectics, Christian Scientists, or any other school of healing.

Nobody has contended that they would do so, or has desired that they should be abolished for fear that they would interfere with the local practitioners in the gentle art of healing.

No man who has any knowledge of constitutional law would believe it possible that the Federal Government could invade the police powers of the State, or in any way interfere with the liberties of the citizen or of the local practitioner.

The Supreme Court has repeatedly passed upon this question, and held that the States, under their police powers, exclusively control such matters. All lawyers are familiar with these principles. The leading cases I insert in the RECORD for the convenience of those who may not be familiar with the matter:

United States v. De Witt (9 Wall., 41); *Slaughterhouse cases* (16 Wall., 36); *United States v. Reese* (92 U. S., 214); *United States v. Cruikshank* (92 U. S., 542); *Munn v. Illinois* (94 U. S., 113); *Civil Rights case* (19 U. S., 3).

All citizens know that the States exclusively control the issuance of licenses to practice medicine.

Nobody ever heard of the Federal Government considering such a matter or pretending to have any interest in it.

Every member of the Senate and of the House of Representatives knows that the Federal Government has nothing to do with the local practitioner nor the hostilities which may exist between different schools of medicine, if any such do exist.

I wish, however, to put in the RECORD my assurances to the members of the medical profession, of whatever school of healing, a few facts which I trust may abate any apprehension on this score.

First Senate bill 6049, proposing a department of public health, was drawn by me without the knowledge of any school of medicine or of any medical association. I was greatly pleased to find that many members of the various medical schools and associations, including homeopaths and eclectics, approved the bill.

I have been pleased to observe the wholesale cordial support of osteopaths and men of all schools of healing for a department of public health. The bill contains no provision either directly

or indirectly interfering with any school of healing, whether osteopaths, homeopaths, eclectics, Christian Scientists, or in those who reject all medicine. It could not accomplish such a purpose if it had the intent, as the Federal Government has no such police powers within the State, the States alone issuing licenses to control the practice of medicine and religious and personal freedom being a constitutional right in which everybody believes.

As the author of this bill I wish to say that I believe the more a man knows about the laws of health the less drugs he takes. I have employed homeopaths and osteopaths and allopaths as well to treat myself and the members of my family. I have studied the doctrine of suggestive therapeutics and of Christian Science with great interest and respect, and cordially indorse Horace Fletcher as the best doctor of them all. I stand firmly for medical freedom and for the right of the citizen to select his own medical or spiritual adviser.

The department of health, proposed by me, has for its object the prevention of sickness, and therefore taking business away from all doctors.

The members of the profession whose hearts are constantly wrung by the grief and sorrow at the bedside of sickness and death naturally desire to prevent bad health and illness, even if it be to their financial loss, as it evidently is, and every member of the noblest of professions will stand for the department of health when its purposes and its constitutional limitations are well understood.

The absurd theory that any medical association could, by any possibility, take charge of the health activities of the Government of the United States and interfere with the medical freedom either of citizen or practitioner is preposterous.

It is to the honor of all the members of this sympathetic and self-sacrificing profession that they are so largely interested in preventing disease and thus diminishing the need for their own employment. All disciples of every school of healing, I should think, should engage in a generous rivalry to put an end to disease and prevent tuberculosis, typhoid and yellow fevers, bubonic plague, pneumonia, and the many diseases which are known to be preventable.

This is about all a department of health can hope to assist in, and it can only do this by cooperating with the States on constitutional lines in educating the people on the elementary laws of health and well-ascertained facts relating to the prevention of the wholesale sickness and death of our people.

It is beyond belief that any of our good citizens engaged in curing the sick would seriously oppose the reasonable exercise of either the state or national activities within their constitutional limits for the prevention of the illness and death of our people.

COURT OF COMMERCE, ETC.

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. LA FOLLETTE resumed his speech. After having spoken over an hour and a half he said:

Mr. President, I am now about to take up a very important branch of this subject. I purpose to demonstrate that since the Hepburn bill went into effect, instead of rates being advanced—and no one is able to say to this Senate or to the country how much the rates have been advanced, because no one knows but the railroads—I am about to undertake to show that, instead of rates being advanced, all of the economic laws governing with respect to transportation cry out for a reduction of transportation charges year by year for several years in the past. I do not care to begin that argument without being able to conclude it; and, as I shall not to-night be able to conclude it or to approach the conclusion of what I have to say upon this proposition and upon this bill, of which I propose to make an analysis, which I shall follow by a discussion of sections 13, 14, and 15, showing the iniquity of those sections, I would prefer not to take up the discussion of the proposition at this hour. If the Senator from Illinois has risen to move an executive session, I shall yield to that motion.

Mr. CULLOM. I have sent for the chairman of the committee. I would rather not move an executive session or anything else until we see what he purposes doing.

Mr. LA FOLLETTE. Mr. President, I will myself take the responsibility of moving that the Senate do now adjourn.

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

Mr. LA FOLLETTE. Very well, then, if the Senator desires to move an executive session, I will yield for that purpose.

[For Mr. LA FOLLETTE's entire speech see Senate proceedings of Thursday, May 26, 1910.]

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

Mr. LA FOLLETTE. Will the Senator withhold that motion for a moment?

Mr. CULLOM. Certainly.

Mr. LA FOLLETTE. I move that when the Senate adjourns to-day it adjourn to meet at 12 o'clock to-morrow.

Mr. KEAN. That will be the regular order.

The PRESIDING OFFICER. The Chair thinks that that would be the regular order without a motion.

Mr. LA FOLLETTE. Very well.

Mr. PAYNTER. Mr. President—

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

Mr. CULLOM. I yield.

Mr. PAYNTER. I desire to offer an amendment to the pending bill, and I ask that it may be printed in the RECORD and lie on the table.

The PRESIDING OFFICER. The amendment will be received, printed, and lie on the table, and will also be printed in the RECORD.

The proposed amendment is as follows:

Insert at the proper place:

"After the carrier has increased its rates, and until the question of its right to do so has been determined by the Interstate Commerce Commission and the courts where the question has been carried for adjudication, all waybills made out by the carrier on interstate shipments to or from points where the increased rates apply shall show on their face the date, point of origin, point of destination, consignor and consignee, the character of articles consigned for shipment, weight, rate, freight, and total charges. The carrier shall give to each shipper when he prepays the freight, or to the consignee when he pays the freight, a bill of lading, receipt, or expense bill, showing the date, point of origin, destination, name of consignor and consignee, character of freight shipped, weight thereof, rate of freight, and total amount of freight charges. The bill of lading, receipt, or expense bill shall show what the charges would have been if the rate that was increased had not been changed. Such waybills shall be preserved until final determination of the question as above provided. If the increased rate is found to be unreasonable, then the carrier shall refund to the party paying it the difference between that and the rate as it existed before the increase."

EXECUTIVE SESSION.

Mr. CULLOM. I renew my motion 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 eight minutes spent in executive session the doors were reopened, and (at 4 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Thursday, May 26, 1910, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 25, 1910.

UNITED STATES MARSHAL.

Harmon L. Rimmel, to be United States marshal for the eastern district of Arkansas.

POSTMASTERS.

ILLINOIS.

John J. Reeve, at Jacksonville, Ill.

INDIANA.

Albert J. Frost, at Portland, Ind.

KENTUCKY.

Robert E. Woods, at Louisville, Ky.

MICHIGAN.

E. Harvey Drake, at Yale, Mich.

Harry K. Myers, at Vulcan, Mich.

MINNESOTA.

Fred A. Swartwood, at Waseca, Minn.

George H. Tome, at Pine Island, Minn.

PORTO RICO.

Luis A. Torregrosa, sr., at Aguadilla, P. R.

VIRGINIA.

Louis L. Whitestone, at Culpeper, Va.

WEST VIRGINIA.

Harrison A. Darnall, at Buckhannon, W. Va.

WISCONSIN.

John C. Freeman, at New London, Wis.

Stephen L. Perry, at Marion, Wis.

Table showing a few of the advances which have become effective after May 1, 1910—Continued.

| Commodity. | From— | To— | Old rate per ton (2,000 pounds). | New rate per ton (2,000 pounds). | Difference. | Per cent. |
|------------|---------------------|---|----------------------------------|----------------------------------|-------------|-----------|
| Coal..... | Sullivan, Ind..... | Cambridge, Iowa..... | \$2.10 | \$2.30 | \$0.20 | 0.09 |
| Do..... | Princeton, Ind..... | do..... | 2.17 | 2.37 | .20 | .09 |
| Do..... | Brazil, Ind..... | Kalamazoo, Mich..... | 1.30 | 1.40 | .10 | .07 |
| Do..... | Danville, Ill..... | do..... | 1.27 | 1.37 | .10 | .08 |
| Do..... | Marion, Ill..... | do..... | 1.58 | 1.70 | .12 | .08 |
| Do..... | Pana, Ill..... | do..... | 1.85 | 1.45 | .10 | .08 |
| Do..... | Sullivan, Ind..... | do..... | 1.40 | 1.48 | .08 | .06 |
| Do..... | Princeton, Ind..... | do..... | 1.47 | 1.57 | .10 | .07 |
| Do..... | Brazil, Ind..... | Fond du Lac, Oshkosh, Neenah, and Menasha, Wis..... | 1.75 | 1.85 | .10 | .06 |
| Do..... | Danville, Ill..... | do..... | 1.72 | 1.82 | .10 | .06 |
| Do..... | Marion, Ill..... | do..... | 2.05 | 2.15 | .10 | .05 |
| Do..... | Pana, Ill..... | do..... | 1.80 | 1.90 | .10 | .06 |
| Do..... | Sullivan, Ind..... | do..... | 1.85 | 1.95 | .10 | .05 |
| Do..... | Princeton, Ind..... | do..... | 1.92 | 2.02 | .10 | .05 |

| Commodity. | From— | To— | Old rate. | New rate. | Difference. | Per cent. |
|---|-------------------------|-----------------------------|-----------|-----------|-------------|-----------|
| Scrap tin No. 5..... | East Walpole, Mass..... | Waterbury, Conn..... | \$1.90½ | \$1.95½ | | 0.03 |
| Do..... | Springfield, Mass..... | do..... | 1.63 | 1.73 | | .03 |
| Do..... | Worcester, Mass..... | do..... | 1.90½ | 1.95½ | | .03 |
| Cotton..... | Taunton, Mass..... | Braintree, Mass..... | .06 | .06½ | \$0.00½ | .04 |
| Do..... | do..... | Canton, Mass..... | .06 | .06½ | | .04 |
| Do..... | do..... | Dedham, Mass..... | .08 | .08½ | | .03 |
| Do..... | do..... | Fall River, Mass..... | .05 | .05½ | | .05 |
| Do..... | do..... | Lowell, Mass..... | .09 | .09½ | | .03 |
| Do..... | do..... | New Bedford, Mass..... | .05 | .05½ | | .03 |
| Dressed meat..... | Pittsfield, Mass..... | New Lenox, Mass..... | .12½ | .13½ | .01 | .08 |
| Do..... | do..... | Lenox, Mass..... | .15½ | .16½ | .01 | .08 |
| Do..... | do..... | Stockbridge, Mass..... | .17 | .18 | .01 | .06 |
| Do..... | do..... | Great Barrington, Mass..... | .20 | .21 | .01 | .05 |
| Do..... | do..... | Canaan, Mass..... | .22 | .23 | .01 | .05 |
| Horses and mules, in dollars, per standard car..... | Chicago, Ill..... | Clinton, Iowa..... | 35.00 | 38.50 | 3.50 | .10 |
| Do..... | do..... | De Witt, Iowa..... | 37.00 | 40.50 | 3.50 | .09 |
| Do..... | do..... | Grandmound, Iowa..... | 39.00 | 43.00 | 4.00 | .10 |
| Do..... | do..... | Cedar Rapids, Iowa..... | 55.00 | 60.50 | 5.50 | .10 |
| Do..... | do..... | Tama, Iowa..... | 63.00 | 69.50 | 6.50 | .10 |
| Do..... | do..... | Marshalltown, Iowa..... | 65.00 | 71.50 | 6.50 | .10 |
| Do..... | do..... | Omaha, Nebr..... | 75.00 | 82.50 | 7.50 | .10 |
| Do..... | do..... | Fairmont, Minn..... | 70.00 | 77.00 | 7.00 | .10 |
| Do..... | do..... | Des Moines, Iowa..... | 70.00 | 77.00 | 7.00 | .10 |
| Do..... | do..... | Mapleton, Iowa..... | 75.00 | 82.50 | 7.50 | .10 |
| Do..... | do..... | Alecter, S. Dak..... | 75.00 | 82.50 | 7.50 | .10 |
| Do..... | do..... | Parker, S. Dak..... | 80.00 | 88.00 | 8.00 | .10 |
| Do..... | do..... | Esmond, S. Dak..... | 85.00 | 93.50 | 8.50 | .10 |
| Do..... | do..... | Salem, S. Dak..... | 83.00 | 91.50 | 8.50 | .10 |
| Do..... | do..... | Rochester, Minn..... | 65.00 | 71.50 | 6.50 | .10 |
| Do..... | do..... | Winona, Minn..... | 45.00 | 49.50 | 4.50 | .10 |
| Do..... | do..... | New Ulm, Minn..... | 70.00 | 77.00 | 7.00 | .10 |
| Do..... | do..... | Redwood Falls, Minn..... | 70.00 | 77.00 | 7.00 | .10 |
| Do..... | do..... | Watertown, S. Dak..... | 85.00 | 93.50 | 8.50 | .10 |
| Do..... | do..... | Groton, S. Dak..... | 85.00 | 93.50 | 8.50 | .10 |
| Do..... | do..... | Aberdeen, S. Dak..... | 85.00 | 93.50 | 8.50 | .10 |
| Do..... | do..... | De Witt, Iowa..... | 21.70 | 25.50 | 3.80 | .18 |
| Do..... | East Clinton, Ill..... | South Omaha, Nebr..... | 55.00 | 60.50 | 5.50 | .10 |
| Do..... | do..... | Marshalltown, Iowa..... | 35.00 | 38.50 | 3.50 | .10 |
| Do..... | do..... | Cedar Rapids, Iowa..... | 27.30 | 30.00 | 2.80 | .10 |
| Do..... | do..... | Des Moines, Iowa..... | 35.00 | 38.50 | 3.50 | .10 |

* Per ton.

Mr. STONE. Mr. President, at this point, following the speech of the Senator from Wisconsin [Mr. LA FOLLETTE], I desire to read a telegram received this morning. It is as follows:

KANSAS CITY, Mo., May 25.

Hon. W. J. STONE,

United States Senate, Washington, D. C.:

All railroad lines, members of Western Trunk Line Freight Association, have simultaneously announced great advances in their rates between Chicago, Mississippi River, and Missouri River points, effective June 1, as per Hosmer's supplement 2 to Interstate Commerce Commission A-115. Appears like conspiracy between roads, and as such is a violation of antitrust act. Conditions do not warrant such radical advances. Attorney-General should immediately bring suit to restrain railroads from putting rates into effect. Missouri River cities will have committee at New Willard, Washington, Monday, 30th, to discuss. Please meet them.

KANSAS CITY LIVE STOCK EXCHANGE,
By T. G. McCROSKY, Vice-President.

I have telegrams of similar import, and in somewhat similar terms, signed by W. T. Bland, president, and E. M. Clendenning, general secretary, of the Commercial Club of Kansas City.

I have another signed by the Kansas City Transportation Bureau, by O. V. Wilson, chairman; and still another by William Volkens. All these are from Kansas City, and I desire to put them in the Record. I will read but one, the others being similar, and I thought this quite an appropriate place to have them inserted.

The PRESIDENT pro tempore. If there is no objection, that request will be complied with.

The telegrams referred to are as follows:

KANSAS CITY, Mo., May 25, 1910.

Hon. WILLIAM J. STONE,

United States Senator, Washington, D. C.:

Rate advances by western trunk-line roads between Chicago, Mississippi River, and Missouri River points, effective June 1, Hosmer's tariff supplement 2 to I. C. C. A.-115, thought to be result of conspiracy between roads, and as such a violation of antitrust act, and not warranted by commercial conditions. Bring pressure on Attorney-General to immediately institute proceedings to restrain roads from carrying rates into effect and to dissolve all traffic associations or other methods in violation of law. Committee from Missouri River will meet at New Willard, Washington, Monday, 30th, to discuss. Arrange to meet us.

THE COMMERCIAL CLUB,
W. T. BLAND, President,
E. M. CLENDENNING,
General Secretary.

KANSAS CITY, Mo., May 25-26, 1910.

Senator WILLIAM J. STONE,

Washington, D. C.:

Rate advances by western trunk-line roads between Chicago, Mississippi River, and Missouri River points, effective June 1, Hosmer's tariff supplement 2 to I. C. C. A.-115, thought to be result of conspiracy between roads, and as such a violation of antitrust act, and not warranted by commercial conditions. Bring pressure on Attorney-General to immediately institute proceedings to restrain roads from carrying rates into effect and to dissolve all traffic associations or other methods in violation of law. Committee from Missouri River will meet at New Willard, Washington, Monday, 30th, to discuss. Arrange to meet us.

KANSAS CITY TRANSPORTATION BUREAU,
O. V. WILSON, Chairman.

KANSAS CITY, Mo., May 25, 1910.

Senator W. J. STONE,
Washington, D. C.:

The railways, members of Western Trunk Line Association, issued supplement 2 to I. C. C. tariff A-115, effective June 1, advancing rates approximately 20 per cent. It is reported that these advances were made on instruction of the presidents of the various roads without consultation with their traffic officials, indicating a conspiracy of the antitrust acts. Use every between the roads and a violation of the Attorney-General institute proceedings to means possible to have the advance rates into effect and further restrain roads from putting the advance rates into effect and further to dissolve all traffic associations and other methods in violation of the law. A committee of the western shippers will meet at the New Willard, Washington, Monday, 30. Can you arrange to meet with them?
WM. VOLKERS.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Iowa [Mr. CUMMINS] to the amendment of the Senator from Kansas [Mr. BRISTOW].

Mr. CUMMINS. Upon the amendment I have proposed to the amendment offered by the Senator from Kansas, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MARTIN. Day before yesterday I suggested to the Senator from Iowa an amendment, with the hope that he would modify his amendment by incorporating into it the language which I suggested. I again make the inquiry of the Senator from Iowa whether it would be agreeable to him to add to his amendment the language which I then proposed, which is, following the word "speed," in the fifth line of the second page, to add:

And a final decision shall be rendered within six months from the date on which the said schedule was filed.

Mr. CUMMINS. In view of the differences of opinion which developed respecting the proper interpretation of the suggestion of the Senator from Virginia, I can not modify my amendment. I desire a vote upon it directly and as it is.

Mr. MARTIN. Then, I wish to inquire whether or not it is in order for this amendment to be offered by me now.

Mr. CUMMINS. I suggest to the Senator from Virginia that if my substitute is adopted, it will be entirely in order for the Senator from Virginia to move to amend it.

Mr. BEVERIDGE. That is better.

Mr. MARTIN. I am aware of that, but I desire to submit it to a vote of the Senate now as an amendment to the amendment of the Senator from Iowa, if under parliamentary law it is in order.

The PRESIDENT pro tempore. In the opinion of the Chair it is in order.

Mr. MARTIN. I offer the amendment, then.

The PRESIDENT pro tempore. The Secretary will state the amendment.

Mr. GALLINGER. It is in order?

The PRESIDENT pro tempore. In the opinion of the Chair it is. The amendment will be stated.

The SECRETARY. On page 2 of the printed amendment, after the word "speed," in line 5, insert the words:

And a final decision shall be rendered within six months from the date on which the said schedule was filed.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Virginia. [Putting the question.] By the sound the "noes" have it.

Mr. MARTIN. I ask for the yeas and nays.

Mr. PAYNTER. Is it in order to submit remarks at this time?

The PRESIDENT pro tempore. Is there a second to the demand for the yeas and nays? In the opinion of the Chair, there is not a sufficient number. The yeas and nays are refused and the amendment is lost.

Mr. CLAY. I ask that the question be again put. I do not believe we ought to refuse the yeas and nays to any Senator when they are demanded, and I sincerely hope they will not be refused in this instance.

Mr. MARTIN. I have no pride of that sort about it. I do not, so far as I am concerned, desire anyone to support a call for the yeas and nays unless it meets his judgment.

The PRESIDENT pro tempore. The yeas and nays were refused, and the amendment of the Senator from Virginia is lost. The question is on agreeing to the amendment of the Senator from Iowa to the amendment of the Senator from Kansas.

Mr. PAYNTER. Is it in order to submit remarks for about five minutes?

Mr. MARTIN. I will say that I do not think the Senate understood the call for the yeas and nays, and I should like to have that question submitted again.

The PRESIDENT pro tempore. The Chair will again submit the request. Is there a second to the request of the Senator from Virginia for the yeas and nays on his amendment? In the opinion of the Chair there is a sufficient number.

The Secretary proceeded to call the roll.
Mr. CLAY (when his name was called). I have a pair with the junior Senator from New York [Mr. ROOT], and as he is absent I decline to vote.

Mr. PAGE (when Mr. DILLINGHAM's name was called). I wish to announce that my colleague is unavoidably absent. He is paired with the senior Senator from South Carolina [Mr. TILLMAN].

Mr. BACON (when Mr. FOSTER's name was called). I have been requested by the junior Senator from Louisiana [Mr. FOSTER] to announce that he is necessarily absent to-day on account of business connected with the visit of officials of his State to the capital. He is paired with the senior Senator from North Dakota [Mr. McCUMBER].

Mr. RAYNER (when his name was called). I am paired with the junior Senator from Delaware [Mr. RICHARDSON].

Mr. SCOTT (when his name was called). I have a general pair with the senior Senator from Florida [Mr. TALLAFERRO]. I will withhold my vote for the present. I do not know how he would vote.

Mr. SMITH of South Carolina (when Mr. TILLMAN's name was called). In the absence of the senior Senator from Vermont [Mr. DILLINGHAM] as well as of the senior Senator from South Carolina [Mr. TILLMAN], I desire to state that the senior Senator from South Carolina is paired with the senior Senator from Vermont.

The roll call was concluded.

Mr. DU PONT. My colleague [Mr. RICHARDSON] is paired with the senior Senator from Maryland [Mr. RAYNER]. He is necessarily absent from the Senate.

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

The result was announced—yeas 18, nays 54, as follows:

YEAS—18.

| | | | |
|----------|---------|------------|--------------|
| Bacon | Martin | Percy | Smith, S. C. |
| Bailey | Money | Purcell | Stone |
| Fletcher | Overman | Shively | Taylor |
| Frazier | Owen | Simmons | |
| Johnston | Paynter | Smith, Md. | |

NAYS—54.

| | | | |
|-----------|--------------|-------------|--------------|
| Aldrich | Chamberlain | Elkins | Nixon |
| Beveridge | Clapp | Frye | Oliver |
| Borah | Clark, Wyo. | Gallinger | Page |
| Bourne | Clarke, Ark. | Gamble | Perkins |
| Bradley | Crane | Gore | Piles |
| Brandege | Crawford | Guggenheim | Smith, Mich. |
| Briggs | Cullom | Hale | Smoot |
| Bristow | Cummins | Heyburn | Stephenson |
| Brown | Curtis | Jones | Sutherland |
| Burkett | Depew | Kean | Warner |
| Burnham | Dick | La Follette | Warren |
| Burrows | Dixon | Lodge | Wetmore |
| Burton | Dolliver | McEnery | |
| Carter | du Pont | Nelson | |

NOT VOTING—20.

| | | | |
|------------|------------|----------|------------|
| Bankhead | Davis | Lorimer | Richardson |
| Bulkeley | Dillingham | McCumber | Root |
| Clay | Flint | Newlands | Scott |
| Culbertson | Foster | Penrose | Tallafarro |
| Daniel | Hughes | Rayner | Tillman |

So Mr. MARTIN's amendment to the substitute of Mr. CUMMINS was rejected.

The PRESIDENT pro tempore. The question recurs on agreeing to the amendment of the Senator from Iowa [Mr. CUMMINS] to the amendment of the Senator from Kansas [Mr. BRISTOW], upon which the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CLAY (when his name was called). I am paired with the junior Senator from New York [Mr. ROOT]. I transfer the pair to the senior Senator from Florida [Mr. TALLAFERRO], and let the junior Senator from New York [Mr. ROOT] stand paired with the senior Senator from Florida [Mr. TALLAFERRO], and I will vote. I vote "yea."

Mr. RAYNER (when his name was called). I am paired with the junior Senator from Delaware [Mr. RICHARDSON]. If he were present, I would vote "yea."

Mr. DU PONT (when Mr. RICHARDSON's name was called). My colleague [Mr. RICHARDSON], as has just been stated by the senior Senator from Maryland, is paired with him. If my colleague were present, he would vote "nay."

Mr. SCOTT (when his name was called). As announced by the junior Senator from Georgia [Mr. CLAY], the senior Senator from Florida [Mr. TALLAFERRO] having been taken care of, I will vote. I vote "nay."

The roll call was concluded.
 Mr. PAGE. I wish again to announce the absence of my colleague [Mr. DILLINGHAM], who is paired with the senior Senator from South Carolina [Mr. TILLMAN]. If my colleague were present, he would vote "nay."

Mr. PERKINS. I desire to announce that my colleague [Mr. FLINT] is absent from the Senate on official business and has a general pair with the senior Senator from Texas [Mr. CULBERSON].

Mr. BACON. I again make the same announcement in reference to the junior Senator from Louisiana [Mr. FOSTER] as I made upon the preceding vote. He is paired with the senior Senator from North Dakota [Mr. McCUMBER], and is absent for the reason I then stated.

Mr. JOHNSTON. I again announce the pair of the senior Senator from Texas [Mr. CULBERSON] with the junior Senator from California [Mr. FLINT], and of the junior Senator from Arkansas [Mr. DAVIS] with the junior Senator from Illinois [Mr. LORIMER].

The Secretary proceeded to recapitulate the vote.
 Mr. LA FOLLETTE. I ask that the pairs be announced, as well as the names of those not voting.

Mr. GALLINGER. Let the announcement of the roll call first be made.

The Secretary recapitulated the vote.
 Mr. LA FOLLETTE. Now I ask for the announcement of the pairs and of those not voting.

The PRESIDENT pro tempore. The Secretary will announce the pairs.

The Secretary read as follows:
 Mr. ROOT with Mr. TALLAFERRO.
 Mr. FLINT with Mr. CULBERSON.
 Mr. LORIMER with Mr. DAVIS.
 Mr. DILLINGHAM with Mr. TILLMAN.
 Mr. McCUMBER with Mr. FOSTER.
 Mr. RAYNER with Mr. RICHARDSON.

Mr. OLIVER. I should like to announce that my colleague [Mr. PENROSE] is detained in Philadelphia by serious illness.

Mr. ALDRICH. I ask that the vote be announced. Let us see what the vote is.

The result of the vote was announced—yeas 29, nays 43, as follows:

| | | | |
|----------------|--------------|-------------|--------------|
| YEAS—29. | | | |
| Bacon | Clarke, Ark. | Gamble | Purcell |
| Beveridge | Clay | Gore | Shively |
| Borah | Crawford | Johnston | Simmons |
| Bourne | Cummins | La Follette | Smith, S. C. |
| Bristow | Dixon | Martin | Stone |
| Burkett | Dolliver | Overman | |
| Chamberlain | Fletcher | Owen | |
| Clapp | Frazier | Paynter | |
| NAYS—43. | | | |
| Aldrich | Crane | Heyburn | Scott |
| Bailey | Cullom | Jones | Smith, Md. |
| Bradley | Curtis | Kean | Smith, Mich. |
| Brandegee | Depew | Lodge | Smoot |
| Briggs | Dick | McEnery | Stephenson |
| Brown | du Pont | Nelson | Sutherland |
| Burnham | Elkins | Nixon | Taylor |
| Burrows | Frye | Oliver | Warner |
| Burton | Gallinger | Page | Warren |
| Carter | Guggenheim | Perkins | Wetmore |
| Clark, Wyo. | Hale | Piles | |
| NOT VOTING—20. | | | |
| Bankhead | Dillingham | McCumber | Rayner |
| Bulkeley | Flint | Money | Richardson |
| Culberson | Foster | Newlands | Root |
| Daniel | Hughes | Penrose | Tallaferro |
| Davis | Lorimer | Percy | Tillman |

So the substitute of Mr. CUMMINS for the amendment of the Senator from Kansas [Mr. BRISTOW] was rejected.

Mr. NEWLANDS subsequently said: Mr. President, I was unavoidably absent from the Chamber at the time the vote was taken upon the Cummins amendment. I wish to state that if present I should have voted for that amendment.

Mr. LA FOLLETTE. I ask for an announcement of those not voting and not paired.

Mr. GALLINGER. A list of those not voting will appear in the RECORD as usual.

Mr. ALDRICH. Yes.

Mr. LA FOLLETTE. Very well.

Mr. JONES. I desire to offer a substitute for the amendment of the Senator from Kansas [Mr. BRISTOW].

The PRESIDENT pro tempore. The Senator from Washington offers a substitute for the amendment submitted by the Senator from Kansas. It will be stated.

Mr. CLARKE of Arkansas. I move to amend the amendment of the Senator from Kansas by striking it all out and inserting what I send to the desk. I believe it is in order to perfect the amendment before a substitute is offered.

The PRESIDENT pro tempore. The Senator from Washington has just offered a substitute for the amendment of the Senator from Kansas.

Mr. GALLINGER. I ask that the amendment of the Senator from Kansas be first reported.

The PRESIDENT pro tempore. The amendment offered by the Senator from Kansas will be reported.

The SECRETARY. The Senator from Kansas [Mr. BRISTOW] proposed the following amendment: On page 19, at the end of line 6, insert:

Provided, however, That the commission shall first consider those schedules which show an increase of rates, fares, and charges.

In lieu of the amendment of the Senator from Kansas, the Senator from Washington proposes the following amendment:

Provided, That if any such hearing can not be concluded within the period of suspension the Interstate Commerce Commission may, in its discretion, extend the time of suspension for a further period, not exceeding six months.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Washington.

Mr. ALDRICH. I ask that the substitute offered by the Senator from Washington be read.

The PRESIDENT pro tempore. It has just been read.

Mr. ALDRICH. No; the substitute offered by the Senator from Washington. I ask that it may be read.

The PRESIDENT pro tempore. It has just been read.

Mr. ALDRICH. I believe it will be satisfactory to the Senator from Arkansas if he shall hear it.

The PRESIDENT pro tempore. It has just been read.

Mr. GALLINGER. Let it be read again.

Mr. ALDRICH. Yes; let it be read again.

The PRESIDENT pro tempore. It will again be read.

The SECRETARY. In lieu of the amendment proposed by the Senator from Kansas [Mr. BRISTOW] the Senator from Washington proposes to insert:

Provided, That if any such hearing can not be concluded within the period of suspension the Interstate Commerce Commission may, in its discretion, extend the time of suspension for a further period, not exceeding six months.

Mr. BACON. I ask that the amendment proposed to be offered by the Senator from Arkansas be read for information.

The PRESIDENT pro tempore. It will be read for information.

The SECRETARY. In lieu of the amendment just read it is proposed to insert:

Provided, however, That whenever there shall be filed with the commission any schedule stating a new individual or joint rate, fare, or charge which is an increase over the then existing rate, fare, or charge, or any new individual or joint classification which effects such increase, the operation of any such increase shall be suspended and the use of any such increased rate, fare, charge, or classification shall be deferred until after full hearing and shall take effect only after the commission has found and declared the same to be just and reasonable, and neither unjustly discriminatory nor unduly preferential or prejudicial, nor otherwise in violation of the provisions of this act. The proceeding for such hearing shall be instituted by the commission within ten days after the schedule of any such increased rate, fare, charge, or classification is filed and shall be carried forward with all practicable speed; and the commission is hereby given the same power with reference to any such rate, fare, charge, or classification that it would have if the proceeding had been initiated after the rate, fare, charge, or classification had become effective: *Provided further,* That in the event the commission shall not be able to conclude such hearing and announce its decision thereon within six months after said hearing shall be formally instituted as aforesaid the proposed increase in rates shall become operative pending a final decision on said hearing, unless the commission shall find, and so declare in a formal order, that the said failure or inability to so finally conclude said hearing and to announce a decision thereon is due to delay caused by the petitioner and which the commission could not control. If when said hearing is concluded and a decision thereon announced it shall appear that such increase in rates is not warranted, the said increased rates, if operative under this proviso, shall be annulled and a schedule of reasonable rates prescribed, whether the same be more or less than the rate existing at the date the application for an increase was made.

Mr. CLARKE of Arkansas. Mr. President, the Senator from Rhode Island [Mr. ALDRICH] requested the reading of the amendment of the Senator from Washington under the belief that in legal effect it was equivalent to the amendment I have presented. It is very different.

In the first place, it leaves it discretionary with the commission, without any possible showing as to who is responsible for the delay. Next, it makes no provision whatever for a modified rate. The commission is required to reject the proposed increase and to send the rates back and then undergo an independent inquiry to determine what would be a reasonable rate, if any advance is to be permitted.

The amendment I have offered, I think, meets the requirements of the occasion by giving the commission the power to hear the application for an increase on its merits, to investi-

gate the condition of the rates at that time, and to determine whether or not another rate—a rate other than the one then in force—shall be substituted; whether it shall be an increase or a decrease.

Then, in the matter of six months, the commission is only permitted to extend the time beyond six months whenever it is made to appear that the delay has not been caused by the carrier petitioning. It provides for a condition where the railroads, by some kind of cooperative action, might load the commission down with applications for increases which they knew would never be granted, and absolutely submerge the commission in their efforts to reach those where there was to be a bona fide controversy and an intelligent and thorough investigation.

I think they are not identical, and I therefore would not be willing to accept the amendment of the Senator from Washington as a complete disposition of the subject as I understand it.

Mr. CRAWFORD. I should like to hear the amendment offered by the Senator from Washington read again.

The PRESIDENT pro tempore. The Secretary will again read the amendment offered by the Senator from Washington [Mr. JONES] to the amendment of the Senator from Kansas [Mr. BRISTOW].

The Secretary again read the amendment to the amendment.

Mr. JONES. Mr. President, I simply desire to say that under the bill as it now stands the Interstate Commerce Commission may suspend the rates for one hundred and twenty days. The proposition submitted by me provides that if during that time the hearing can not be concluded the Interstate Commerce Commission may further suspend, in order to complete the hearing, for a further period of six months. In other words, the rates might be suspended under the operation of this provision for a period of eleven months. That is all I care to say. That is the purpose of the amendment to the amendment.

Mr. PAYNTER. My information is that another amendment is not in order now, but I send to the desk an amendment which I shall propose, and I ask to have it read for information.

The PRESIDENT pro tempore. The Senator from Kentucky offers an amendment and asks that it may be read. The Secretary will read it.

The SECRETARY. Insert the following proviso:

Provided, That after the carrier has increased its rates (and they are in force), and until the question of its right to do so has been determined by the Interstate Commerce Commission and the courts where the question has been carried for adjudication, all waybills made out by the carrier on interstate shipments to or from points where the increased rates apply shall show on their face the date, point of origin, point of destination, consignor and consignee, the character of articles consigned for shipment, weight, rate, freight, and total charges. The carrier shall give to each shipper when he prepays the freight, or to the consignee when he pays the freight, a bill of lading, receipt, or expense bill showing the date, point of origin, destination, name of consignor and consignee, character of freight shipped, weight thereof, rate of freight, and total amount of freight charges. The bill of lading, receipt, or expense bill shall show what the charges would have been if the rate increased had not been changed. Such waybills shall be preserved until final determination of the question as above provided. If the increased rate is found to be unreasonable, then the carrier shall refund to the party paying it the difference between that and the rate as it existed before the increase, and shall do so on presentation of the bill of lading, receipt, or expense bill at its office where the freight charges were paid.

Mr. PAYNTER. Mr. President, I beg the indulgence of the Senate for a few minutes in calling attention to the provisions of my proposed amendment.

I think we all recognize it to be true that if the carrier increases its rate, and the commission or the courts to whom that question may be carried finally adjudge that it is an unreasonable rate and the carrier was not entitled to increase its rate, it should not be permitted to collect and retain from the shippers the amount in excess of the preexisting rate. On the other hand, if the carrier increases its rate, and the commission or the court to whom that question is carried adjudges it had a right to do it, then we must all admit the carrier has been wronged to the extent of the difference between the preexisting rate and the increased rate, because it has been compelled to carry freight at less than a reasonable rate.

So it seems to me in legislation where it is possible to do so the law should be absolutely just, and the carrier should not be compelled to carry freight at less than a reasonable rate, and upon the other hand if it increases the rate beyond what it should be, the shippers should not be made to pay the amounts in excess of a reasonable rate. The excess so paid should be refunded by the carrier. My proposed amendment gives that relief and at the same time protects the carrier against loss from carrying freight at less than a reasonable rate.

The purpose of the amendment is to protect the carrier if the act of increasing the rate was just and proper. Upon the other

hand, if it is found to be unjust and improper, then the shipper is protected by the amendment, if it should become a law.

The amendment provides that the carrier shall at the points where the rate was increased give to the shipper a bill of lading or receipt showing the total charges that were made and the charges which would have been made if the original rate had been charged, and if the increased rate is adjudged to be unreasonable, then, upon the presentation of the bill of lading to the office where the charges were paid, the shipper is entitled to collect the excess charges from the carrier.

It may be said that that will not be practicable. I will give an instance in which four railroad companies agreed that it was a reasonable rule. I had the honor in part to represent the State of Kentucky in litigation growing out of the increase of rates by the railroad commission of that State. The question arose as to whether the injunction should continue in force until final judgment in the case. Representing Kentucky, with other attorneys, we agreed with the carriers that an order, substantially to the same effect as the amendment which I have offered, should be entered in the cases, and that it should remain in force until there was a final determination of the question. In that proceeding, the Louisville and Nashville Railroad Company, the Southern Railroad Company in Kentucky, the Queen and Crescent, and the Illinois Central Railroad Company, in effect, admitted that it was practicable and proper for the order to remain in force until there was a final determination of the question.

I ask Senators why it is that the shippers should not be protected between the time that the rate is increased until the question of the carrier's right to make the increased rate is determined? I again ask Senators why it is that that is not proper and just that the carrier should not be protected during the same period? If it had a right to increase the rate, then, of course, if you do not give it this protection, you may force it to sustain a loss during the pendency of the proceedings.

It seems to me that it is just to furnish a rule to govern the parties and preserve the rights of the shippers and the carriers pending a hearing of the issue to be adjudged between them.

I voted for the Cummins amendment with some misgivings. I did so upon the idea that when the carriers had fixed a rate the presumption might be indulged that it was reasonable until the Interstate Commerce Commission made a change in it. But while I did that, my amendment more thoroughly expresses my view on this question than the amendment of the Senator from Iowa.

Mr. President, at the proper time, if I can do so, I desire to offer this amendment, and I shall insist upon a vote upon it.

Mr. ELKINS. Mr. President, I have considered the amendment somewhat which has been offered by the Senator from Washington [Mr. JONES] to the amendment of the Senator from Kansas [Mr. BRISTOW]. I believe it is fair and just, and I favor it. As chairman of the committee and in charge of the bill, I hope it will be adopted.

Mr. BEVERIDGE. I wish to ask a question of the Senator from Washington. Will the increased rate go into effect under the six months' extension provided for in the Senator's amendment? Suppose the commission is not able to conclude its hearing and consideration in the period named in the amendment of the Senator. In that case will the increased rate go into effect?

Mr. JONES. I understand it will until the Interstate Commerce Commission makes its final finding.

Mr. CLAY. If I understand the amendment of the Senator from Washington, the increased rate will not go into effect until after the expiration of six months.

Mr. JONES. Really it could be held up for about eleven months.

Mr. CLAY. Taking the whole bill, with the amendment of the Senator, the commission will be entitled to eleven months to investigate the increased rate.

Mr. JONES. That is correct.

Mr. CLAY. In other words, they are allowed discretion as to six months either to suspend the rate or let it go into operation during six months.

Mr. JONES. No; under the bill as it now stands the rate may be suspended for one hundred and twenty days.

Mr. CLAY. That is the original bill.

Mr. JONES. That is the effect of it. If a hearing is instituted and is not completed in one hundred and twenty days, it is left discretionary with the Interstate Commerce Commission as to whether it will require a further suspension, not exceeding six months. Of course, if they do not make an order that there shall be a further suspension the rates would go into effect.

amendment of the Senator from Arkansas and the amendment offered by the Senator from Kentucky.

Mr. BEVERIDGE. Mr. President, if it appears that the statement of the Senator from Massachusetts [Mr. Lodge] is correct, that the amendment of the Senator from Washington is in the nature of a substitute for the amendment of the Senator from Kansas [Mr. Bristow], and is, therefore, an amendment to strike out and insert, then, of course, as the Chair has just held, both are questions, and each is open to amendment, as was held in the case of the amendment of the Senator from Iowa [Mr. Cummins]. That being true, of course the amendment of the Senator from Arkansas either to the substitute offered by the Senator from Washington or the amendment offered by the Senator from Kansas would be in order, because both are questions.

I premise these remarks upon the statement of the Senator from Massachusetts, who stated—I suppose after having looked up the record—that the amendment of the Senator from Washington is in the nature of a substitute, and is therefore a motion to strike out and insert, thus presenting two separate questions, either amendment being by way of perfecting. That being true, the amendment of the Senator from Arkansas, I again repeat, would be in order either to the substitute of the Senator from Washington or to the original amendment of the Senator from Kansas.

Mr. BRISTOW. Mr. President, as I understand, the amendment of the Senator from Washington being a substitute for the amendment I have offered, I have the right to perfect my amendment before the substitute is voted upon.

Mr. ALDRICH. Unquestionably the Senator has the right to do that, with the consent of the Senate.

Mr. BRISTOW. That would be—

The PRESIDENT pro tempore. The Chair ruled a day or two ago that a Senator had a right to modify his amendment whether the Senate consented or not.

Mr. ALDRICH. I think not. I think the ruling of a few days ago was that an amendment to an amendment might be perfected, and not the amendment itself which was before the Senate. I think there is a great distinction between the two propositions.

This amendment can only be modified or changed by unanimous consent. An amendment to an amendment may be modified without unanimous consent, that being a question to be voted upon at the time. The Senator from Washington [Mr. Jones], for instance, might modify and change the language of his amendment, but the Senator who moved the original amendment proposed to be voted upon could not change his amendment, because he might modify his amendment so that the amendment of the Senator from Washington would be entirely foreign to the question.

Mr. BAILEY. Mr. President, will the Senator from Rhode Island permit me to make an observation?

The PRESIDENT pro tempore. Does the Senator from Rhode Island yield to the Senator from Texas?

Mr. ALDRICH. Certainly.

Mr. BAILEY. Mr. President, it seems to me that the Senator from Rhode Island is confusing the right of a Senator over his own amendment with the right, under general parliamentary law, of every member of any assembly to propose amendments to a pending proposition before it is in order to vote on a substitute for it. As I understand the rule, it is that the friends of a proposition—and I think I am perhaps quoting the very language of the thumb book of parliamentary law—that the friends of a proposition have a right to perfect it before a substitute for it can be voted upon.

Mr. ALDRICH. Mr. President, that is undoubtedly true; but the pending proposition is not the amendment of the Senator from Kansas, but the pending proposition is the amendment of the Senator from Washington.

Mr. BAILEY. That has been held to be a substitute.

Mr. ALDRICH. I understand that the substitute can be perfected, and I assume—

Mr. BAILEY. Surely, if the substitute can be perfected, then the original proposition may be perfected.

Mr. ALDRICH. Undoubtedly; but, as I say, by the Senate itself.

Mr. BAILEY. Of course.

Mr. ALDRICH. But not by any Senator; by unanimous consent.

Mr. BAILEY. The Senator from Kansas can move an amendment to it.

Mr. ALDRICH. Undoubtedly.

Mr. BAILEY. He is a Senator.

Mr. ALDRICH. Undoubtedly.

Mr. BAILEY. And any other Senator—the Senator from Arkansas—can move an amendment to it.

Mr. ALDRICH. Undoubtedly.

Mr. BAILEY. Then there is no difficulty.

Mr. ALDRICH. But they could not move a substitute.

Mr. BAILEY. Nobody proposes that, because there is a substitute pending.

Mr. ALDRICH. The Chair held, as I understood—and I think with great accuracy—that the amendment of the Senator from Arkansas was a substitute for the amendment of the Senator from Kansas; that the amendment of the Senator from Washington was also a substitute; and, therefore, that the amendment of the Senator from Washington should be first voted upon, those amendments being perfecting amendments.

Mr. BEVERIDGE. Mr. President, I ask a ruling of the Chair upon the particular question now before the Senate. It appears that the amendment of the Senator from Washington was an amendment in the nature of a substitute for the amendment of the Senator from Kansas; and therefore an amendment in the nature of striking out and inserting, both of which are questions, and either of which may be amended, as was ruled a moment ago, and as is now conceded by the Senator from Rhode Island and everybody else.

I understand, that being the parliamentary status, the Senator from Arkansas offers to amend the substitute of the Senator from Washington. That he undoubtedly can do. That is an amendment in the second degree to that substitute. No Senator can then offer to amend his amendment, because that would be an amendment in the third degree. That is the situation.

We have a distinct question for the Chair to rule upon, which is whether or not the amendment which the Senator from Arkansas moves to substitute for the amendment of the Senator from Washington is in order; and the Chair, in a like situation a moment ago, ruled that it was in order.

Mr. CLARKE of Arkansas. Mr. President, I desire to inquire upon what authority a single objection can prevent a Senator from withdrawing any motion that he may make in view of the existence of the second clause of Rule XXI, which reads:

2. Any motion or resolution may be withdrawn or modified by the mover at any time before a decision, amendment, or ordering of the yeas and nays, except a motion to reconsider, which shall not be withdrawn without leave.

In view of that rule, I am at a loss to know how it happens that the request of the Senator from Kansas to withdraw his original amendment can be denied upon the objection of the Senator from Rhode Island.

Mr. ALDRICH. That is very plain, I think, because there was an amendment pending to it; and an amendment certainly can not be withdrawn when an amendment is pending to it without the consent of the Senate.

Mr. CLARKE of Arkansas. The rule says when an amendment has been made—not when an amendment has been pending, but when an amendment has been made. The language of the rule is mandatory and plain:

Any motion or resolution may be withdrawn or modified by the mover at any time before a decision, amendment, or ordering of the yeas and nays, except a motion to reconsider, which shall not be withdrawn without leave.

It not only specifies what may be withdrawn without leave, but the rule actually specifies what does require leave; and that is, a motion to reconsider after having once been made. In view of that rule, the Senator from Kansas was well within his rights when he sought to withdraw the amendment proposed by him some days since. I ask if, in view of the presentation of this rule, the Chair would see proper to modify the ruling announced a moment ago?

The PRESIDENT pro tempore. The Chair is of the opinion that the Senator from Kansas had a right to modify his amendment.

Mr. BEVERIDGE. Mr. President, a parliamentary inquiry. Is it the case that the Senator from Arkansas has offered his amendment to the substitute of the Senator from Washington; and, if so, is it in order?

Mr. ALDRICH. I understand that the Chair holds that the Senator from Kansas can modify his amendment.

Mr. BEVERIDGE. That is not the question now before the Senate, as I understand. That might be the question in a little while.

The PRESIDENT pro tempore. The Chair so held.

Mr. BEVERIDGE. That might be the question in a little while and, I think, probably will be; but the question, as I understand, now is, whether or not, as the Chair has just ruled in the case of the so-called Cummins amendment and the

amendment of the Senator from Virginia to that, the amendment of the Senator from Arkansas to the substitute of the Senator from Washington is now in order. I understand from the statement of the Senator from Massachusetts [Mr. LODGE], who is always accurate, that the record shows that the amendment of the Senator from Washington to the amendment of the Senator from Kansas is in the nature of a substitute, and therefore is an amendment to strike out and insert. That being the case, each is a question and each may be amended. Therefore if the Senator from Arkansas offers his amendment to the substitute of the Senator from Washington, that amendment is in order. That being the case, the question would immediately be upon the amendment offered by the Senator from Arkansas to the substitute offered by the Senator from Washington. That is the parliamentary situation.

Mr. ALDRICH. As I understand, the Senator from Arkansas moves his amendment as a substitute for the amendment of the Senator from Kansas.

Mr. BEVERIDGE. No.

Mr. ALDRICH. That is my understanding of it.

Mr. CLARKE of Arkansas. Mr. President—

The PRESIDENT pro tempore. That was the motion.

Mr. CLARKE of Arkansas. The particular matter before the Senate involves the proposed amendment of the Senator from Kansas. The matter contained in the amendment offered by me can be presented in various aspects, either as an amendment to that of the Senator from Kansas or as a substitute for the amendment of the Senator from Washington. There is no point to be made upon the fact that at the stage I offered the amendment, when the Chair declined to receive it, I stated that I offered it as an amendment to the amendment offered by the Senator from Washington. We will know exactly what the situation is as soon as the Senator from Kansas is permitted to announce what his present purpose is.

The PRESIDENT pro tempore. In order to relieve the condition, the Chair is going to hold that the Senator from Arkansas can perfect the amendment offered by the Senator from Kansas, it being a question by itself, on striking out, and that the vote will first be on the amendment offered by the Senator from Arkansas.

Mr. CLARKE of Arkansas. I offer the amendment which I send to the desk. It has been read. It proposes to strike out all of the amendment of the Senator from Kansas and to insert what I send to the desk. On that I ask for the yeas and nays.

Mr. PAYNTER. Mr. President, is it in order to offer an amendment to the amendment of the Senator from Arkansas?

The PRESIDENT pro tempore. The Chair does not think he can relieve the Senate any further.

Mr. HEYBURN. Mr. President, I understand that a call has been made for the yeas and nays on the amendment of the Senator from Arkansas. I wish to occupy a moment before I respond to another roll call.

I voted against the Cummins amendment primarily because it contained no provision for a control over the reduction of rates. I want it thoroughly understood, because a number of Senators, representing communities and States similar to that which I in part represent, have voted differently. I want it to appear in the RECORD why I cast my vote in that way and why I shall continue to cast such votes as I may along the same lines.

The business of the country is controlled, so far as competition is concerned, by railroad rates. The long-and-short-haul clause having been dealt with in a manner entirely unsatisfactory to me, it leaves the country at the mercy of the low rates rather than the high rates, so far as we are concerned. We are much more interested in having a control exercised over the reduction of terminal rates than we are in having a control exercised over the raising of what you might call the internal rates of the country. They are now at the maximum; they have just been raised in anticipation of what Congress is doing to-day; and I want it to appear that I did not vote against the supervision and control of the raising of rates because I was opposed to the exercise of control over rates, but because it did not include the exercise of an equivalent or like control over the reduction of rates, for the reduction of a terminal rate is of necessity a raising of the internal rate, because it affects the relation which the rates bear to each other, and that affects the commerce of the internal country.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Arkansas [Mr. CLARKE], on which the Senator from Arkansas demands the yeas and nays.

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

Mr. FLINT (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. I

transfer that pair to the senior Senator from Connecticut [Mr. BULKELEY], and vote. I vote "nay."

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

Mr. FLETCHER (when Mr. TALIAFERRO's name was called). I desire to say that the senior Senator from Florida [Mr. TALIAFERRO] is paired with the Senator from West Virginia [Mr. SCOTT].

Mr. WARREN (when his name was called). I have a standing pair with the senior Senator from Mississippi [Mr. MONEY]. I transfer that pair, so that that Senator may stand paired with the senior Senator from Pennsylvania [Mr. PENROSE], which will leave me at liberty to vote. I vote "nay."

The roll call was concluded.

Mr. SCOTT. I have a general pair with the senior Senator from Florida [Mr. TALIAFERRO]; but under the arrangement previously made with the junior Senator from Georgia [Mr. CLAY], by which we transferred our pairs, so that the Senator from Florida [Mr. TALIAFERRO] will stand paired with the Senator from New York [Mr. ROOT], I will vote. I vote "nay."

Mr. CLAY. That leaves the junior Senator from New York [Mr. ROOT] paired with the senior Senator from Florida [Mr. TALIAFERRO], and I desire to vote. I vote "yea."

Mr. BACON. By request, I again make the announcement in regard to the junior Senator from Louisiana [Mr. FOSTER] which I previously made, as to his being paired with the senior Senator from North Dakota [Mr. McCUMBER] and as to the reason for his absence from the Chamber to-day.

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

The result was announced—yeas 35, nays 40, as follows:

YEAS—35.

| | | | |
|-------------|--------------|-------------|--------------|
| Bacon | Clarke, Ark. | Gore | Percy |
| Bailey | Clay | Hughes | Purcell |
| Beveridge | Crawford | Johnston | Rayner |
| Borah | Cummins | La Follette | Shively |
| Bourne | Dixon | Martin | Simmons |
| Bristow | Dolliver | Newlands | Smith, S. C. |
| Burket | Fletcher | Overman | Stone |
| Chamberlain | Frazier | Owen | Taylor |
| Clapp | Gamble | Paynter | |

NAYS—40.

| | | | |
|-------------|-----------|------------|--------------|
| Aldrich | Crane | Guggenheim | Perkins |
| Bradley | Cullom | Hale | Piles |
| Brandege | Curtis | Heyburn | Scott |
| Briggs | Depew | Jones | Smith, Mich. |
| Brown | Dick | Kean | Smoot |
| Burnham | du Pont | Lodge | Stephenson |
| Burrows | Elkins | Nelson | Sutherland |
| Burton | Flint | Nixon | Warner |
| Carter | Frye | Oliver | Warren |
| Clark, Wyo. | Gallinger | Page | Wetmore |

NOT VOTING—17.

| | | | |
|------------|------------|---------------|------------|
| Bankhead | Dillingham | Money | Taliaferro |
| Bulkeley | Foster | Penrose | Tillman |
| Culbertson | Lorimer | Richardson | |
| Daniel | McCumber | Root | |
| Davis | McEnery | Smith, of Md. | |

So the amendment of Mr. CLARKE of Arkansas to the amendment of Mr. BRISTOW was rejected.

The PRESIDENT pro tempore. The question before the Senate now is on the amendment offered by the Senator from Washington.

Mr. PAYNTER. If it is in order, I desire to offer the amendment which I send to the desk as an amendment to the amendment of the Senator from Washington. It is the amendment which was read from the desk a few moments ago.

The PRESIDENT pro tempore. The Senator from Kentucky offers an amendment to the amendment offered by the Senator from Washington.

Mr. ELKINS. Is this an amendment to the amendment?

Mr. PAYNTER. It is to be added at the end of the amendment of the Senator from Washington.

Mr. ELKINS. Is it to perfect the amendment of the Senator from Washington?

Mr. PAYNTER. It is offered as an amendment to his amendment.

Mr. ELKINS. I hope the Senator from Washington will accept the amendment of the Senator from Kentucky.

Mr. JONES. So far as I am concerned, I am perfectly willing to accept the amendment.

Mr. ELKINS. The Senator accepts it as perfecting his amendment?

Mr. JONES. Yes.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Kentucky [Mr. PAYNTER] to the amendment of the Senator from Washington [Mr. JONES].

The amendment to the amendment was agreed to.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Washington as amended.

Mr. DOLLIVER. I ask that the whole amendment as perfected be read.

The PRESIDENT pro tempore. The amendment as perfected will be read.

The Secretary read as follows:

Provided, That if any such hearing can not be concluded within the period of suspension, the Interstate Commerce Commission may, in its discretion, extend the time of suspension for a further period not exceeding six months: *Provided further*, That after the carrier has increased its rates (and they are in force), and until the question of its right to do so has been determined by the Interstate Commerce Commission and the courts where the question has been carried for adjudication, all waybills made out by the carrier on interstate shipments to or from points where the increased rates apply shall show on their face the date, point of origin, point of destination, consignor and consignee, the character of articles consigned for shipment, weight, rate, freight, and total charges. The carrier shall give to each shipper when he prepays the freight, or to the consignee when he pays the freight, a bill of lading, receipt, or expense bill showing the date, point of origin, destination, name of consignor and consignee, character of freight shipped, weight thereof, rate of freight, and total amount of freight charges. The bill of lading, receipt, or expense bill shall show what the charges would have been if the increased rate had not been changed. Such waybills shall be preserved until final determination of the question as above provided. If the increased rate is found to be unreasonable then the carrier shall refund to the party paying it the difference between that and the rate as it existed before the increase, and shall do so on presentation of the bill of lading, receipt, or expense bill at its office where the freight charges were paid.

The PRESIDENT pro tempore. The question is on agreeing to the amendment as modified to the amendment.

Mr. JONES and Mr. ALDRICH called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. CLAY (when his name was called). I again announce my pair with the junior Senator from New York [Mr. ROOT], and transfer it to the senior Senator from Florida [Mr. TALLAFERRO], and will vote. I vote "yea."

Mr. FLINT (when his name was called). I again announce my pair with the senior Senator from Texas [Mr. CULBERSON]. I transfer it to the senior Senator from Connecticut [Mr. BULKELEY], and will vote. I vote "yea."

Mr. NIXON (when his name was called). I am paired with the senior Senator from Oklahoma [Mr. OWEN]. If he were present I should vote "yea."

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

Mr. WARREN (when his name was called). As announced on the last vote, by transfer of pairs the Senator from Mississippi [Mr. MONEY] will stand paired with the senior Senator from Pennsylvania [Mr. PENROSE], and I will vote. I vote "yea."

The roll call having been concluded, the result was announced—yeas 72, nays 0, as follows:

YEAS—72.

| | | | |
|-------------|--------------|-------------|--------------|
| Aldrich | Clark, Wyo. | Gallinger | Paynter |
| Bacon | Clarke, Ark. | Gamble | Percy |
| Bailey | Clay | Gore | Perkins |
| Beveridge | Crane | Guggenheim | Piles |
| Borah | Crawford | Hale | Parcell |
| Bourne | Culom | Heyburn | Rayner |
| Bradley | Cummins | Hughes | Scott |
| Brandeggee | Curtis | Johnston | Simmons |
| Briggs | Depew | Jones | Smith, Mich. |
| Bristow | Dick | Kean | Smith, S. C. |
| Brown | Dixon | La Follette | Smoot |
| Burkett | Dolliver | Lodge | Stephenson |
| Burnham | du Pont | Martin | Stone |
| Burrows | Elkins | Nelson | Sutherland |
| Burton | Fletcher | Newlands | Taylor |
| Carter | Flint | Oliver | Warner |
| Chamberlain | Frazier | Overman | Warren |
| Clapp | Frye | Page | Wetmore |

NOT VOTING—20.

| | | | |
|------------|------------|------------|------------|
| Bankhead | Dillingham | Money | Root |
| Bulkeley | Foster | Nixon | Shively |
| Culbertson | Lorimer | Owen | Smith, Md. |
| Daniel | McCumber | Penrose | Tallaferro |
| Davis | McEnery | Richardson | Tillman |

So the amendment, as modified, to the amendment was agreed to.

The PRESIDENT pro tempore. If there be no objection, the amendment as amended will be regarded as agreed to. The Chair hears no objection.

Mr. HUGHES. I move to strike out from the bill as reported sections 13, 14, 15, and 17; and on that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CUMMINS. Mr. President, I know that my colleague [Mr. DOLLIVER] had a substitute for these sections, which he presented some time ago. The minority of the committee presented a substitute for the sections; and before the vote is taken those of us who are in favor of some restriction upon the capitalization of the railways of the country, but who are not in favor of these particular sections and not in favor of this particular way, desire to be heard.

Mr. DOLLIVER entered the Chamber.

Mr. CUMMINS. I see that my colleague is now in the Chamber, and, in so far as I can, I yield the floor to him.

Mr. DOLLIVER. I rise to a parliamentary inquiry. Is it in order at this time to offer, in lieu of the sections which are proposed to be stricken out, affirmative propositions to be substituted for them?

The PRESIDENT pro tempore. In the opinion of the Chair it is.

Mr. DOLLIVER. Then I desire to offer a substitute in lieu of the matter proposed to be stricken out.

The PRESIDENT pro tempore. The Senator from Iowa offers an amendment in lieu of the sections proposed to be stricken out. It will be reported to the Senate.

Mr. BAILEY. Unless the Senator from Iowa desires at this time to address the Senate, I should like to have this matter printed, not only in the shape of an amendment, but in the RECORD, so that we may see it to-morrow.

Mr. DOLLIVER. I should very much prefer to have a few minutes to renumber the sections and perfect the amendment in some particulars. I offer it simply to have something pending. I do not desire particularly to go on at this hour.

Mr. ELKINS. Is it the same as the amendment printed in the bill?

Mr. DOLLIVER. There are some omissions.

Mr. ALDRICH. I suggest to the Senator from Texas that if the motion of the Senator from Colorado should prevail there would be no occasion for discussion with reference to any substitutes for the sections that are now in the bill. I think we might test the sense of the Senate upon the motion of the Senator from Colorado.

If the motion of the Senator from Iowa to amend should lead to a rejection of the motion of the Senator from Colorado, then we could go on with the discussion. If, on the other hand, the Senate desires to strike these sections from the bill, then of course the discussion of the Senator from Iowa would not be necessary at this stage.

Mr. DOLLIVER. But I take it that the mere striking of these sections from the bill would not interfere with any Senator's right to offer affirmative matter affecting the subject-matter of these sections.

Mr. ALDRICH. Certainly it would not affect his parliamentary right, but if the Senate should vote to strike these sections from the bill it would look as though offers or suggestions of that kind would not be availing.

Mr. DOLLIVER. It would look that way on the surface, but it would still remain within the discretion of Senators to correct such an impression as might be carried in the suggestion of the Senator. We are, I think, under an affirmative duty to take some action in respect to the capitalization of these corporations, and the mere fact that the Senate, without debate, rejects the jumble of material that has been left upon our doorsteps by outside parties referring to these matters will certainly not interfere with any Senator's right to offer affirmative propositions relating to the same subject; and if my experience is worth anything, it will not seriously interfere with the debate upon that subject. I do not, however, particularly care to proceed now.

Mr. BAILEY. I make this suggestion to the Senator from Iowa. I take it, of course, that the Senator intends, in his motion to amend, to rewrite the sections entirely, and that his motion is in effect a motion to strike out and insert.

Mr. DOLLIVER. That is the purpose.

Mr. BAILEY. I would imagine that that is true; and, of course, that motion takes precedence of the motion already submitted by the Senator from Colorado.

The only thing I care about it is: If I could vote first to strike out of the bill everything on this point and then afterwards vote against putting anything in the bill on the subject, of course I would prefer to do that. I might prefer the motion of the Senator from Iowa as against the present provisions of the bill, and I might as between those two feel constrained to vote for his motion. It seems to me, however, that the rules ought to permit Senators who feel as I do, that this matter is wholly beyond the jurisdiction of the Federal Government, to vote on that question first. But I do not myself think that that is worth even a colloquy, for it is a mere matter of pro-

cedure, and whatever is the pleasure of the Senate and whatever satisfies the Senator from Colorado satisfies me.

Mr. HUGHES. It occurs to me that if the proposal of the Senator from Iowa is toward filling the gap left in this legislation after the exclusion of these sections, there ought to be no objection to determining first whether or not they are to go out entirely, and I think that ought to be voted upon now. His amendment will be an amendment to the bill and not to the amendment I have offered, and I can not see why we should not vote upon the motion to strike out. It will not interfere with any right the Senator from Iowa may have to introduce into this bill amendments. As he is not going to support the founding asylum to which he has alluded or contribute anything to the food of the infants sent to it, he really ought to cease to confine them there and let them get out and seek salvation somewhere else.

I think, therefore, we might take a vote upon that first and then later we can consider the matters which are to be presented by the Senator from Iowa.

Mr. NEWLANDS. Mr. President, I wish to say briefly that while I am opposed to some of the provisions of these three sections as drawn concerning the control of the capitalization of railroads engaged in interstate commerce, I am strongly in favor of the control of such corporations in their stock and bond issues by the Interstate Commerce Commission, and I wish to vote for a proper provision to that effect. I believe that these corporations engaged in interstate commerce, though state corporations, are subject to the control of two sovereigns, one the State and the other the Nation, and it is just as much the right of the Nation to control the capitalization of corporations engaged in interstate commerce, even though they be state corporations, as it is the right of the States themselves. And whilst contradictory action may result upon the part of both sovereigns, that is an unfortunate situation which we can not control under our dual system of government.

I hope the whole matter will be presented in such a shape as that, before the motion of the Senator from Colorado is acted upon, we shall have an opportunity to vote upon a proper provision for the control by the Interstate Commerce Commission of the capitalization of railroads engaged in interstate commerce.

Mr. BEVERIDGE. May I ask what is the parliamentary situation? What is pending?

The PRESIDING OFFICER (Mr. GALLINGER in the chair). As the present occupant of the chair understands the matter, the Senator from Colorado has moved to strike out certain sections of the bill and the Senator from Iowa has moved to strike out and insert certain matter, and the motion of the Senator from Iowa has precedence.

Mr. DOLLIVER. Reserving the right to offer to-morrow the amendment which I have offered this afternoon in lieu of the motion submitted by the Senator from Colorado, I withdraw the amendment and will allow the vote to proceed.

The PRESIDING OFFICER. The question is on agreeing to the motion made by the Senator from Colorado, to strike out sections 13, 14, 15, and 17 of the bill.

Mr. DOLLIVER. I desire the RECORD to indicate that I will offer this amendment to-morrow.

Mr. ELKINS. It will be printed in the RECORD and lie on the table.

Mr. DOLLIVER subsequently said: I desire to offer an amendment to the pending bill, to be printed in the RECORD.

The PRESIDING OFFICER. The amendment will lie on the table and be printed, and it will also be printed in the RECORD.

Mr. DOLLIVER's amendment is as follows:

SEC. 12. That for the purpose of this act the following words and phrases shall be deemed to have the meaning specified in this section: "Stock" shall mean any share or shares of capital stock in any such corporation, whether common, preferred, or otherwise classified.

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

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

SEC. 13. That no corporation subject to the provisions of this act shall issue any share of stock unless at least the par value thereof has first been paid in cash into its treasury or unless it is issued in exchange for property or securities at not to exceed their true and actual value, equal in amount to at least the par value of such stock: *Provided*, That it shall be lawful for such corporation to pay a commission to any person, if necessary as a consideration to his subscribing or agreeing to subscribe for any shares or procuring or agreeing to procure subscriptions for any shares, but no such commission shall be paid unless expressly authorized by the Interstate Commerce Commission as necessary and in the public interest: *And provided further*, That any company which has been in continuous existence for more than two years may sell additional shares at a discount, if necessary to procure their sale; but no shares shall thus be sold at a discount without the previous express approval of the Interstate Commerce Commission as necessary and in the public interest.

SEC. 14. That no such corporation shall issue any evidences of funded indebtedness which shall have a date of maturity exceeding fifty years from date of issue, or which shall bear interest at a rate exceeding 6

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

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

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

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

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

Fifth. Corporations organized for the purpose of holding securities of other corporations owning or operating transportation, telegraph, or telephone lines may, subject to the limitations in section 6, issue their securities in exchange for the securities of any such corporation, or apply the proceeds of the sale of their securities to the purchase of such securities: *Provided*, That no such holding corporation shall hereafter acquire or hold securities of any corporation owning or operating a line parallel to or competing with the line or lines of any other corporation in which it also holds securities; nor shall any such holding corporation hereafter acquire the securities of any corporation whose lines are not directly connected with those of some other corporation in which it already holds securities, unless, although not so directly connected, the lines of the two corporations can be operated as substantially one unit and the service be improved thereby.

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

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

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

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

SEC. 20. That whenever, for the purpose of better fulfilling the duties imposed upon it by law, under this act or under any other act, the Interstate Commerce Commission shall deem it necessary, it may make

a determination of the actual, tangible, and physical value of the property of any transportation, telegraph, or telephone company subject to this act; and for this purpose it shall have power to require from such company a report setting forth, in such detail as the commission may prescribe, the cost and value of its property; and the commission shall have the power to employ expert engineers and accountants to examine the statements in such report, or to examine the property and accounts of such corporation; and it shall be the duty of such company to furnish such engineers and accountants full access to the property and to the accounts of the company bearing on such cost and value.

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

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

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Colorado, on which the yeas and nays have been ordered. The Secretary will call the roll.

Mr. CLAY (when his name was called). I announce my pair with the junior Senator from New York [Mr. ROOR]. If he were present, I should vote "yea."

Mr. FLINT (when his name was called). I announce my pair with the senior Senator from Texas [Mr. CULBERSON], which I transfer to the Senator from Connecticut [Mr. BULKELEY] and will vote. I vote "yea."

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

Mr. WARREN (when his name was called). By the same arrangement for the transfer of pairs heretofore made, I will vote. I vote "yea."

The roll call was concluded.
Mr. NEWLANDS. I ask unanimous consent to explain my failure to vote upon this question.

Mr. ALDRICH. Oh, no; that is not in order, Mr. President.
Mr. NEWLANDS. All right.

The PRESIDING OFFICER. Objection is made.
Mr. LODGE. The result of the vote has not been announced.
The PRESIDING OFFICER. It has not been announced, the Chair will state.

Mr. LODGE. It is still open to a Senator to vote?
The PRESIDING OFFICER. Yes.
Mr. ALDRICH. Yes.

The result was announced—yeas 68, nays 1, as follows:

YEAS—68.

| | | | |
|-------------|--------------|-------------|--------------|
| Aldrich | Clark, Wyo. | Gamble | Perkins |
| Bacon | Clarke, Ark. | Gore | Piles |
| Bailey | Crane | Guggenheim | Purcell |
| Beveridge | Crawford | Hale | Rayner |
| Borah | Cullom | Heyburn | Scott |
| Bourne | Cummins | Hughes | Shively |
| Bradley | Curtis | Johnston | Simmons |
| Brandeggee | Depew | Jones | Smith, Md. |
| Briggs | Dick | Kean | Smith, S. C. |
| Eristow | Dixon | La Follette | Smoot |
| Brown | Dolliver | Lodge | Stephenson |
| Burkett | du Pont | McHenry | Stone |
| Burnham | Elkins | Martin | Sutherland |
| Burrows | Fletcher | Neison | Taylor |
| Carter | Flint | Overman | Warner |
| Chamberlain | Frazier | Page | Warren |
| Clapp | Gallinger | Percy | Wetmore |

NAYS—1.

Burton

NOT VOTING—23.

| | | | |
|------------|------------|----------|--------------|
| Bankhead | Dillingham | Newlands | Richardson |
| Bulkeley | Foster | Nixon | Root |
| Clay | Frye | Oliver | Smith, Mich. |
| Culbertson | Lorimer | Owen | Taliaferro |
| Daniel | McCumber | Paynter | Tillman |
| Davis | Money | Penrose | |

So the amendment of Mr. HUGHES was agreed to.

Mr. ELKINS. I move that when the Senate adjourns to-day it be to meet at 11 o'clock to-morrow morning.

Several SENATORS. Oh, no!
The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia that when the Senate adjourns to-day it be to meet at 11 o'clock to-morrow morning.

Mr. HALE. I hope the Senator from West Virginia will not insist upon that motion.

Mr. ELKINS. A great many Senators have requested me to make the motion.

Mr. HALE. Let the Senate pass upon it. We never have gained anything by it. We come here in the morning at 11, with four or five Senators here, and there is delay.

Mr. ELKINS. Many Senators have asked me to make the motion. It is in the hands of the Senate. Let us see whether the motion will be agreed to.

Mr. HALE. I doubt very much whether the Senate will agree to it.

The PRESIDING OFFICER. The question is on the motion of the Senator from West Virginia that when the Senate adjourns to-day it adjourn to meet to-morrow at 11 o'clock.

The motion was not agreed to.

Mr. HALE. I move that the Senate adjourn.

Mr. NEWLANDS. Mr. President—
The PRESIDING OFFICER. Does the Senator from Maine yield to the Senator from Nevada?

Mr. HALE. I do not.

The PRESIDING OFFICER. The question is on the motion of the Senator from Maine that the Senate adjourn.

The motion was agreed to, and (at 5 o'clock and 2 minutes p. m.) the Senate adjourned until to-morrow, Friday, May 27, 1910, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, May 26, 1910.

The House met at 12 o'clock noon.
The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, increase, we beseech Thee, our spiritual vision that we may discern clearly down deep in every heart that germ of divinity which makes the whole world kin, that we may be inspired day by day to do unto others as we would be done by, that Thy kingdom may come and Thy will be done in earth as it is in heaven.

We learn with profound sorrow of the illness of two of the Members of this House, and we most fervently pray that their attending physicians may be guided in their skill to the seat of the disease, that they remove it and thus restore them again to health and strength, that they may come in and go out among us as before. Hear us, we beseech Thee, and Thine be the praise, our God and our Father. Amen.

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

LAWS OF PORTO RICO.

The SPEAKER laid before the House the following message from the President of the United States, which was read and ordered to be printed, and, with the accompanying document (H. Doc. No. 933), referred to the Committee on Insular Affairs:

THE WHITE HOUSE,
Washington, May 25, 1910.

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

Very respectfully,

WM. H. TAFT.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

RETIREMENT OF CIVIL-SERVICE EMPLOYEES.

Mr. GOULDEN. Mr. Speaker, on March 11, 1910, it was my privilege to introduce a bill in this House, No. 22776, providing for the retirement of employees in the civil service. To show the interest in this measure, upwards of 5,000 copies have been printed, and the demand continues. It is a straight pension, ranging from 30 to 75 per cent of the average salary received during the five years previous to retirement. The latter applies only to those having served thirty years or more, and shall have attained the age of 65 years.

After years of study, I am convinced that a straight pension is the only one that will prove successful and satisfactory. The charge that it would add enormously to the expenses of the Government is not well founded. True, it probably will add a few millions to the budget; but, on the other hand, aside from the humane side of the question, must greatly improve the efficiency of the service and reduce the present number of the employees. Those well informed claim that it will save fully 10 per cent in the army of clerks and employees of the National Government. It is a serious problem and one that I admit is difficult of solution. So serious has the matter become that the press of Washington report that at the Cabinet meeting held on the 24th instant it was taken up for consideration as an important question.

The various large corporations of the country have established a pension for superannuated employees. It works well and is saving the railroads and the other corporations money, besides attracting a better class of men. Can the Government afford to put off doing justice to this most deserving class of men and women? In my judgment, it is time for action.

I ask unanimous consent to insert in the RECORD an editorial from the New York American of May 21 on this subject, and the views of Maj. Gen. F. C. Ainsworth, Adjutant-General of the United States Army, recently given before the Committee on Reform in the Civil Service of the House of Representatives:

PENSIONS FOR OLD CIVIL SERVANTS.

Congressman JOSEPH A. GOULDEN, of this city, has introduced a bill that provides for the retirement with suitable compensation all employees of the national civil service who have served for twenty years or more.

The large business concerns and railroads of the country are taking steps in this direction, and it seems reasonable that the General Government should not fall behind the "soulless corporations" in consideration for its superannuated servants.

The bureaus at Washington are full of old men whose part in the public service has degenerated to a sinecure, but whom the department chiefs have not the heart to turn into the street.

Unquestionably the efficiency of the service requires the elimination of such sinecures and an infusion of young blood.

Young men of ambition will not go into the public service without a prospect for a continuing livelihood. And with salaries at their present level a retirement provision for those who have continued for a long period and done well seems to be the natural complement of our system of public employment.

STATEMENT OF GENERAL AINSWORTH.

The superannuation of employees in the civil service is a subject to which I have been compelled to give much thought for many years—over seventeen—by reason of having been continuously in charge of a very large number of civilian employees of the War Department during that period. The problems arising in connection with that subject are very difficult, and, while I think I have thus far been able to solve them in my own bureau in accordance with the best interest of the public service, if not entirely to my own satisfaction, I regret to say that I have been unable to formulate a general plan which, if authoritatively adopted for the whole civil service, is at all likely to be enforced in such a way as to materially change existing conditions.

It goes without saying that whenever an employee of the civil establishment, by reason of age or any other cause, becomes unable to render a reasonable return in service for the salary paid him it is the plain duty of his bureau chief and the head of his department to cause his reduction in grade or his discharge from service. But it is difficult to bring one's self to recommend or order the reduction or dismissal in his old age of an employee who has rendered many years of faithful and efficient service, who probably has no means of support other than his salary, and with whom no fault can be found other than that he has become worn out in the public service. In such a case sentimental considerations usually prevail, the call of duty is neglected, and the old employee retains his position, virtually as a pensioner, while the duties which he should perform are neglected or are discharged by another, often at an inadequate compensation.

POLITICAL PRESSURE.

In addition to all this, whenever an attempt is made to reduce or discharge an employee who has become useless or unfit for service by reason of age or any other cause, it is almost invariably the case that more or less political and social pressure is brought to bear in his behalf upon the chief of his bureau and the head of his department. The exercise of such influence is especially to be looked for in the cases of those, young or old, whose record of service is indifferent or bad. As a rule, to which there are but few exceptions, the value of an employee bears an inverse ratio to the political and social support which he brings to bear in his own interest. It is at best difficult to bring about the discharge of a worthless, inefficient, unfaithful, or insubordinate employee, and it is equally difficult after his discharge to resist the importunities of his friends and supporters for his reinstatement.

In the absence of some measure of relief, it is the inevitable result of permanence of tenure of office in the civil as well as in the military establishment that there shall be an accumulation of superannuated or otherwise incompetent officials. The truth of this statement is well illustrated by the condition which existed in the Army of the United States for many years prior to the civil war. There being no retired list at that time, officers were, as a rule, retained on the active list until they died. The result of this was that the army, especially in the higher grades, was burdened with a large number of disabled or superannuated officers, some of them rendering no actual service for many years, and all of whom held the grades and received the salaries which should have been held and received by junior officers who actually performed the duties of these grades. At the beginning of the civil war Congress enacted a retirement law, and this relieved the army of the incubus which it had borne so long.

A similar state of affairs exists in the civil service to-day, although of course the evil has not yet attained, and possibly may never attain, very dangerous proportions. But, disguise the situation as we may, the fact remains that, so long as any employees of the civil establish-

ment are retained on the pay rolls beyond the period of their ability to render a fair return in service for the salaries paid them, to that extent a civil pension list or civil retired list, although not a large one and perhaps a comparatively unimportant one at the present time, is in existence to-day and will continue to exist until the situation is materially changed by legislation.

A retired list or a pension list is the natural outgrowth of a system which assures comparative permanence of tenure of position of a person employed in either the military or civil service of any government. Although the United States has made provision for the retirement of its military officers and enlisted men and for the pensioning of officers and men not entitled to retirement, there is no probability that it will follow the example of any foreign government, at least in the near future, by establishing a civil pension list, notwithstanding the fact that many good reasons for the establishment of such a list can be adduced by those who are in favor of it.

A retired list for the army was first established by the act approved August 3, 1861, "providing for the better organization of the military establishment." Prior to that date officers held their positions by a tenure which differed in no respect from that by which employees in the civil service hold theirs to-day. No officer had a life tenure of his commission, and every officer was subject to dismissal at any moment by the appointing power. When officers became disabled by reason of age, disease, or wounds, they had no legal right whatever to be retained in service, and if they escaped dismissal they did so by reason of the compassion and forbearance of the Executive.

That is precisely the situation in the civil service to-day, and the causes which led to the establishment of a retired list for the army in 1861 are almost all operative to a greater or less extent in the civil service at the present time. It is true that in the course of many years prior to the creation of the retired list it became a sort of unwritten law that officers of the army, unless dismissed for cause, should be retained in service until they died, and it is equally true that existing conditions tend strongly toward the formation of such a law in the civil service. Entrance can not be made in furtherance of personal or political interests, there is no pressure from the outside to create vacancies in the service, and superannuated or disabled employees are no longer crowded out merely to make room for political or personal favorites.

AS IN THE OLD ARMY.

The same conditions, only carried to a greater extent, existed in the old army, and I have no doubt that in the course of years, if no change is brought about by legislation, the situation of the personnel of the civil service will be substantially what that of officers of the army was at the time of the creation of the retired list, and that such a list, or a pension list, will be provided for the civil service.

At any rate, I am firm in the belief that such a list is a natural and logical outgrowth of the existing system. The antipathy to a civil pension or retired list is no greater at the present time than that which was once manifested, and, indeed, is now manifested in some quarters, against a military retired list.

But the world moves and there is a constantly increasing disposition in all progressive countries to make provision for the care and maintenance of the worn-out or disabled servants, not only of the State, but of private corporations and of business establishments as well. One must be blind to the progress of events the world over, and in the United States especially, who will venture to predict that a civil pension or retired list in this country is not a possibility, or even a probability, of the not distant future.

And why should any of us shudder at the mere mention of a civil pension or retired list and speak of it with bated breath as a thing of horror and a possible source of unspeakable evil? Can any intelligent man deny that a retired list, which has been of such great benefit to the military and naval service, will not be of equal benefit to the civil service? I am free to confess that I am convinced that, leaving all sentimental consideration out of the account, it is decidedly in the interest of the Government to make provision for at least its worn-out civil servants by establishing a civil pension list on substantially the same footing as that of superannuated officers and enlisted men of the army and navy.

The commission of the army or navy officer is a valuable life estate, the continued enjoyment of which depends upon his faithful and efficient discharge of his duties and of his maintenance of the character of an honorable man. Thus he is under the very heaviest bonds for good behavior, and motives of self-interest alone are sufficient to keep him up to a high moral and professional level. Free from anxiety as to his future, he devotes his life to the career upon which he has embarked and manifests no disposition, as he feels no necessity, to divert his energies into other channels or to seek in other occupations a more secure livelihood.

But the civil employee enters the service with no such assurance as to his future, and the Government has no such guaranty of good behavior and devotion to duty on his part. Dismissal has no terrors for him beyond that of the present loss of his salary, a loss which he knows he will suffer in future, at a time when the avenues to all other employment will be barred to him, no matter how long or how faithfully he may have labored in the public service. He knows that upon himself alone rests the responsibility of providing a support for himself and family in his declining years, and consequently he is always on the alert for private employment which will enable him to abandon the public service with a prospect of bettering his future condition.

Indeed, I believe that comparatively few of the young men now entering the civil service do so with the definite intention of remaining therein permanently, but that most of them accept their appointments with the more or less clearly defined purpose of relinquishing them as soon as they shall have been admitted to private business, or shall have secured satisfactory employment in private business. Of course, this intention is not always realized; but the fact remains that many of the best men abandon the service after a few years for the purpose of engaging in private business which offers them better prospects for the future. This almost never occurs among officers of the army or navy, and it would occur very infrequently in the civil service if the inducements to remain therein were anywhere nearly as great as that which is offered by the military and naval services.

SHOULD HAVE BEST EMPLOYEES.

It goes without saying that the Government ought to have the very best men in all branches of its service; but it is difficult to get such men in the civil service, and more difficult still to keep them, because the ability which makes them valuable in the public service is sure of a much more generous reward in private employment. But the Government has no difficulty in keeping its army and navy filled with officers of the very highest intellectual and moral worth, men with qualifica-

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

| Article. | Unit. | 1910, March. | 1896, March. |
|---|--------------|--------------|--------------|
| Coffee: Rio, No. 7..... | Pounds..... | 243 | 66 |
| Molasses: New Orleans, open kettle..... | Gallons..... | 57 | 26 |
| Rice: Domestic, choice..... | Pounds..... | 385 | 172 |
| Salt: American..... | Barrels..... | 24 | 12 |
| Sugar: Granulated..... | Pounds..... | 450 | 185 |
| Tea: Formosa, fine..... | Pounds..... | 89 | 137 |
| Carpets: Brussels..... | Yards..... | 17 | 9 |
| Carpets: Ingrain..... | Yards..... | 40 | 21 |
| Cotton flannel: 2½ yards to the pound..... | Yards..... | 238 | 136 |
| Gingham: Amoskeag..... | Yards..... | 306 | 172 |
| Sheetings: Bleached, 10/4 Pepperell..... | Yards..... | 76 | 49 |
| Sheetings: Brown, 4/4 Pepperell..... | Yards..... | 276 | 160 |
| Shirtings: Bleached, 4/4 Fruit of the Loom..... | Yards..... | 214 | 120 |
| Shoes: Men's vici kid, Goodyear welt..... | Pairs..... | 48 | 53 |
| Suitings: Clay worsted diagonal, 12-ounce..... | Yards..... | 16 | 11 |
| Coal: Anthracite stove..... | Bushels..... | 121 | 69 |
| Coal: Bituminous, Georges Creek (N. Y. Harbor)..... | Bushels..... | 290 | 97 |
| Petroleum: Refined 150° w. w..... | Gallons..... | 182 | 80 |
| Barb wire: Galvanized..... | Pounds..... | 920 | 453 |
| Nails: Wire, 8-penny..... | Pounds..... | 1,159 | 295 |
| Brick: Common, domestic..... | Bricks..... | 3,575 | 1,609 |
| Cement: Portland, domestic..... | Barrels..... | 15 | 4½ |
| Lime: Common..... | Barrels..... | 20 | 9 |
| Oak: White, plain..... | Feet..... | 390 | 244 |
| Shingles: Cypress..... | M..... | 5.5 | 3.5 |
| Spruce..... | Feet..... | 858 | 621 |

^a With \$0.65 remaining.

^b With \$2.10 remaining.

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

| Article. | Unit. | 1910, March. | 1896, March. |
|---|--------------|--------------|--------------|
| Coffee: Rio, No. 7..... | Pounds..... | 1,115 | 383 |
| Molasses: New Orleans, open kettle..... | Gallons..... | 265 | 154 |
| Rice: Domestic, choice..... | Pounds..... | 1,767 | 394 |
| Salt: American..... | Barrels..... | 112 | 58 |
| Sugar: Granulated..... | Pounds..... | 2,065 | 865 |
| Tea: Formosa, fine..... | Pounds..... | 409 | 592 |
| Carpets: Brussels..... | Yards..... | 81 | 42 |
| Carpets: Ingrain..... | Yards..... | 186 | 96 |
| Cotton flannel: 2½ yards to the pound..... | Yards..... | 1,092 | 614 |
| Gingham: Amoskeag..... | Yards..... | 1,474 | 823 |
| Sheetings: Bleached, 10/4 Pepperell..... | Yards..... | 351 | 207 |
| Sheetings: Brown, 4/4 Pepperell..... | Yards..... | 1,398 | 789 |
| Shirtings: Bleached, 4/4 Fruit of the Loom..... | Yards..... | 893 | 503 |
| Shoes: Men's vici kid, Goodyear welt..... | Pairs..... | 23 | 27 |
| Suitings: Clay worsted diagonal, 12-ounce..... | Yards..... | 75 | 67 |
| Coal: Anthracite stove..... | Bushels..... | 555 | 491 |
| Coal: Bituminous, Georges Creek (N. Y. Harbor)..... | Bushels..... | 917 | 300 |
| Petroleum: Refined 150° w. w..... | Gallons..... | 836 | 463 |
| Barb wire: Galvanized..... | Pounds..... | 4,218 | 2,015 |
| Nails: Wire, 8-penny..... | Pounds..... | 5,312 | 1,700 |
| Brick: Common, domestic..... | Bricks..... | 16,380 | 6,272 |
| Cement: Portland, domestic..... | Barrels..... | 68 | 25 |
| Lime: Common..... | Barrels..... | 94 | 55 |
| Oak, white: Plain..... | Feet..... | 1,786 | 1,406 |
| Shingles: Cypress..... | M..... | 25 | 20 |
| Spruce..... | Feet..... | 3,931 | 3,572 |

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

| Article. | Unit. | 1910, March. | 1896, March. |
|---|--------------|--------------|--------------|
| Coffee: Rio, No. 7..... | Pounds..... | 361 | 67 |
| Molasses: New Orleans, open kettle..... | Gallons..... | 86 | 35 |
| Rice: Domestic, choice..... | Pounds..... | 572 | 228 |
| Salt: American..... | Barrels..... | 36 | 16 |
| Sugar: Granulated..... | Pounds..... | 609 | 244 |
| Tea: Formosa, fine..... | Pounds..... | 132 | 46 |
| Carpets: Brussels..... | Yards..... | 26 | 13 |
| Carpets: Ingrain..... | Yards..... | 60 | 33 |
| Cotton flannel: 2½ yards to the pound..... | Yards..... | 353 | 180 |
| Gingham: Amoskeag..... | Yards..... | 454 | 228 |
| Sheetings: Bleached, 10/4 Pepperell..... | Yards..... | 113 | 66 |
| Sheetings: Brown, 4/4 Pepperell..... | Yards..... | 410 | 219 |
| Shirtings: Bleached, 4/4 Fruit of the Loom..... | Yards..... | 318 | 159 |
| Shoes: Men's vici kid, Goodyear welt..... | Pairs..... | 12 | 5 |
| Suitings: Clay worsted diagonal, 12-ounce..... | Yards..... | 24 | 15 |
| Coal: Anthracite stove..... | Bushels..... | 180 | 92 |
| Coal: Bituminous, Georges Creek (N. Y. Harbor)..... | Bushels..... | 297 | 128 |
| Petroleum: Refined 150° w. w..... | Gallons..... | 1,366 | 106 |
| Barb wire: Galvanized..... | Pounds..... | 1,366 | 666 |
| Nails: Wire, 8-penny..... | Pounds..... | 1,721 | 566 |
| Brick: Common domestic..... | Bricks..... | 5,307 | 2,127 |
| Cement: Portland, domestic..... | Barrels..... | 22 | 11 |
| Lime: Common..... | Barrels..... | 30 | 13 |
| Oak, white: Plain..... | Feet..... | 579 | 322 |
| Shingles: Cypress..... | M..... | 8 | 6.5 |
| Spruce..... | Feet..... | 1,273 | 1,061 |

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

| Article. | Unit. | 1910, March. | 1896, March. |
|---|--------------|--------------|--------------|
| Coffee: Rio, No. 7..... | Pounds..... | 70 | 29 |
| Molasses: New Orleans, open kettle..... | Gallons..... | 16 | 12 |
| Rice: Domestic, choice..... | Pounds..... | 112 | 77 |
| Salt: American..... | Barrels..... | 7 | 5 |
| Sugar: Granulated..... | Pounds..... | 130 | 82 |
| Tea: Formosa, fine..... | Pounds..... | 25 | 15 |
| Carpets: Brussels..... | Yards..... | 5 | 4 |
| Carpets: Ingrain..... | Yards..... | 11 | 9 |
| Cotton flannel, 2½ yards to the pound..... | Yards..... | 69 | 60 |
| Gingham: Amoskeag..... | Yards..... | 89 | 77 |
| Sheetings: Bleached 10/4 Pepperell..... | Yards..... | 22 | 22 |
| Sheetings: Brown 4/4 Pepperell..... | Yards..... | 80 | 72 |
| Shirtings: Bleached 4/4 Fruit of the Loom..... | Yards..... | 62 | 53 |
| Shoes: Men's vici kid, Goodyear welt..... | Pairs..... | 42 | 51 |
| Suitings: Clay worsted diagonal, 12-ounce..... | Yards..... | 4 | 5 |
| Coal: Anthracite, stove..... | Bushels..... | 35 | 31 |
| Coal: Bituminous, Georges Creek (N. Y. Harbor)..... | Bushels..... | 58 | 36 |
| Petroleum: Refined 150° w. w..... | Gallons..... | 53 | 43 |
| Barb wire: Galvanized..... | Pounds..... | 267 | 203 |
| Nails: Wire, 8-penny..... | Pounds..... | 336 | 132 |
| Brick: Common domestic..... | Bricks..... | 1,038 | 720 |
| Cement: Portland, domestic..... | Barrels..... | 44 | 1.9 |
| Lime: Common..... | Barrels..... | 5 | 4 |
| Oak: White, plain..... | Feet..... | 113 | 1.9 |
| Shingles: Cypress..... | M..... | 1.6 | 1.5 |
| Spruce..... | Feet..... | 249 | 277 |

^a With \$1.03 remaining.

^b With \$1.71 remaining.

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

| Article. | Unit. | 1910, March. | 1896, March. |
|---|--------------|--------------|--------------|
| Coffee: Rio, No. 7..... | Pounds..... | 87 | 27 |
| Molasses: New Orleans, open kettle..... | Gallons..... | 20 | 11 |
| Rice: Domestic, choice..... | Pounds..... | 138 | 72 |
| Salt: American..... | Barrels..... | 8 | 5 |
| Sugar: Granulated..... | Pounds..... | 162 | 77 |
| Tea: Formosa, fine..... | Pounds..... | 32 | 14 |
| Carpets: Brussels..... | Yards..... | 6 | 3 |
| Carpets: Ingrain..... | Yards..... | 14 | 9 |
| Cotton flannel: 2½ yards to the pound..... | Yards..... | 85 | 57 |
| Gingham: Amoskeag..... | Yards..... | 110 | 72 |
| Sheetings: Bleached 10/4 Pepperell..... | Yards..... | 27 | 20 |
| Sheetings: Brown 4/4 Pepperell..... | Yards..... | 99 | 67 |
| Shirtings: Bleached 4/4 Fruit of the Loom..... | Yards..... | 77 | 50 |
| Shoes: Men's vici kid, Goodyear welt..... | Pairs..... | 42 | 51 |
| Suitings: Clay worsted diagonal, 12-ounce..... | Yards..... | 5 | 4 |
| Coal: Anthracite, stove..... | Bushels..... | 43 | 29 |
| Coal: Bituminous, Georges Creek (N. Y. Harbor)..... | Bushels..... | 71 | 40 |
| Petroleum: Refined 150° w. w..... | Gallons..... | 65 | 33 |
| Barb wire: Galvanized..... | Pounds..... | 330 | 190 |
| Nails: Wire, 8-penny..... | Pounds..... | 416 | 124 |
| Brick: Common, domestic..... | Bricks..... | 1,285 | 676 |
| Cement: Portland, domestic..... | Barrels..... | 5 | 1½ |
| Lime: Common..... | Barrels..... | 7 | 4 |
| Oak: White, plain..... | Feet..... | 140 | 102 |
| Shingles: Cypress..... | M..... | 2.0 | 1.4 |
| Spruce..... | Feet..... | 308 | 261 |

^a With \$2.51 remaining.

^b With \$1.47 remaining.

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

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

COURT OF COMMERCE, ETC.

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

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

Mr. DOLLIVER. Mr. President, I desire to offer an amendment to come in after section 11 of the bill.

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

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

The VICE-PRESIDENT. The Senate will please be in order. The SECRETARY. After section 11 of the bill insert the following sections:

Sec. 12. That for the purpose of this act the following words and phrases shall be deemed to have the meaning specified in this section: "Stock" shall mean any share or shares of capital stock in any such corporation, whether common, preferred, or otherwise classified.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Secretary proceeded to call the roll.

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

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

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

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

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

The roll call was concluded.

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

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

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

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

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

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

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

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

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

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

YEAS—19.

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

NAYS—47.

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

NOT VOTING—26.

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

So Mr. DOLLIVER's amendment was rejected.

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

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

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

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

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

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

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

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

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

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

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

See pp. 6 & 7

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

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

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

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

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

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

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

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

Mr. BACON. Mr. President—

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

Mr. DIXON. Gladly.

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

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

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

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

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

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

Mr. DIXON. Certainly.

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

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

Mr. LODGE. Then the House bill is nothing but the reenactment of the existing law?

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

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

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

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

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

Mr. DIXON. I do.

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

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

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

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

Mr. LODGE. Mr. President—

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

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

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

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

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

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

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

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

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

The Secretary read as follows:

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

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

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

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

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

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

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

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

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

You will notice by said Government report the following summary:
 Independent telephones..... 2,986,515
 Bell telephones..... 3,132,063

Total..... 6,118,578

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

I certainly believe the suggestion above made will do this.

With kindest regards to you, I remain,

Yours, very truly,

J. B. WARE.

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

J. B. W.

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

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

The tables referred to are as follows:

Government report on telephones.
 CONTINENTAL UNITED STATES.

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

| | Total. | Independent (non-Bell). | Bell (American Telephone and Telegraph Co.) | Independent stations connected with Bell system. | Number of companies. |
|---|-----------|-------------------------|---|--|----------------------|
| United States..... | 6,118,578 | 2,986,515 | 3,132,063 | 885,880 | 22,971 |
| Alabama..... | 40,481 | 14,985 | 25,496 | 3,944 | 297 |
| Arizona..... | 6,203 | 3,148 | 3,055 | 17,426 | 37 |
| Arkansas..... | 49,576 | 32,150 | 17,426 | 9,607 | 547 |
| California..... | 237,672 | 65,977 | 171,695 | 9,607 | 311 |
| Colorado..... | 65,908 | 4,473 | 61,436 | 1,620 | 104 |
| Connecticut..... | 17,522 | 11,160 | 6,362 | 3,691 | 95 |
| Florida..... | 62,260 | 26,294 | 36,066 | 9,072 | 224 |
| Georgia..... | 16,894 | 5,754 | 10,640 | 1,288 | 82 |
| Idaho..... | 558,585 | 285,322 | 273,263 | 109,101 | 1,817 |
| Illinois..... | 289,452 | 216,960 | 72,462 | 50,065 | 883 |
| Indiana..... | 332,545 | 279,773 | 52,772 | 74,806 | 3,445 |
| Iowa..... | 200,233 | 161,913 | 38,320 | 66,880 | 1,243 |
| Kansas..... | 98,996 | 51,796 | 42,200 | 9,038 | 429 |
| Kentucky..... | 35,692 | 6,184 | 29,508 | 4,351 | 69 |
| Louisiana..... | 53,134 | 16,024 | 37,110 | 7,830 | 153 |
| Maryland, District of Columbia, and Delaware..... | 110,282 | 19,896 | 90,386 | 217 | 26 |
| Massachusetts..... | 209,383 | 5,324 | 204,059 | 650 | 38 |
| Michigan..... | 209,842 | 106,049 | 103,793 | 30,933 | 584 |
| Minnesota..... | 171,479 | 114,618 | 56,861 | 46,547 | 825 |
| Mississippi..... | 37,627 | 13,567 | 24,060 | 5,235 | 271 |
| Missouri..... | 312,627 | 220,823 | 91,704 | 82,398 | 2,648 |
| Montana..... | 17,168 | 8,118 | 9,050 | 846 | 97 |
| Nebraska..... | 153,279 | 105,610 | 47,669 | 45,252 | 801 |
| Nevada..... | 4,601 | 2,081 | 2,520 | 734 | 21 |
| New Hampshire..... | 28,920 | 6,488 | 22,432 | 2,482 | 58 |
| New Jersey..... | 116,988 | 19,134 | 97,854 | 831 | 33 |
| New Mexico..... | 6,653 | 3,476 | 3,177 | 759 | 47 |
| New York..... | 685,512 | 180,759 | 504,753 | 23,992 | 942 |
| North Carolina..... | 37,104 | 20,597 | 16,507 | 4,714 | 400 |
| North Dakota..... | 34,087 | 20,635 | 7,452 | 10,542 | 259 |
| Ohio..... | 495,636 | 312,278 | 183,353 | 29,234 | 384 |
| Oklahoma..... | 68,125 | 38,009 | 30,116 | 36,570 | 715 |
| Oregon..... | 49,629 | 16,223 | 33,406 | 10,675 | 295 |
| Pennsylvania..... | 450,403 | 174,582 | 275,821 | 11,976 | 697 |
| South Carolina..... | 20,911 | 7,772 | 13,039 | 1,867 | 143 |
| South Dakota..... | 48,405 | 44,751 | 3,654 | 25,839 | 130 |
| Tennessee..... | 71,130 | 25,758 | 45,372 | 9,241 | 214 |
| Texas..... | 187,862 | 108,832 | 79,030 | 30,334 | 906 |
| Utah..... | 30,630 | 10,528 | 20,102 | 451 | 19 |
| Vermont..... | 30,833 | 13,917 | 16,916 | 7,020 | 100 |
| Virginia..... | 55,541 | 24,118 | 31,423 | 4,447 | 290 |
| Washington..... | 96,840 | 35,632 | 63,194 | 9,168 | 480 |
| West Virginia..... | 62,144 | 46,609 | 15,535 | 3,288 | 195 |
| Wisconsin..... | 158,875 | 80,005 | 69,870 | 36,366 | 704 |
| Wyoming and Rhode Island..... | 30,605 | 1,538 | 29,067 | 1,267 | 68 |

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

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

| | Bell. | Independent. | Of which Bell claim connection with— | Exclusively independent. |
|----------------------|-----------|--------------|--------------------------------------|--------------------------|
| STATES ENTIRE. | | | | |
| Illinois..... | 133,263 | 285,322 | 109,101 | 176,221 |
| Michigan..... | 103,793 | 106,049 | 30,933 | 75,116 |
| Indiana..... | 72,462 | 216,960 | 50,065 | 166,895 |
| Ohio..... | 183,353 | 312,278 | 29,234 | 283,044 |
| Ohio (one-half)..... | 42,200 | 51,796 | 9,039 | 42,757 |
| Kentucky..... | 91,704 | 220,823 | 82,398 | 138,425 |
| Missouri..... | 45,372 | 25,758 | 9,241 | 16,517 |
| Iowa..... | 52,772 | 279,773 | 74,806 | 204,967 |
| West Virginia..... | 15,535 | 46,609 | 15,535 | 31,074 |
| Wisconsin..... | 69,870 | 89,005 | 36,366 | 52,639 |
| Total..... | 810,329 | 1,634,403 | 446,763 | 1,187,640 |
| FRACTIONAL. | | | | |
| Minnesota..... | 50,000 | 90,000 | 35,000 | 55,000 |
| Nebraska..... | 25,000 | 30,000 | 5,000 | 25,000 |
| Kansas..... | 20,000 | 40,000 | 15,000 | 25,000 |
| Pennsylvania..... | 50,000 | 40,000 | 6,000 | 34,000 |
| New York..... | 40,000 | 24,000 | 4,000 | 20,000 |
| Total..... | 965,329 | 1,858,403 | 611,763 | 1,346,640 |
| Chicago..... | 140,000 | | | |
| Total..... | 1,135,329 | | | |

* Without Chicago.

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

| | Bell. | Independent. | Of which Bell claim connection with— | Exclusively independent. |
|-----------------------------|---------|--------------|--------------------------------------|--------------------------|
| Illinois..... | 133,263 | 285,322 | 109,101 | 176,221 |
| Michigan..... | 103,793 | 106,049 | 30,933 | 75,116 |
| Indiana..... | 72,462 | 216,960 | 50,065 | 166,895 |
| Ohio (one-half)..... | 100,000 | 156,000 | 15,000 | 141,000 |
| Iowa (one-half)..... | 26,000 | 135,000 | 35,000 | 100,000 |
| Missouri (fractional)..... | 30,000 | 40,000 | 10,000 | 30,000 |
| Kentucky (fractional)..... | 15,000 | 15,000 | 2,000 | 13,000 |
| Wisconsin (fractional)..... | 60,000 | 80,000 | 33,000 | 47,000 |
| Minnesota (fractional)..... | 6,000 | 9,000 | 4,000 | 5,000 |
| Total..... | 546,518 | 1,043,361 | 289,069 | 754,292 |
| Chicago..... | 140,000 | | | |
| Total..... | 686,518 | | | |

* Without Chicago.

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

INTERNATIONAL INDEPENDENT TELEPHONE ASSOCIATION.

CHICAGO, May 29, 1909.

Mr. PAYNTER. Mr. President—

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

Mr. DIXON. Gladly.

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

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

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

Mr. LODGE. Mr. President—
The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Massachusetts?

Mr. DIXON. Gladly.

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

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

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

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

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

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

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

Mr. BRANDEGEE obtained the floor.

Mr. ELKINS. Mr. President—

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

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

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

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

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

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

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

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

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

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

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

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

Mr. ELKINS. Yes, sir.

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

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

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

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

Mr. ELKINS. Yes.

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

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

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

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

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

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

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

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

Mr. KEAN. But they had not been ordered—

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

Mr. KEAN. Not on this motion.

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

The yeas and nays were ordered, and the Secretary proceeded to call the roll. *See p. 6972*

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

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

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

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

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

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

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

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

YEAS—22.

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

NAYS—37.

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

NOT VOTING—33.

| | | | |
|--------------|------------|------------|--------------|
| Aldrich | Daniel | Johnston | Scott |
| Bailey | Davis | Lorimer | Smith, Md. |
| Bankhead | Depeew | McCumber | Smith, Mich. |
| Briggs | Dillingham | Money | Taliaferro |
| Bulkeley | du Pont | Nelson | Tillman |
| Clarke, Ark. | Fletcher | Penrose | Warren |
| Clay | Flint | Percy | |
| Crane | Foster | Richardson | |
| Culberson | Hughes | Root | |

So the motion to lay on the table was rejected.

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

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

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

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

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

The PRESIDING OFFICER. The Chair did not observe—

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

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

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

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

Mr. KEAN. They are in the House bill.

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

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

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

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

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

Mr. BACON rose.

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

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

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

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

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

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

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

Mr. HALE obtained the floor.

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

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

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

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

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

Mr. HALE. Unless the Senator agrees to that—

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

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

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

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

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

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

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

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

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

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

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

Mr. LA FOLLETTE. I would.

Columbia, and to make necessary connections with other parts of its system, and I submit a report (No. 759) thereon. I ask for the present consideration of the bill,

The Secretary read the bill.

Mr. KEAN. Is unanimous consent asked for the present consideration of the bill?

The PRESIDENT pro tempore. Unanimous consent is asked for the present consideration of the bill.

Mr. KEAN. Let the bill go over.

The PRESIDENT pro tempore. The Senator from New Jersey objects, and the bill goes to the calendar.

Mr. PAYNTER. Do I understand that there is objection to the present consideration of the bill?

The PRESIDENT pro tempore. Objection was made by the Senator from New Jersey.

Mr. KEAN. I thought it might be desired to place it on the interstate-commerce bill we are considering.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

BILLS AND JOINT RESOLUTION INTRODUCED.

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

By Mr. CHAMBERLAIN:

A bill (S. 8456) providing for the validation of certain homestead entries (with an accompanying paper); to the Committee on Public Lands.

By Mr. SMOOT:

A bill (S. 8457) to restore to the public domain certain lands withdrawn for reservoir purposes in Millard County, Utah; to the Committee on Public Lands.

By Mr. FRYE:

A bill (S. 8458) granting an increase of pension to Corydon G. Ireland; to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 8459) to admit to the mails as second-class matter periodical publications issued by or under the auspices of benevolent and fraternal societies and orders and institutions of learning or by trades unions, and for other purposes; to the Committee on Post-Offices and Post-Roads.

By Mr. CLARKE of Arkansas:

A bill (S. 8460) for the relief of the heirs of James R. Toney; to the Committee on Claims.

By Mr. OWEN:

A joint resolution (S. J. Res. 105) to authorize and provide for an assembly of the representatives of the parliaments and national legislative bodies of the nations of the world in the United States upon the invitation of the United States Government, and for other purposes; to the Committee on Foreign Relations.

AMENDMENT TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. WETMORE submitted an amendment proposing to appropriate \$10,000 to meet the expenses of the Commission of Fine Arts, 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.

ADJOURNMENT TO TUESDAY.

Mr. HALE. Mr. President, several Senators who have engagements to deliver addresses on Monday, which is soldiers' day, Memorial Day, have requested me to take the sense of the Senate on a motion that when the Senate adjourns to-day it be to meet on Tuesday, and I will make that motion. At the suggestion of the Senator from Iowa [Mr. CUMMINS], although I do not have much faith in 11 o'clock sessions, I will make the motion that when the Senate adjourns to-day it be to meet on Tuesday next at 11 o'clock.

Mr. ELKINS. Does the Senator make the motion now?

Mr. HALE. Yes; I make the motion now.

Mr. ELKINS. I had hoped that we might go on with the railroad bill Monday, if we could have a session then. I do not know what the temper of the Senate is on the subject. Several Senators, however, have asked me to consent to an adjournment until Tuesday.

The PRESIDENT pro tempore. The Senator from Maine moves that when the Senate adjourns to-day it be to meet on Tuesday next at 11 o'clock.

Mr. DIXON. Mr. President—

The PRESIDENT pro tempore. The motion is not debatable. The question is on agreeing to the motion.

The motion was agreed to.

ELECTION OF SENATORS BY THE ELECTORS OF STATES.

Mr. OWEN. Mr. President, I had given notice that on May 30 I would address the Senate on Senate joint resolution 41, proposing an amendment to the Constitution of the United

States in favor of the election of Senators by the electors of the States. I ask now, in view of the action just taken, that I may be permitted to address the Senate after the morning business on May 31.

The PRESIDENT pro tempore. The morning business is closed.

Mr. LORIMER obtained the floor.

MEMORIAL ADDRESS ON THE LATE REPRESENTATIVE GRIGGS.

Mr. BACON. With the permission of the Senator from Illinois, I desire to make a statement.

I had given notice that to-day, at the conclusion of the day's business, but not later than 4 o'clock, I would ask the Senate to hear what might be said in memory of the life and public services of the late Mr. JAMES M. GRIGGS, formerly a Member of the House. I understand that it is not the purpose to resume to-day the consideration of the railroad bill, and I desire to state that at the conclusion of the speech of the Senator from Illinois I shall ask the Senate to take up that order.

SENATOR FROM ILLINOIS—PERSONAL EXPLANATION.

Mr. LORIMER. Mr. President, I rise to a question of personal privilege, to state the facts concerning and the reasons for the most recent assault made upon me by the Chicago Tribune, with the intent to blacken my character with the people of the country and to destroy me and my friends financially and politically.

On the 30th day of April last the Chicago Tribune published a story over the signature of Charles A. White, a member of the Illinois legislature, in which it was alleged that I secured my seat in the United States Senate through bribery and corruption. I have been compelled to defer my return to the Senate owing to the fact that the story was timed and published with a deliberate purpose to destroy a new banking association in Chicago which I have been organizing with some of my friends. The assault was made to prevent the bank from opening. It utterly failed of its purpose, but it required my constant attention to build an impregnable bulwark around the bank to safeguard the interest of those who have intrusted their funds to the care of my associates and myself against any malicious or vicious assault that may be made against it by the Tribune. The bank is now surrounded by every safeguard, and is as impregnable as Gibraltar against the lying columns of the Chicago Tribune. Having completed that work, I return to my place in the Senate to-day to protest against this malicious slander directed against the honor of my State, the Illinois legislature, and myself, and which is the most outrageous conspiracy ever organized in the State of Illinois.

The Tribune article charges that the Hon. Lee O'Neil Browne, the Democratic leader of the house of representatives, bribed Charles A. White to vote for me, and paid him \$1,000 for his vote. I do not know what kind of man he would be who would dare to offer a bribe to Lee O'Neil Browne, much less ask him to bribe others. He has lived in his present home town practically all his life, and is one of its most highly respected citizens. He stands in the front rank of successful lawyers at the bar in Illinois; a man of fine, keen intellect. When he passes his word it is accepted by all. He is, all in all, a strong, high-minded, God-fearing, honorable man. I recall a pleasant chat that I had with him on an occasion when we were discussing the hereafter, and during the course of which he told me that he believed the Bible from cover to cover. Such a man will not stoop to so low a level as to become a bribe taker or a bribe giver.

I became very intimate with him several years ago during the session of the legislature. I, with others, was urging that body to submit a constitutional amendment to the people to authorize the issue of \$20,000,000 in bonds to aid in the construction of a waterway from the Lakes to the Gulf of Mexico. But for the enthusiastic support given to the measure by him it would not have passed and the prospects for a deep waterway would not be so bright to-day.

This slanderous matter was not published to injure Mr. Browne; it was not published in the interest of public morals, nor is it the work of the poor, self-degraded creature that the Tribune sought to lend the use of his name to bolster up the lies of the Tribune and himself. The publication itself discloses its vile purpose better than anything that I can offer in testimony. For more than a year I have been talking with some friends about opening a bank in Chicago. The editor of the Tribune, Medill McCormick, has stated openly that he would never permit it. It is stated in the article that the Tribune had the story weeks before it was published, yet they held it off and timed its publication until the bank, of which I am now president, was about to open its doors. I hold in my hand a copy of that publication, the front page covered with the letter alleged to have been written by White, and all of its second page given up to the

same matter, except about three sticks of space down in the lower part of the last right-hand column, which is devoted to an announcement that was not authorized by any person connected with the organization of the bank, but was conjured up in the minds of the Tribune conspirators and printed to aid them in their dastardly purpose of destroying the banks before they were born. I will read the announcement. It is as follows:

LORIMER TO BE PRESIDENT OF HIS TWO INSTITUTIONS—DIRECTORS OF LA SALLE STREET NATIONAL BANK AND LA SALLE STREET TRUST COMPANY REACH DECISION.

Senator WILLIAM LORIMER is to be president of both the La Salle Street National Bank and the La Salle Street Trust Company. They will open their doors to depositors May 9.

No part of this story was ever written by White. Any person who has lived under the assaults of this vicious paper can see that it is the work of a trained newspaper hand, skilled in the art of creating scandal out of lies, when it is thought necessary to blacken the character of one whom the newspaper can not control. It is also plain to be seen that every word was passed upon by a lawyer before it was signed by that poor, low creature White, who does not hesitate to commit forgery for a few dollars and to whom perjury is no crime, who is a part of the lowest fringes of depravity, and who to secure money to satisfy his instinct for debauchery sold what little was left of his manhood and became the pliant tool of the Tribune in this timed and malicious attack.

The most cruel blow in this whole article is the one aimed at the good name of the Hon. Charles Luke, who has passed away and is now with his Maker. Charles Luke is made to say that he got his money for voting for me; that he made his deal direct with me. This lie was printed to give color to the story, and when the Tribune conspirators sent it to print both Medill McCormick, the editor of the Tribune, and his depraved tool, White, knew it was an unmitigated falsehood. They also knew that from the quiet of his everlasting sleep there could come no protest from Charles Luke in behalf of the mourning widow and his orphan children, on whom they had attempted so heinously to lay the stigma of dishonor; but their method of warfare made it necessary for them to send the poisoned shaft into those aching hearts and to place a confession of felony on lips beyond the power of speaking the words that would lift their awful charge.

Mr. President, it was just one year ago that Charles Luke, a Democrat, then in the final stages of the malady which cut short a life of promise, rose from a sick bed and made his painful way to the legislative hall to cast his vote for me, a Republican, for United States Senator. Standing in this historic Chamber, in a place of high honor, to which my departed friend did all in his power to assist me, I would be untrue to our friendship and my high regard for him if I did not hurl this malicious, heartless, satanic lie back into the foul mouth that uttered it.

There is no language to characterize such venomous, despicable conduct. This loathsome, detestable creature, Medill McCormick, guilty of this and numerous other violations of decency, should and will be in the future, as in the past, shunned and avoided by all decent people.

A few days later the Tribune printed a statement that Representatives Michael S. Link and H. J. C. Beckemeyer, also members of the forty-sixth general assembly, had also "confessed," and had corroborated White's story that they had been bribed to cast their vote for me. Link and Beckemeyer did not confess that they had been bribed to vote for me. When the whole truth concerning their so-called "confession" is disclosed in court it will be shown beyond a shadow of doubt to the mind of every man, friend and foe, that these men did not receive a dollar for their vote for me; and no other member of the legislature confessed that he had been bribed or paid to vote for me. The charges stand as they stood April 30, the uncorroborated lies of the Tribune, supported only by the bought signature of their weak tool, White.

When the Tribune said that I had offered or given money to any member of the legislature, or that any money was offered to any member of the legislature for his vote for me, it lied, and it knew it lied. Not one dollar was paid to a single member of the general assembly for his vote for me.

When the truth is known everybody will understand that the publication of the Tribune article signed by White is a part of a political conspiracy to drive me out of public life, to ruin me financially because I will not do as other Republicans in Illinois have done—place myself under the absolute control and dictatorship of the Tribune. In all these years of this dastardly war made on me by the Tribune there was never a

time when I could not have made my peace with the Tribune and secured immunity from further attacks by surrendering and becoming its willing slave.

Since my election is under discussion I have concluded to tell the story of the circumstances that brought it about. These things were common knowledge to those who were interested in the senatorship contest and were discussed each day in Springfield. They were not, however, matter of general knowledge to people over the State. In order that they may know all the facts concerning my election, I have decided to relate the circumstances as they occurred. Many people are of the opinion that I, through my own effort, worked out a great feat; that the accomplishment was wonderful; that I must be a sort of a political wizard; and that I waved a wand over the general assembly until I had hypnotized it and then elected myself to the Senate.

In the outset I want to say that when I became interested in the senatorial contest I was in no sense of the word a candidate for Senator. I entered into the contest with what was left of the Republican organization to make a last stand against the Tribune newspaper combination. They had at last succeeded in driving practically every officeholder, from United States Senator down, to do their bidding, and had banded them all together to make the last onslaught to destroy every remaining vestige of the organization that they could not control. What to do or how to do it we did not know. There was only a handful left, but there was one thing that we were sure we could count on and that was that we would all stand or fall together. We also knew that the leaders in the other camp did not believe in each other; that they were working together, not from choice, but had been driven into a misfit organization by the Tribune and the newspaper combination.

There was only one man in that organization who was sincerely at all times for Senator Hopkins, who did not place his own interest above the candidacy of the Senator, and who was not ready at some time to join an opposing movement that gave promise of success. That man was Col. Frank L. Smith, of Dwight. Had all the incongruous elements gathered under the Hopkins banner been as sincere and as loyal as Smith they could, by harmonious action, on any day until within two weeks prior to my election, have secured his election. Our friends merely took advantage of the fact that they were only ostensibly supporting the Senator while, like Micawber, they were waiting for "something to turn up."

We proceeded on the theory that such a mob under some conditions could stand together, but that there might come a chance to break through their line; and even if we failed, we would be no worse off than when we began. We were assailed from every quarter by men, every one of whom our friends had helped to elevate to high stations against the bitter opposition of the Tribune and other papers, whose bidding they were now prepared to carry out, namely, the destruction of the Republican organization.

It turned out as we expected. They quarreled over the organization of the committees of the house of representatives and left the governor to fight his own battle alone.

When all had deserted him, I decided to accept an invitation extended by Roy O. West, chairman of the state central committee, to call upon the governor. He expressed his bitter disappointment at the ill-treatment that he had received at the hands of Senator Hopkins and his friends, and in later interviews, of which I had a great number with him during the winter, he said he would do all he could to aid in preventing the reelection of Hopkins in the hope that some man satisfactory to his friends and my friends, who might unite the various factions, might be selected as his successor. On several occasions he suggested the election of Roy O. West, to which I responded that I was sure my friends would not be satisfied with him. In several interviews he stated that West was pressing him and urging him to make him (West) Senator. I told him that I would call upon Mr. West personally and tell him that, in my opinion, his election was absolutely out of the question. Later, in an interview in Mr. West's office, which lasted more than an hour and a half, I told Mr. West why my friends would not support him, and told him that without our support the governor and his friends could not secure his election for United States Senator.

On numerous occasions I urged the governor to become a candidate for the place. We discussed it for many weeks. At first he seemed to be very much opposed to it. From the interviews with him in the latter part of March, I was confident that he would take the place, and I was absolutely sure from the information that I had been able to gather from members

(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. LA FOLLETTE. Upon that question I should like to be heard.

The VICE-PRESIDENT. It is not debatable. The question is on agreeing to the motion.

Mr. LA FOLLETTE. I will be heard after it is decided.

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

The motion was agreed to.

Mr. ELKINS. I now yield to the Senator from Oklahoma by an understanding, at his request, as he wishes to address the Senate.

Mr. OWEN. Mr. President—

Mr. BEVERIDGE. The Senator can not yield by an understanding. He can not farm out the floor by an understanding.

Mr. BURROWS. The Senator from Oklahoma had given notice.

Mr. LA FOLLETTE. Mr. President—

The VICE-PRESIDENT. The Chair has recognized no one.

Mr. LA FOLLETTE. I understand that, and I do not understand it is the right of any Senator here to yield the floor to anybody.

Mr. BEVERIDGE. Not by an understanding.

The VICE-PRESIDENT. Certainly not, when an objection is made. It is not competent to yield the floor, except for an inquiry. It is competent for the Chair to recognize whomever he thinks first took the floor. The Chair recognizes the Senator from Oklahoma.

THE ELECTION OF SENATORS BY DIRECT VOTE OF THE PEOPLE.

Mr. OWEN. Mr. President, on the 21st day of May, 1908, in accordance with the wishes of the legislature of the State of Oklahoma, expressed by resolution of January 9, 1908, I introduced Senate resolution 91, providing for the submission of a constitutional amendment for the election of Senators by direct vote of the people.

Article 5 of the Constitution provides that Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to the Constitution or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments which, in either case, shall be valid when ratified by the legislatures of three-fourths of the several States or by conventions in three-fourths thereof, as the one or other mode of ratification may be proposed by Congress.

The reasons why the people wish this proposed reform are thoroughly well understood.

First. It will make the Senate of the United States more responsive to the wishes of the people of the United States.

Second. It will prevent the corruption of legislatures.

Third. It will prevent the improper use of money in the campaigns before the electorate by men ambitious to obtain a seat in the Senate of the United States.

Fourth. It will prevent the disturbance and turmoil of state legislatures and the interferences with state legislation by the violent contests of candidates for a position in the United States Senate.

Fifth. It will compel candidates for the United States Senate to be subjected to the severe scrutiny of a campaign before the people and compel the selection of the best-fitted men.

Sixth. It will prevent deadlocks, due to political contests in which various States from time to time have been thus left unrepresented.

Seventh, it will popularize government and tend to increase the confidence of the people of the United States in the Senate of the United States, which has been to some extent impaired in recent years.

Mr. President, as the State of Idaho points out, and as the State of New Jersey points out, in their resolutions herewith submitted, the House of Representatives of the Congress of the United States has on four separate occasions passed by a two-thirds vote a resolution proposing an amendment to the Constitution providing for the election of United States Senators by direct vote of the people.

And the Senate has, on each occasion, failed or refused to vote upon such resolution or to submit such constitutional amendment to the several States for their action, as contemplated by the Constitution of the United States.

On July 21, 1894, the House of Representatives, by vote of 141 to 50 (CONGRESSIONAL RECORD, vol. 26, p. 7783), and on May 11, 1898, by vote of 185 to 11 (CONGRESSIONAL RECORD, vol. 31, p. 4825), and on April 13, 1900, by vote of 242 to 15 (CONGRES-

SIONAL RECORD, vol. 33, p. 4128), and on February 13, 1902, by a viva voce vote, nem. con. (CONGRESSIONAL RECORD, vol. 35, p. 1722), has recorded the wishes of every congressional district of the United States, with negligible exceptions, in favor of this reform.

The Speaker of the Fifty-fifth Congress said, and Mr. Corliss, February 19, 1902, repeated the sentiment, "that this was a measure demanded by the American people, and that the Members of this House, representing directly the people, should pass this measure, and continue to pass it, and knock upon the doors of the Senate until it listens to the voice of the people." (CONGRESSIONAL RECORD, vol. 35, p. 1721.)

Is a unanimous vote of the House of Representatives an index to the wishes of the American people or is the will of the people of sufficient importance to persuade the Senate to act and comply with their repeatedly expressed wishes?

On May 23, 1908, I called attention of the Senate to the various resolutions passed by 27 States of the Union praying Congress and the Senate for this reform, and on behalf of my own State of Oklahoma I urged the Senate to act.

Over my protest the Senate referred this joint resolution 91 to the Committee on Privileges and Elections by the following vote:

The result was announced—yeas 33, nays 20, as follows:

| | | | |
|-----------|-------------|---------|------------|
| YEAS—33. | | | |
| Aldrich | Clark, Wyo. | Hale | Richardson |
| Allison | Crane | Heyburn | Smith, Md. |
| Bacon | Cullom | Hopkins | Stewart |
| Bankhead | Depew | Keam | Warner |
| Brandegee | Dick | Knox | Warren |
| Briggs | Dillingham | Lodge | Wetmore |
| Burnham | Foraker | Long | |
| Burrows | Gallinger | Nelson | |
| Carter | Guggeheim | Penrose | |

| | | | |
|-----------|-------------|----------|--------------|
| NAYS—20. | | | |
| Ankeny | Dixon | Newlands | Piles |
| Beveridge | Gore | Owen | Simmons |
| Borah | Johnston | Overman | Smith, Mich. |
| Brown | La Follette | Paynter | Stephenson |
| Clapp | McCreary | Perkins | Teller |

| | | | |
|----------------|----------|------------|------------|
| NOT VOTING—39. | | | |
| Bailey | Dolliver | Hansbrough | Platt |
| Bourne | du Pont | Hemenway | Rayner |
| Bulkeley | Elkins | Kittredge | Scott |
| Burkett | Flint | McCumber | Smoot |
| Clarke, Ark. | Foster | McEnery | Stone |
| Clay | Frazier | McLaurin | Sutherland |
| Cuberson | Frye | Martin | Tallaferro |
| Curtis | Fulton | Milton | Taylor |
| Daniel | Gamble | Money | Tillman |
| Davis | Gary | Nixon | |

(CONGRESSIONAL RECORD, May 23, 1908, p. 7115.)

This vote meant the defeat of the proposed constitutional amendment.

The Senator from Michigan [Mr. BURROWS], chairman of the Committee on Privileges and Elections, never gave any hearing on this resolution and never reported it, but allowed the Sixtieth Congress to expire without taking any action in regard to it, notwithstanding the legislature of the State of Michigan had theretofore by joint resolution expressly favored the submission of an amendment for the election of Senators by direct vote.

On July 7, 1909, I introduced the same resolution again in the present Congress as Senate joint resolution 41.

I trust I may not be regarded as inconsiderate, too hasty, or too urgent, if after waiting over two years for a report by the Senator from Michigan, I now call upon him to perform his duty to the people and respond to their repeatedly expressed wishes in this matter, or else that he frankly refuse to do so.

Mr. President, the present Committee on Privileges and Elections of the Senate is composed of the following Members, 8 Republicans and 5 Democrats:

JULIUS C. BURROWS, of Michigan; CHAUNCEY M. DEPEW, of New York; ALBERT J. BEVERIDGE, of Indiana; WILLIAM P. DILLINGHAM, of Vermont; JONATHAN P. DOLLIVER, of Iowa; ROBERT J. GAMBLE, of South Dakota; WELDON B. HEYBURN, of Idaho; MORGAN G. BULKELEY, of Connecticut; JOSEPH W. BAILEY, of Texas; JAMES B. FRAZIER, of Tennessee; THOMAS H. PAYNTER, of Kentucky; JOSEPH F. JOHNSTON, of Alabama; DUNCAN U. FLETCHER, of Florida.

Ten of these 13 States favor the choice of Senators by the vote of the people, but I fear the Senators from Vermont, New York, and Connecticut, whose States are not officially committed, may unduly influence the committee, paralyze its activities, and prevent a favorable answer to the petition or wishes of the 37 other States.

Eight Republican Senators, as a practical matter, control the policy of this committee, and four of these can prevent action under the present very enlightened system of organized party management of the majority party, which is under an influence that is almost occult, and a management that seems excellently

well devised to control all committee action by a majority of a majority plan that enables four to defeat thirteen on the Committee on Privileges and Elections. This is an example of what is called "machine politics."

Mr. HEYBURN. Mr. President—

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

Mr. OWEN. Certainly.

Mr. HEYBURN. I want to correct the impression in the mind of the Senator from Oklahoma that the State of Idaho favors the election of United States Senators by direct vote of the people. It does not. The State of Idaho is a Republican State, and the Republican party of Idaho has never favored such a proposition.

Mr. OWEN. The Senator from Michigan [Mr. BURROWS] or the Senator from Idaho [Mr. HEYBURN] can thus defeat or procure action if they wish to by cooperating with the other Republican Senators whose States—Indiana, South Dakota, and Iowa—like Michigan and Idaho, have sought this reform.

Mr. HEYBURN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oklahoma yield further to the Senator from Idaho?

Mr. OWEN. I do.

Mr. HEYBURN. It is only fair to say that the Senator from Idaho has no inclination whatever to promote that scheme of government.

Mr. OWEN. The five Democratic Senators whose people believe in this policy I do not question would willingly cooperate if permitted to do so.

It seems unavoidable, however, to ask the Senate to instruct the committee if any action is to be expected.

I can not believe that the Senate is conscious of the widespread public demand for the election of Senators by direct vote of the people. I therefore submit the positive evidence of the action taken by the various States of the Union, showing the following 37 States to have expressed themselves (in one form or another) favorably to the election of Senators by direct vote of the people, over three-fourths of the States of the Union: Alabama, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, Wisconsin, and Wyoming.

Mr. HEYBURN and Mr. BRADLEY addressed the Chair.

The VICE-PRESIDENT. Does the Senator from Oklahoma yield?

Mr. HEYBURN. I desire to call attention to the fact, inasmuch as I heard the name of Idaho—

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

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

Mr. HEYBURN. I merely want to get the record straight. I heard the name of Idaho mentioned in connection with the States that had announced in favor of this heresy. I desire to say that the legislature of Idaho, as a rule, is sane, but there have been times when it was not.

Mr. OWEN. In due course I shall read the language of the legislature of the State of Idaho. I now yield to the Senator from Kentucky.

Mr. BRADLEY. Mr. President, I want to say that I do not remember certainly about the State of Kentucky.

Mr. OWEN. I will give the evidence in a few moments.

Mr. BRADLEY. The legislature of Kentucky may have passed a resolution favoring that idea, but I can say of the legislature of Kentucky that it is like the legislature of Idaho—it is not always sane, and I might say that most usually it is not sane. [Laughter.]

Mr. OWEN. I shall not take issue at present with the Senator from Kentucky or the Senator from Idaho as to the sanity of the representatives of the people in the legislature of Kentucky or of Idaho.

Mr. PAYNTER. Mr. President—

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

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

Mr. PAYNTER. I should like to know if my colleague from Kentucky, when he said the legislature of Kentucky was not always sane, had reference to the legislature that assembled about two years ago. [Laughter.]

Mr. BRADLEY. I had not; but I did have reference to the legislature that elected my colleague. [Laughter.]

Mr. OWEN. The fuller details relative to primary elections will be found in the work Primary Elections, a Study of the History and Tendencies of Primary Election Legislation, by C. Edward Merriam, associate professor of political science in the University of Chicago, 1908.

Only nine States—New England, New York, Delaware, and West Virginia—have failed to definitely act in favor of the election or selection of Senators by direct vote of the people, and even in these States the tendency of the people is strongly manifested toward such selection of Senators.

In West Virginia they have primaries in almost all of the counties, instructing members of the legislature as to the election of Senators.

In Delaware the election of the members of the legislature carries with it an understanding as to the vote of the member on the senatorship.

In Massachusetts the legislature, through the house of representatives, has just passed a resolution favorable to this constitutional amendment and is now considering the initiative and referendum.

Maine has recently adopted the initiative and referendum—the people's rule.

It is obvious that in Maine the question of who shall be Senator is entering vigorously into the question of the election of members of the legislature, and commitments are demanded of candidates for the legislature; and so in greater or less degree even in some other Northeastern States, which are not definitely committed to the election of Senators by direct vote of the people, a similar method is followed, which, in effect, operates as an instruction, more or less pronounced, in favor of a candidate for the Senate.

In the five remaining States, New York, New Hampshire, Vermont, Connecticut, and Rhode Island, a majority of the people unquestionably favor the election of Senators by direct vote of the people, which is demonstrated by the approval of the Democrats of these States of this policy and in addition by the various nonpartisan organizations, the National Grange, American Federation of Labor, and so forth, and by the attitude of many individual Republicans, who are not sufficiently strong, however, to control the party management.

In the effort I made to have the amendment to the Constitution submitted to the various States on May 23, 1908 (S. J. Res. 91), it was obvious that I had not the sympathy of those who control the Senate and no vote from a Northeastern State.

I had, in fact, the active opposition of the Senator from Rhode Island [Mr. ALDRICH], the Senator from Massachusetts [Mr. LODGE], the Senator from New Jersey [Mr. KEAN], the Senator from Maine [Mr. HALE], the Senator from Pennsylvania [Mr. PENROSE], the Senator from New York [Mr. DEPEW], the leaders of the Republican party in the Senate. The Senator from Massachusetts and the Senator from Rhode Island and the Senator from New Jersey actually tried to prevent my obtaining a vote, resorting to the small parliamentary device of asserting or suggesting that I was asking unanimous consent for a vote after I had moved the Senate to take the vote. If I had acceded to this untrue assertion consent would have been denied and a vote thus prevented. What does this fear of a record vote mean?

I do not in the least complain of such parliamentary tactics, nor of the opposition. I merely think it my duty to call the attention of the country to it, that it may not be doubted that the Republican leaders of the Senate are opposed to giving the people of the United States the power to choose their own Senators.

Mr. DIXON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Montana?

Mr. OWEN. I do.

Mr. DIXON. I well remember the occasion to which the Senator refers. Will he be kind enough to inform the Senate how the vote stood, politically speaking, for and against his resolution? Did not a majority of the Democratic Senators also vote against the resolution?

Mr. OWEN. Mr. President, has the Senator finished his question?

Mr. DIXON. Yes.

Mr. OWEN. I have inserted already in the Record the entire vote, showing 3 Democrats and 30 Republicans opposed, with 9 Democrats and 11 western Republicans favoring action on my resolution.

The right of the people to elect Senators ought not to be denied, and the party leaders who are unwilling to trust the people to elect Members of the Senate ought not to be trusted

with power, because the Senate can block and actually does block every reform the people desire.

The Senate has frequently been used to obstruct the will of the people, and especially the will of the people to elect Senators by direct vote.

I had then and I will have to-day the efficient opposition of the Republican managers of the Senate, who do not listen to the voice of the people, even if they believe in it. The Senator from Rhode Island, for example, the acknowledged leader, has an environment that unfits him to believe in the wisdom of popular government, because in Rhode Island, under an unwise and archaic mechanism the government of the State is said to be controlled by about 11 per cent of its voters and what might fairly be called a party machine, which is under the powerful domination of commercial interests. I do not say this in any sense as a reproach, because I believe each State must determine its own management, but as an historical observation, which I think is accurately made, and as showing the important need of improvement in our system of government.

The Senator from Rhode Island, in answer to my presentation of the resolutions passed by the various 27 States, asked the following illuminating question of me:

Mr. ALDRICH. Does the Senator from Oklahoma understand that a Senator is bound to vote according to the instructions of his legislature?

While I answered in the negative, as a mere legal proposition, nevertheless I do think that when the opinion of the people of a State is thoroughly well made up a Senator ought not only to be bound by it, but that he ought to feel glad to carry into effect the will of the people whom he represents, and ought not to set up for himself a knowledge or an understanding greater than that of the people of the entire State who have sent him as their representative. I believe that the will of the people is far more nearly right, in the main, than the will of any individual statesman who is apt to be honored by them with a transitory seat in the Senate; that the whole people are more apt to be safe and sane, more apt to be sound and honest than a single individual. At all events, I feel not only willing, but I really desire to make effective the will of the people of my State. I believe in popular government, and I believe that the people are more conservative, more "safe and sane," and more nearly apt to do right in the long run than ambitious statesmen temporarily trusted with power.

I will submit, Mr. President, the direct evidence and record of the public opinion of the people of the United States as expressed through their legislatures, or by the voluntary act of party regulations in instructing candidates for the legislature on the question of the election of United States Senators, or by primary laws as far as they apply.

It will be thus seen that Democratic States and Republican States alike, west of the Hudson River, have acted favorably in this matter practically without exception. Only eight or nine States have failed to act, and I do not doubt that if the voice of the people of these States of New England, of New York, Maryland, and Delaware could find convenient expression, free from machine politics, every one of them would favor the election of Senators by direct vote, and would favor the right of the people to instruct their representatives in Congress and in the Senate, a right which they enjoyed from the beginning of the American Republic down to the days when this right was smothered and destroyed by the convention system of party management.

Not only the States have acted almost unanimously in favor of this right of the people, but all the great parties of the country have declared in favor of it, except the Republican party, and this party would have declared for it except for the overwhelming influence and domination of machine politics in the management of that party and the prevalence of so-called boss influence. And this is demonstrated by the fact that the large majority of the Republican States, by the resolutions or acts of their legislatures, have declared in favor of it, and that several times the House of Representatives, when Republican, by a two-thirds vote, passed a resolution to submit such a constitutional amendment.

The trouble is the machine has gotten control of the Republican management of the Senate and can thus block every reform the people want. The insurgents insure in vain.

If I remember correctly, the Senator from Wisconsin [Mr. LA FOLLETTE], at the last national Republican convention, raised this issue on the floor of the convention, and the proposal to put in the Republican platform the election of Senators by direct vote of the people was defeated by the powerful influence of a political machine, which, on that occasion, manifested itself in the delegates there present—a machine so obviously a machine as to excite the term of derision—"the steam roller."

The "steam roller" is not an emblem of representative free government of a free people.

Mr. CHAMBERLAIN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Oregon?

Mr. OWEN. Yes.

Mr. CHAMBERLAIN. In that connection, is it not a fact that, notwithstanding the action of the national Republican convention, President Taft, in his letter of acceptance, expressed his belief in the doctrine of the election of Senators by direct vote of the people?

Mr. OWEN. I believe that is true, and I believe that the great body of the Republican citizens of the country believe in it as much as I do. The great body of our people are perfectly upright and straightforward, no matter what party they belong to.

Mr. GALLINGER. Will the Senator permit me?

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

Mr. OWEN. I yield.

Mr. GALLINGER. Will the Senator from Oregon give us that extract from the letter of acceptance? I have forgotten it.

Mr. OWEN. With the consent of the Senate, I will insert it in my remarks, so that it will appear in the Record.

Mr. GALLINGER. I should like to have it read now.

Mr. CHAMBERLAIN. I simply state it now entirely from memory. I have not it with me, but I recollect very distinctly that there was an expression from the President favorable to that proposition.

Mr. OWEN. Mr. President, I have great personal respect for very many of the representatives of the great party the control of which by machine methods I am assailing on the floor of this body, and do not wish to appear to say anything that would imply the contrary. I am assailing a bad system of government, which leads to evil, and not assailing individuals, or desiring to do so.

I do not approve machine methods in the Senate, in the House, or in the management of parties, because it leads to absolute bad government and gives peculiar opportunity.

The *Democratic party*, representing about half of the voters of the United States (6,409,104 voters), in its national platform adopted at Denver, Colo., July 10, 1908, says:

We favor the election of United States Senators by direct vote of the people, and regard this reform as the gateway to other national reforms.

In like manner the Democratic national platform in 1900 had declared for—

Election of United States Senators by the direct vote of the people, and we favor direct legislation wherever practicable.

And in 1904 repeated the doctrine:

We favor the election of United States Senators by the direct vote of the people.

The platform of the *Independence party*, adopted at Chicago, Ill., July 28, 1908, declared for direct nominations generally, and further made the following declaration:

We advocate the popular election of United States Senators and of judges, both state and federal, and any constitutional amendment necessary to these ends.

The platform of the *Prohibition party*, adopted at Columbus, Ohio, July 16, 1908, made the following its chief plank after the prohibition question, to wit:

The election of United States Senators by direct vote of the people.

The platform of the *New York Democratic League*, adopted at Saratoga, N. Y., September 10, 1903, declares for the—

Election of United States Senators by the direct vote of the people.

The platform of the *People's party* at Sioux Falls (1900) contained the following declaration:

We demand that United States Senators be elected by direct vote of the people.

The *American Federation of Labor*, consisting of 118 national and international unions, representing, approximately, 27,000 local unions, 4 departments, 38 branches, 594 city central unions, and 573 local unions, with an approximately paid membership of 2,000,000 men, representing between eight and ten millions of Americans, with 245 papers, have declared repeatedly in favor of the election of Senators by direct vote of the people.

The *National Grange*, comprising the Association of Farmers in the Northeast and in Central States, including nearly every farmer in Maine and in the New England States, and in Pennsylvania and Ohio and Michigan, the *Society of Equity* and the *Farmers' Educational and Cooperative Union* of the West and South, and altogether representing the organized farmers of the

entire United States, have declared in favor of the election of Senators by direct vote of the people. In this group of people our census of 1900 disclosed 10,438,218 adult workers and probably 45,000,000 people.

The State of Iowa in a joint resolution of April 12, 1909, makes the following statement:

Whereas the failure of Congress to submit such amendment to the States has made it clear that the only practicable method of securing submission of such an amendment to the States is through a constitutional convention to be called by Congress upon the application of the legislatures of two-thirds of all the States—

And the legislature of Iowa therefore resolved in favor of a constitutional convention, in effect, because of the neglect and refusal of the Senate of the United States to perform its obvious duty in the premises, the lower House having, by a two-thirds vote on four previous occasions, passed a resolution providing for the submission of such a constitutional amendment.

In the speech of the Hon. William H. Taft accepting the Republican nomination for the office of President of the United States at Cincinnati, Ohio, on July 28, 1908, he said:

With respect to the election of Senators by the people, personally I am inclined to favor it, but it is hardly a party question. A resolution in its favor has passed a Republican House of Representatives several times, and has been rejected in a Republican Senate by the votes of Senators from both parties. It has been approved by the legislatures of many Republican States. In a number of States, both Democratic and Republican, substantially such a system now prevails.

The President justly says it is hardly a party question, and that personally he is inclined to favor it; that a resolution in its favor has passed a Republican House of Representatives several times, but has been rejected in a Republican Senate by votes of Senators from both parties; that it has been approved by the legislatures of many Republican States; nevertheless, it is perfectly obvious to the country that any action by the Senate in favor of complying with the will of the people of the United States in this connection will be rejected. I naturally ask, under the circumstances, since the Democratic party is fully committed to it, since many Republican States favor it, since a Republican House of Representatives has passed a resolution in its favor several times, since a Republican President is inclined to favor it, why can the people get no action? I naturally ask under the circumstances, do the people rule, or are they ruled by machine rule unduly influenced by commercial interests?

This expression of the disappointment of Iowa in the Senate of the United States is emphasized in a more vigorous manner by the platform of the Socialist party adopted at Chicago, Ill., May 13, 1908, which submitted as one of their political demands:

The abolition of the Senate. (Votes, 420,793.)

A declaration of political opinion that I am informed was reiterated in the new platform adopted on May 28, 1910—only three days ago.

Mr. President, the Senate of the United States is one of the substantial bulwarks of the Government against sudden popular passion or hasty opinions of the people. Its strength in this particular is well known.

Its weakness is in disregarding the matured will of the people of the United States in matters of national importance, obstructing national reform, and being regarded by the people as too greatly influenced by organized special interests against the policies needed and desired by the people.

I think it is no exaggeration to say that nine-tenths of the people of the United States are in favor of the election of United States Senators by direct vote of the people. I shall therefore move at the conclusion of my remarks that the Committee on Privileges and Elections be instructed to report Senate joint resolution 41, introduced by me on July 7, 1909, as follows, to wit:

Senate joint resolution 91, proposing an amendment to the Constitution of the United States.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article be proposed to the legislatures of the several States as an amendment to the Constitution of the United States, which shall, immediately after the passage of this resolution, be submitted by the President of the United States to the governors of the several States of the Union, and when ratified by three-fourths of the state legislatures, such article shall be valid to all intents and purposes as a part of the said Constitution, namely:

"ART. 16. The Senate of the United States shall be composed of two Senators from each State, chosen by the electors thereof for six years, and each Senator shall have one vote; and the electors in each State shall have the qualifications requisite for electors of Members of the House of Representatives. They shall be divided as equally as may be into three classes, so that one-third may be chosen every second year, and if vacancies happen, by resignation or otherwise, the governor may make temporary appointments until the next regular election in such State. No person shall be a Senator who shall not have attained the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an elector of the State for which

he shall be chosen. The Vice-President of the United States shall be President of the Senate, but shall have no vote unless they be equally divided. The Senate shall choose their own officers, and also a President pro tempore in the absence of the Vice-President, or when he shall exercise the office of the President of the United States."

Mr. HEYBURN. Will the Senator permit me to interrupt him here?

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

Mr. OWEN. Yes.

Mr. HEYBURN. The Senator said a moment ago that the Senate was the bulwark against popular clamor, and then he suggests that the popular clamor of the country demands this action. Shall the Committee on Privileges and Elections determine which constitutes popular clamor, undertake to sift it down? What is it the committee is expected to do?

Mr. OWEN. They are expected to comply with the registered will of the great body of the American people.

Mr. HEYBURN. Is that the popular clamor the Senator referred to? If so, the Senate—

Mr. OWEN. I will answer the Senator's questions, and one question at a time.

Mr. HEYBURN. If so, the Senate is to stand as a bulwark against that.

Mr. OWEN. I have no objection to the Senator recording his views in this particular in the body of my speech. I leave his views on this question to the people of Idaho.

Mr. HEYBURN. I left it to them. I would say here, I left it with them, with the plain, square declaration that I was against it, and if they wanted a man who was for it they could send somebody else down here.

Mr. OWEN. When a matter has been long entertained by the people of the United States, when legislature after legislature, year after year, after consideration of this matter, after debate, one after another registers its will in favor of an improved system of government, it can no longer with any propriety be called "popular clamor," a term used by the Senator from Idaho and improperly attributed by him to me. It is the recorded will of the people separate and apart from clamor, deliberately entered into State by State, and it is entitled to be complied with and not derided as popular clamor.

For the obvious purpose of preventing the submission of the constitutional amendment for the election of United States Senators by direct vote of the people, as proposed by me May 21, 1908 (S. Res. 91), the Senator from New York [Mr. DEFEW] on May 23, 1908 (RECORD, p. 7115), submitted the following proposal as an amendment to the proposed constitutional amendment at that time before the Senate, to wit:

The qualifications of citizens entitled to vote for United States Senators and Representatives in Congress shall be uniform in all the States, and Congress shall have power to enforce this article by appropriate legislation and to provide for the registration of citizens entitled to vote, the conduct of such elections, and the certification of the result.

The transparent purpose of this proposed amendment was to prevent the submission of Senate joint resolution 91 for the election of Senators by direct vote of the people, as the Senator from New York well knew that Senators could not agree that their States should relinquish their right to control the election in their own borders for any purpose whatever. His proposal, therefore, knowing his amendment to be impossible, is merely an obvious strategy of obstruction, showing a purpose on his part not to establish his proposed amendment, which he knew to be impossible, but to defeat the main proposition of election of Senators by direct vote and to obstruct popular government.

The Senator from Pennsylvania [Mr. PENROSE] offered a similar obstruction in the following proposed amendment, which he well knew would not be agreed to, because there was no public demand for it, and because the small States by which Pennsylvania is surrounded—Delaware, New Jersey, Maryland, West Virginia, and the New England States—would never agree to it, and because he knew no one wished to enlarge the Senate as a body. The amendment proposed by the Senator from Pennsylvania [Mr. PENROSE] is as follows:

ART. 16. The Senate of the United States shall be composed of two Senators from each State, and each State shall have additional Senators in proportion to its population, based upon a proportionate excess of population beyond that of the State having the lowest population in the last decennial census, but no State shall have more than 15 Senators.

Mr. President, neither of these proposals, the one by the Senator from New York [Mr. DEFEW] nor the one by the Senator from Pennsylvania [Mr. PENROSE], have ever been heard of since they were offered as an amendment to my proposal, joint resolution 91 of the last Congress. I call the attention of the Senators again to this matter, so that they may not lose an opportunity to put their views on record for the information of the people of the United States, who shall thoroughly understand the management and purpose of those in

control of the affairs of the Republican party, and therefore in control of government.

Mr. President, I now submit the resolutions or abstract of laws of 37 States, over three-fourths of the States of the Union, which have shown themselves as favoring election of Senators by direct vote of the people or by direct nominations, either by these resolutions or by actual practice in primaries.

I know that the leaders of the Republican party in the United States Senate will refuse to comply with the express desire of over three-fourths of the States in this matter, but they ought not to be understood by the people of the United States to have done this in ignorance, and for that reason I propose to insert in the RECORD the attitude of the 37 States that favor the election of Senators by direct vote of the people, and merely ask the simple question:

"Do the people rule?"

As it would take considerable time to read all these resolutions, I ask the consent of the Senate to insert them without reading except in so far as they may be needed.

The VICE-PRESIDENT. Without objection, the request is granted.

The matter referred to is as follows:

ALABAMA.

House joint resolution 36. By Mr. Bulger.

Whereas Article V of the Constitution of the United States provides that whenever two-thirds of both Houses (of Congress) shall deem it necessary, the Congress shall propose amendments to the Constitution; or, on application of the legislatures of two-thirds of the several States, shall call a convention proposing amendments, which in either case shall be valid to all intents and purposes; and

Whereas the legislatures of 27 States have applied to the Congress of the United States for the submission to the States of an amendment to the Constitution providing for the election of United States Senators by direct vote of the people: Therefore be it

Resolved by the house of representatives of the legislature of Alabama (the senate concurring), That the Sixty-first Congress of the United States is requested, and by this resolution application is made by the legislature of the State of Alabama to the Congress of the United States in its sixty-first session, to submit to the several States an amendment to the Constitution providing for the election of United States Senators by a direct vote of the people.

Resolved further, That a copy of this resolution be certified by the clerk of the house and secretary of the senate to the Speaker of the House and the President of the Senate of the United States.

We, Cyrus B. Brown, clerk of the house of representatives of the legislature of Alabama, special session, 1909, and James A. Kyle, secretary of the senate of Alabama, special session, 1909, do hereby certify that the page hereto attached contains a true, accurate, and literal copy of house joint resolution No. 36, introduced in the legislature of Alabama by Hon. Thomas L. Bulger, representative from Tallapoosa County, Ala., as the same appears of record in our respective offices. We do further certify that the said house joint resolution No. 36 has been adopted by the house of representatives and senate of Alabama at the special session of the legislature of Alabama for 1909.

Witness our hands this 10th day of August, A. D. 1909, and of the Independence of the United States of America the one hundred and thirty-fourth year.

CYRUS B. BROWN,

Clerk of the House of Representatives of Alabama.

J. A. KYLE,

Secretary of the Senate of Alabama.

The people of Alabama nominate United States Senators by voluntary party regulations. (Primary laws; optional; state wide; direct; 1903, p. 356.)

Arizona primary laws, 1905, chapter 68. Mandatory; state wide; convention system.

ARKANSAS.

House concurrent resolution No. 17.—Making an application to the Congress of the United States to call a convention to propose an amendment to the Constitution of the United States to provide for the election of United States Senators by a direct vote of the qualified electors of the several States.

Be it resolved by the house of representatives and senate of the general assembly of the State of Arkansas, That the legislature of the said State of Arkansas, on behalf of the said State, hereby make application, in accordance with the provisions of Article V of the Constitution of the United States, to the Congress to call a convention to be composed of delegates from the several States of the Union, which convention when assembled shall propose as an amendment to the said Constitution a provision whereby Members of the United States Senate shall be elected by a direct vote of the qualified electors of the several States.

That a certified copy of this resolution shall be immediately transmitted by the governor to the President of the United States, to be by him presented to the Congress of the United States.

Approved April 25, 1901.

The people of Arkansas nominate United States Senators by voluntary party regulations. (Primary laws, 1905, chap. 323. Optional; rudimentary.)

CALIFORNIA.

STATE OF CALIFORNIA, Department of State:

I, C. F. Curry, secretary of state of the State of California, do hereby certify that I have carefully compared the annexed copy of Senate joint resolution No. 2, Statutes of 1900, with the original now on file in my office, and that the same is a correct transcript therefrom and of the whole thereof. Also, that this authentication is in due form and by the proper officer.

Witness my hand and the great seal of State, at office in Sacramento, Cal., the 10th day of April, A. D. 1908.

[SEAL.]

C. F. CURRY, Secretary of State.
By J. HOESCH, Deputy.

Chapter VII—Senate joint resolution No. 2—Relative to the election of United States Senators by direct vote of the people.

Whereas section 3 of Article I of the Constitution of the United States provides that "the Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof, for six years;" and

Whereas the present system for the election of United States Senators is subject to severe public criticism and divided public opinion arising from various causes: Therefore, be it

Resolved by the senate of the State of California, and the assembly, jointly, That our Senators in Congress be instructed, and our Representatives be requested, to vote for the submission of an amendment to the Constitution of the United States providing for the election of Senators by the direct vote of the electors of the respective States.

Resolved, That a copy of these resolutions be transmitted to our Senators and Representatives in Congress.

THOS. FLINT, JR.,
President pro tempore of the Senate.
ALDEN ANDERSON,
Speaker of the Assembly.

Attest:

C. F. CURRY, Secretary of State.

The people of California nominate United States Senators by direct nomination through primary. (Primary laws. Mandatory in cities over 7,500, elsewhere optional; 1901, chap. 198; 1903, chap. 44; 1905, chaps. 179, 366; 1907, chaps. 340, 352.)

COLORADO.

An act requesting the Congress of the United States to call a convention for proposing amendments to the Constitution of the United States, and urging an amendment to section 3, Article I, of the Constitution of the United States, which amendment shall provide for the election of United States Senators by a direct vote of the people of each State.

Be it enacted by the general assembly of the State of Colorado:

SECTION 1. Pursuant to Article V of the Constitution of the United States, application is hereby made to the Congress of the United States by the State of Colorado and the legislature of said State of Colorado to call a convention for proposing amendments to the Constitution of the United States.

SEC. 2. The general assembly of the State of Colorado desires to present and urge before the convention to be called, as provided in section 1 of this act, an amendment to section 3, Article I, of the Constitution of the United States, which shall provide for choosing Senators of the United States by the voters of each State, in lieu of the provision of said section 3, Article I, which requires that Senators of the United States shall be chosen in each State by the legislature thereof.

SEC. 3. The secretary of the State of Colorado shall transmit one copy of this act to the President of the United States, one copy to the President of the Senate of the United States, one copy to the Speaker of the House of Representatives of the United States, and one copy to the governor of each State, to the end that appropriate action may be had and taken by the Congress of the United States whenever and as soon as two-thirds in number of the States of this Union shall make similar application.

Approved April 1, 1901.

I, Alfred C. Montgomery, secretary to the governor, State of Colorado, do hereby certify that the above and foregoing is a full, true, and complete copy of senate bill No. 13, by Senator Parks, asking for a constitutional convention to amend the Constitution of the United States providing for the election of United States Senators, as the same is found on pages 115 and 116, in the Session Laws of Colorado, 1901.

ALFRED C. MONTGOMERY.

Colorado primary laws, 1887, page 347. Mandatory; state wide; rudimentary.

Connecticut primary laws, 1905, chapter 273; 1907, special acts, chapter 321. Rudimentary general law; optional direct primary law for Manchester.

Delaware primary laws, 1897, chapter 393; 1903, chapter 285. Mandatory; local; direct or indirect.

FLORIDA.

The people of Florida directly nominate United States Senators under protection of law of 1901. (Florida primary laws, 1903, chap. 5014; 1905, chap. 100; 1907, chap. 5613. Optional; state wide; direct or indirect.)

GEORGIA.

The people of Georgia, by voluntary party regulation through a primary protected by law, instruct the legislature in the selection of Senators. (Georgia primary laws, 1890-91, p. 210; 1900, p. 40; 1904, p. 97. Rudimentary.)

Mr. OWEN. I will read the resolution of Idaho, however:

IDAHO.

STATE OF IDAHO, Department of State:

I, Robert Lansdon, secretary of state of the State of Idaho, do hereby certify that the annexed is a full, true, and complete transcript of senate joint memorial No. 2 by committee on privileges and elections, which was filed in this office the 27th day of February, A. D., 1901, and admitted to record.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State. Done at Boise City, the capital of Idaho, this 14th day of March, A. D. 1908.

[SEAL.]

ROBERT LANSDON,
Secretary of State.

Mr. HEYBURN. Is that the memorial of Idaho which is being read?

Mr. OWEN. I am about to read it now:

Joint memorial No. 2.—Requesting Congress to call a convention for the purpose of proposing an amendment to the Constitution of the United States, which amendment shall provide for the election of President, Vice-President, and United States Senators by direct vote of the people.

Whereas a large number of the state legislatures have at various times adopted memorials and resolutions in favor of election of President, Vice-President, and United States Senators by popular vote; and

Whereas the National House of Representatives has on four separate occasions within recent years adopted resolutions in favor of this proposed change in the method of electing the President, Vice-President, and United States Senators, which were not adopted by the Senate; and

Whereas Article V of the Constitution of the United States provides that Congress, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, and believing there is a general desire upon the part of the citizens of the State of Idaho that the President, Vice-President, and United States Senators should be elected by a direct vote of the people: Therefore,

Be it resolved, That the legislature of the State of Idaho favors the adoption of an amendment to the Constitution which shall provide for the election of President, Vice-President, and United States Senators by popular vote, and joins with other States of the Union in respectfully requesting that a convention be called for the purpose of proposing an amendment to the Constitution of the United States, as provided for in Article V of the said Constitution, which amendment shall provide for a change in the present method of electing President, Vice-President, and United States Senators, so that they can be chosen in each State by a direct vote of the people.

Resolved, That a copy of this joint resolution and application to Congress for the calling of a convention be sent to the secretary of state of each of the United States, and that a similar copy be sent to the President of the United States Senate, the Speaker of the House of Representatives, and our Representatives in Congress.

This senate joint memorial passed the senate on the 14th day of February, 1901.

THOS. F. TERRELL,
President of the Senate.

This senate joint memorial passed the house of representatives on the 21st day of February, 1901.

GLENN P. MCKINLEY,
Speaker of the House of Representatives.

This senate joint memorial was received by the governor on the 26th day of February, 1901, at 5 o'clock p. m., and approved on the 26th day of February, 1901.

FRANK W. HUNT, Governor.

I hereby certify that the within senate joint memorial No. 2, entitled "A memorial requesting Congress to call a convention for the purpose of proposing an amendment to the Constitution of the United States, which amendment shall provide for the election of President, Vice-President, and United States Senators by direct vote of the people," originated in the senate of Idaho during the sixth session.

WM. V. HELFRICH,
Secretary of the Senate.

Mr. HEYBURN. Mr. President—

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

Mr. OWEN. I yield.

Mr. HEYBURN. I trust the Senator from Oklahoma will yield, merely that I may say that while that is certified by the Republican secretary of state, the certificate is of a resolution passed by a Democratic legislature. McKinley was the speaker of the house, but it was a Democratic legislature, and the resolution does not represent the Republican views of Idaho. That was a legislature—

Mr. OWEN. I am willing to let the Republican views of Idaho be represented by the Senator from Idaho.

Mr. HEYBURN. Yes; but I was not going to give the Republican views on this occasion. I stand ready to give them at any time; but I did not want the impression to go out that that was the action of a Republican legislature.

Mr. OWEN. The people of Idaho directly nominate United States Senators. (Idaho primary laws, 1903, p. 360. Mandatory; state wide; rudimentary.)

ILLINOIS.

To all to whom these presents shall come, greeting:

I, James A. Rose, secretary of state of the State of Illinois, do hereby certify that the following and hereto attached is a true copy of senate joint resolution No. 5 of the forty-third general assembly, adopted by the senate February 10, 1903, and concurred in by the house April 9, 1903, the original of which is now on file and a matter of record in this office.

In testimony whereof I hereto set my hand and cause to be affixed the great seal of State. Done at the city of Springfield this 10th day of March, A. D. 1908.

[SEAL.]

JAMES A. ROSE,
Secretary of State.

Whereas by direct vote of the people of the State of Illinois at a general election held in said State on the 4th day of November, A. D. 1902, it was voted that this general assembly take the necessary steps under Article V of the Constitution of the United States to bring about the election of United States Senators by direct vote of the people; and

Whereas Article V of the Constitution of the United States provides that on the application of the legislatures of two-thirds of the several States the Congress of the United States shall call a convention for proposing amendments: Now, therefore, in obedience to the expressed will of the people as expressed at the said election, be it

Resolved by the senate (the house of representatives concurring herein), That application be, and is hereby, made to the Congress of the United States to call a convention for proposing amendments to the

Constitution of the United States, as provided for in said Article V; and be it further

Resolved, That the secretary of state do furnish to the President of the Senate of the United States and to the Speaker of the House of Representatives of the United States, to each, one copy of this resolution, properly certified under the great seal of the State.

Adopted by the senate February 10, 1903.

J. H. PADDOCK,
Secretary of the Senate.
W. A. NORTHCOTT,
President of the Senate.

Concurred in by the house April 9, 1903.

JNO. A. REEVE,
Clerk of the House of Representatives.
JOHN H. MILLER,
Speaker of the House of Representatives.

The people of Illinois now directly nominate United States Senators under the protection of the law of 1908. (Illinois primary laws, 1908. Mandatory; state wide; direct.)

Indiana passed a similar resolution, only it relates to United States Senators alone.

INDIANA.

STATE OF INDIANA, Office of Secretary of State:

I, Fred A. Sims, secretary of state of the State of Indiana, and being the officer who under the constitution and laws thereof is the custodian of the enrolled acts of the general assembly, do hereby certify that the attached is a full, true, and complete copy of the house joint resolution No. 4, approved March 11, 1907, and filed in the office of the secretary of state, as the law provides.

In testimony whereof I have hereunto set my hand and affixed the seal of the State of Indiana, at Indianapolis, this 19th day of March, 1908.

[SEAL.]

FRED A. SIMS,
Secretary of State.
FRANK I. GRUBBS,
Deputy.

Chapter 299.—Joint resolution of the sixty-fifth general assembly of the State of Indiana, making application to the Congress of the United States to call a convention for proposing amendments to the Constitution of the United States. (H. 4, joint resolution. Approved March 11, 1907.)

Whereas we believe that Senators of the United States should be elected directly by the voters; and

Whereas to authorize such direct election an amendment to the Constitution of the United States is necessary; and

Whereas the failure of Congress to submit such amendment to the States has made it clear that the only practicable method of securing a submission of such amendment to the States is through a constitutional convention, to be called by Congress upon the application of the legislatures of two-thirds of all the States: Therefore

SECTION 1. Be it resolved by the general assembly of the State of Indiana, That the legislature of the State of Indiana hereby makes application to the Congress of the United States, under Article V of the Constitution of the United States, to call a constitutional convention for proposing amendments to the Constitution of the United States.

SEC. 2. That this resolution, duly authenticated, shall be delivered forthwith to the President of the Senate and Speaker of the House of Representatives of the United States, with the request that the same shall be laid before the said Senate and House.

Indiana primary laws, 1907, chapter 282. Partly mandatory, partly optional; local; direct.

IOWA.

STATE OF IOWA, Secretary of State:

I, W. C. Hayward, secretary of state of the State of Iowa, do hereby certify that the attached instrument of writing is a true and correct copy of senate joint resolution No. 2, making application to the United States Congress to call convention for proposing amendments to the Constitution of the United States. Adopted by the thirty-second general assembly of the State of Iowa March 12, A. D. 1907, as the same appears of record in this office.

In testimony whereof I have hereunto set my hand and affixed the seal of the secretary of state of the State of Iowa.

Done at Des Moines, the capital of the State, April 20, 1908.

[SEAL.]

W. C. HAYWARD,
Secretary of State.

Senate joint resolution 2.—Making application to United States Congress to call convention for proposing amendments to the Constitution of the United States.

Whereas we believe that Senators of the United States should be elected directly by the voters; and

Whereas to authorize such direct election an amendment to the Constitution of the United States is necessary; and

Whereas the failure of Congress to submit such amendment to the States has made it clear that the only practicable method of securing a submission of such amendment to the States is through a constitutional convention, to be called by Congress upon the application of the legislatures of two-thirds of all the States: Therefore

Be it resolved by the general assembly of the State of Iowa, That the legislature of the State of Iowa hereby makes application to the Congress of the United States, under Article V of the Constitution of the United States, to call a constitutional convention for proposing amendments to the Constitution of the United States.

SEC. 2. That this resolution, duly authenticated, shall be delivered forthwith to the President of the Senate and Speaker of the House of Representatives of the United States, with the request that the same shall be laid before the said Senate and House.

Approved March 12, A. D. 1907.

STATE OF IOWA, Secretary of State:

I, W. C. Hayward, secretary of state of the State of Iowa, do hereby certify that the attached instrument of writing is a true and correct copy of house joint resolution No. 9 as passed by the thirty-third gen-

eral assembly and approved by the governor April 12, A. D. 1909, as the same appears of record in this office.

In testimony whereof I have hereunto set my hand and affixed the seal of the secretary of state of the State of Iowa.

Done at Des Moines, the capital of the State, April 24, 1909.

[SEAL.]

W. C. HAYWARD,
Secretary of State.

By _____
Deputy.

House joint resolution 9.

Joint resolution of the thirty-third general assembly of the State of Iowa, making application to the Congress of the United States to call a convention for proposing amendments to the Constitution of the United States.

Whereas we believe that Senators of the United States should be elected directly by the voters; and

Whereas to authorize such direct election, an amendment to the Constitution of the United States is necessary; and

Whereas the failure of Congress to submit such amendment to the States has made it clear that the only practicable method of securing submission of such amendment to the States is through a constitutional convention to be called by Congress upon the application of the legislatures of two-thirds of all the States: Therefore be it

Resolved, By the general assembly of the State of Iowa:

SECTION 1. That the legislature of the State of Iowa hereby makes application to the Congress of the United States, under Article V of the Constitution of the United States, to call a constitutional convention for proposing amendments to the Constitution of the United States.

SEC. 2. That this resolution, duly authenticated, shall be delivered forthwith to the President of the Senate and Speaker of the House of Representatives of the United States, with the request that the same shall be laid before the said Senate and House.

Approved April 12, A. D. 1909.

To Committee on Privileges and Elections, April 30, 1909.

The people of Iowa directly nominate United States Senators under the protection of the law of 1907. (Iowa primary laws, 1907, chap. 51. Mandatory; state wide; direct.)

KANSAS.

Whereas there is a widespread and rapidly growing belief that the Constitution of the United States should be so amended as to provide for the election of the United States Senators by the direct vote of the people of the respective States; and

Whereas other amendments to the United States Constitution are by many intelligent persons considered desirable and necessary; and

Whereas the Senate of the United States has so far neglected to take any action whatever upon the matter of changing the manner of electing United States Senators, although favorable action upon such proposed change has several times been unanimously taken by the House of Representatives: Therefore be it

Resolved by the house of representatives of the State of Kansas (the Senate concurring therein), That the legislature of Kansas, in accordance with the provisions of Article V of the Constitution of the United States, hereby apply to and request the Congress of the United States to call a convention for the purpose of proposing amendments to the Constitution of the United States; and

Resolved, That we hereby request our Representatives in Congress and instruct our United States Senators to bring this matter to the attention of their respective bodies and to try and induce favorable action thereon; and

Resolved further, That the secretary of the State of Kansas is hereby directed to forthwith transmit a certified copy of these resolutions to the Vice-President of the United States, the Speaker of the House of Representatives in Congress, and to each of the Representatives and United States Senators in Congress from Kansas, and to the speaker of the house of representatives of each State in which the legislature is now or soon to be in session.

STATE OF KANSAS, Office of the Secretary of State:

I, C. E. Denton, secretary of state of the State of Kansas, do hereby certify that the above and foregoing is a correct copy of the original enrolled resolution now on file in my office.

In testimony whereof I have hereunto subscribed my name and affixed my official seal this 18th day of January, 1908.

[SEAL.]

C. E. DENTON,
Secretary of State.
By J. F. BOTKIN,
Assistant Secretary of State.

Senate joint resolution 4.

Be it resolved by the senate of the State of Kansas (the house of representatives concurring therein), That our Representatives in Congress be, and they are hereby, requested to vote and labor for the submission of an amendment to the Constitution of the United States providing for the election of United States Senators by a direct vote of the people.

I hereby certify that the above joint resolution originated in the senate and passed that body February 13, 1909.

W. J. FITZGERALD,
President of the Senate.
Z. E. WYANT,
Secretary of the Senate.

Passed the house March 1, 1909.

J. N. DOLLEY,
Speaker of the House.
W. T. BECK,
Chief Clerk of the House.

Approved March 5, 1909.

W. R. STUBBS, Governor.

STATE OF KANSAS, Office of the Secretary of State:

I, C. E. Denton, secretary of the State of Kansas, do hereby certify that the above and foregoing is a correct copy of the original enrolled bill now on file in my office.

In testimony whereof I have hereunto subscribed my name and affixed my official seal this 6th day of March, 1909.

C. E. DENTON,
Secretary of State.
By J. F. BOTKIN,
Assistant Secretary of State.

The people of Kansas now directly nominate United States Senators under the protection of the law of 1908. (Kansas primary laws, 1908, chap. 54. Mandatory; state wide; direct.)

KENTUCKY.

Resolution favoring a change in the Constitution of the United States so as to provide for the election of Senators in the Congress of the United States by popular vote.

Whereas a large number of state legislatures have at various times adopted memorials and resolutions in favor of election of United States Senators by popular vote; and

Whereas the National House of Representatives has on four separate occasions within recent years adopted resolutions in favor of this proposed change in the method of electing United States Senators, which was not adopted by the Senate; and

Whereas by reason of alleged corruption and fraud and the corrupt use of money the election of United States Senators in several States have been prevented and by deadlocks several States have failed to elect Senators and in a number of instances the will of the people prevented; and

Whereas Article V of the Constitution of the United States provides that Congress, on the application of two-thirds of the several States, shall call a convention for proposing amendments, and believing there is a general desire upon the part of the people of Kentucky that United States Senators should be elected by the people.

Be it resolved by the general assembly of the Commonwealth of Kentucky, That the legislature of the State of Kentucky favors the adoption of an amendment to the Constitution which shall provide for the election of the United States Senators by popular vote, and joins with other States of the Union in respectfully requesting that a convention be called for the purpose of proposing an amendment to the Constitution of the United States, as provided for in Article V of the said Constitution, which amendment shall provide for a change in the present method of electing United States Senators, so that they can be chosen in each State by a direct vote of the people.

Resolved, That a copy of this concurrent resolution and application to Congress for the calling of a convention be sent to the President of the United States Senate and the Speaker of the House of Representatives.

Approved February 10, 1902.

Kentucky by voluntary party regulation nominated Senators in 1907. (Kentucky primary laws, 1892, chap. 65. Optional; state wide; direct.)

LOUISIANA.

Joint resolution making application to the Congress of the United States to call a convention for proposing amendments to the Constitution of the United States.

Whereas we believe that Senators of the United States should be elected directly by the voters; and

Whereas to authorize such direct election an amendment to the Constitution of the United States is necessary; and

Whereas the failure of Congress to submit such amendment to the States has made it clear that the only practicable method of securing a submission of such amendment to the State is through a constitutional convention, to be called by Congress upon the application of the legislatures of two-thirds of all the States: Therefore be it

Resolved by the general assembly of the State of Louisiana, That the legislature of the State of Louisiana hereby makes application to the Congress of the United States, under Article V of the Constitution of the United States, to call a constitutional convention for proposing amendments to the Constitution of the United States.

SEC. 2. That this resolution, duly authenticated, shall be delivered forthwith to the President of the Senate and Speaker of the House of Representatives of the United States, with the request that the same shall be laid before the said Senate and House.

J. W. HYAMS,
Speaker of the House of Representatives.
J. Y. SANDERS,
Lieutenant-Governor and President of the Senate.

Approved November 25, 1907.

NEWTON C. BLANCHARD,
Governor of the State of Louisiana.

A true copy.

JOHN T. MICHEL,
Secretary of State.

STATE OF LOUISIANA, Parish of East Baton Rouge, ss:

Before me, W. M. Barrow, a notary public in and for the State and parish aforesaid, duly commissioned and qualified, personally appeared H. H. JOHNSON, a resident of the city of Baton Rouge, State of Louisiana, to me well and personally known, who upon oath stated that he made the above and foregoing copy of act No. 4 of the extra session of the general assembly of the State of Louisiana of 1907, and that the same is a true and correct copy of the original.

H. H. JOHNSON.

Subscribed and sworn to before me this 10th day of March, A. D. 1908.

[SEAL.]

W. M. BARROW, Notary Public.

In Louisiana United States Senators are directly nominated under protection of law of 1906. (Louisiana primary laws, 1906, chap. 49. Mandatory; state wide; direct.)

MARYLAND.

Maryland directly nominates Senators by voluntary party regulations. (Maryland, 1906, chap. 407. Mandatory; state wide; optional delegate or direct.)

Maine primary law, 1903, chapter 214; 1905, chapter 149. Rudderimentary; local law has established the initiative and referendum.

Massachusetts primary law, code 1907, chapter 560; 1908, chapter 345. Partly mandatory; partly optional; partly state wide; partly local; partly delegate; partly direct.

The lower branch of the legislature of Massachusetts has just passed (May 11, 1910) a resolution favoring election of United States Senators by direct vote of the people.

MICHIGAN.

STATE OF MICHIGAN, *Department of State:*

I, Clarence J. Mears, deputy secretary of state of the State of Michigan and custodian of the great seal of the State, hereby certify that the annexed sheet of paper contains a correct and compared transcript of joint resolution No. 7, passed at the session of the legislature of 1901, the original of which is on file in this office.

In witness whereof I have hereto affixed my signature and the great seal of the State, at Lansing, this 11th day of March, in the year of our Lord 1908.

[SEAL.]

CLARENCE J. MEARS,
Deputy Secretary of State.

No. 7.—A joint resolution of the senate and house of representatives of the State of Michigan, making application to the Congress of the United States, under Article V of the Constitution, for the submission of an amendment to said Constitution, making United States Senators elective in the several States by popular vote.

Resolved by the senate and house of representatives of the State of Michigan, That application is hereby made to the Congress under the provision of Article V of the Constitution of the United States for the calling of a convention to propose an amendment to the Constitution of the United States, making United States Senators elective in the several States by direct vote of the people; and

Resolved further, That the secretary of state is hereby directed to transmit copies of this application to the Senate, House of Representatives of the Congress, and copies to the Members of the said Senate and House of Representatives from this State; also to transmit copies hereof to the presiding officers of each of the legislatures now in session in the several States, requesting their cooperation.

In Michigan United States Senators are directly nominated. (Michigan primary laws, 1907, extra session, chap. 4. Mandatory; state wide; partly direct, partly delegate.)

MINNESOTA.

STATE OF MINNESOTA, *Department of State:*

I, Julius A. Schmahl, secretary of state of the State of Minnesota, do hereby certify that I have compared the annexed copy with the original instrument in my office of chapter 406, Laws of Minnesota of 1901, approved February 9, 1901, and that said copy is a true and correct transcript of said original instrument and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State, at the capitol, in St. Paul, this 20th day of April, A. D. 1908.

[SEAL.]

JULIUS A. SCHMAHL,
Secretary of State.

Chapter 406.—A joint resolution of the senate and house of representatives of the State of Minnesota making application to the Congress of the United States under Article V of the Constitution for the submission of an amendment to said Constitution making United States Senators elective in the several States by popular vote.

Be it enacted by the legislature of the State of Minnesota, That the legislature of the State of Minnesota hereby makes application to the Congress under the provisions of Article V of the Constitution of the United States for the calling of a convention to propose an amendment to the Constitution of the United States making United States Senators elective in the several States by direct vote of the people.

SEC. 2. The secretary of state is hereby directed to transmit copies of this application to the Senate, House of Representatives of the Congress, and copies to the members of the said Senate and House of Representatives from this State; also, to transmit copies hereof to the presiding officers of each of the legislatures now in session in the several States, requesting their cooperation.

Approved, February 9, 1901.

Minnesota primary laws, 1901, chapter 216; 1902, chapters 6, 7; 1903, chapter 90; 1905, chapter 92. Mandatory; state wide; for local offices, direct.

MISSISSIPPI.

The people of Mississippi directly nominate United States Senators under protection of law of 1902. (Mississippi primary laws, 1902, chap. 66. Minor amendments; mandatory; state wide; direct.)

MISSOURI.

Joint and concurrent resolution.—Application of the legislature of the State of Missouri for a convention for proposing amendments to the Constitution of the United States, as provided in Article V thereof.

Resolved by the general assembly of the State of Missouri, That the legislature of Missouri shall, and hereby does, make application to the Congress of the United States of America to call a convention for proposing amendments to the Constitution of the United States, as provided in Article V thereof; and

Resolved, further, That the Congress be requested to provide for the holding of state conventions to pass upon amendments submitted, as also provided in said Article V.

Approved March 6, 1907.

STATE OF MISSOURI, *Department of State:*

I, John E. Swanger, secretary of state of the State of Missouri, do hereby certify that the annexed and foregoing is a true and complete copy of a joint and concurrent resolution passed by the forty-fourth general assembly of the State of Missouri, approved March 6, 1907.

In testimony whereof I hereunto set my hand and affix the great seal of the State of Missouri.

Done at the city of Jefferson this 9th day of March, A. D. 1908.

[SEAL.]

JNO. E. SWANGER,
Secretary of State.

The people of Missouri directly nominate United States Senators under the protection of the law of 1907. (Missouri primary laws, 1907, p. 263. Mandatory; state wide; direct.)

MONTANA.

Senate joint resolution No. 1.—Requesting Congress to call a convention for the purpose of proposing an amendment to the Constitution of the United States, which amendment shall provide for the election of United States Senators by direct vote of the people.

Whereas a large number of the state legislatures have, at various times, adopted memorials and resolutions in favor of the election of United States Senators by popular vote; and

Whereas the National House of Representatives has, on several occasions within recent years, adopted resolutions in favor of this proposed change in the method of electing United States Senators, which were not adopted by the Senate; and

Whereas Article V of the Constitution of the United States provides that Congress, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposed amendments; and

Believing there is a general desire upon the part of the citizens of the State of Montana that the United States Senators should be elected by a direct vote of the people: Therefore, be it

Resolved (if the house concur), That the legislature of the State of Montana favors the adoption of an amendment to the Constitution which shall provide for the election of United States Senators by popular vote, and joins with other States of the Union in respectfully requesting that a convention be called for the purpose of proposing an amendment to the Constitution of the United States, as provided for in Article V of the said Constitution, which amendment shall provide for a change in the present method of electing United States Senators, so that they can be chosen in each State by direct vote of the people.

Resolved, That a copy of this joint resolution and application to Congress for the calling of the convention be sent to the secretary of state of each of the United States, and that a similar copy be sent to the President of the United States, the Speaker of the House of Representatives, and also to each of the United States Senators from Montana and our Representative in Congress.

EDWIN L. NORRIS,
President of the Senate.

E. W. RING,
Speaker of the House.

Approved February 21, 1907.

Filed February 21, 1907, at 4.05 p. m.

J. K. TOOLE, *Governor.*

A. N. YODER,
Secretary of State.

UNITED STATES OF AMERICA, *State of Montana, ss:*

I, A. N. Yoder, secretary of state of the State of Montana, do hereby certify that the above is, with the exception of corrections in orthography and punctuation, and insertion of omissions or substitute words in brackets, a true and correct copy of senate joint resolution No. 1, in brackets, a true and correct copy of senate joint resolution No. 1, resolution requesting Congress to call a convention for the purpose of proposing an amendment to the Constitution of the United States, which amendment shall provide for the election of United States Senators by direct vote of the people, enacted by the tenth session of the legislative assembly of the State of Montana, and approved by J. K. Toole, governor of said State, on the 21st day of February, A. D. 1907.

In testimony whereof I have hereunto set my hand and affixed the great seal of said State. Done at the city of Helena, the capital of said State, this 28th day of January, A. D. 1908.

[SEAL.]

A. N. YODER, *Secretary of State.*
By DAVE PIZER, *Deputy.*

The people of Montana directly nominate United States Senators under the protection of the law of 1905. (Montana primary laws, 1895, P. C., 1330. Mandatory; rudimentary.)

NEBRASKA.

A bill for a concurrent resolution relating to the election of United States Senators.

SECTION 1. That it is deemed necessary to amend the Constitution of the United States so as to make provisions therein for the election of United States Senators by direct vote of the people.

SEC. 2. That pursuant to the provisions of Article V of the Constitution of the United States application is hereby made to the Congress of the United States to call a convention to propose an amendment to the Constitution of the United States providing for the election of United States Senators by direct vote of the people.

SEC. 3. That a copy of this joint resolution be sent to each Senator and Representative from the State of Nebraska in the Congress of the United States, and to each presiding officer of the Senate and House composing the Congress.

Approved March 25, 1903, by John H. Mickey.

EXECUTIVE OFFICE, *Lincoln, Nebr.:*

I, George Lawson Sheldon, governor of the State of Nebraska, do hereby certify that the above is a true and correct copy of house roll No. 167, passed by the legislature of the State of Nebraska in the year 1903 and approved by the Hon. John H. Mickey March 25, 1903.

In testimony whereof I have hereunto set my hand and caused to be affixed the great seal of the State of Nebraska, this 9th day of March, 1908.

GEORGE LAWSON SHELDON,
Governor.

[SEAL.]

GEO. C. JUNKIN,
Secretary of State.

The people of Nebraska directly nominate United States Senators under the law of 1907. (Nebraska primary law, 1907, chap. 52. Mandatory; state wide; direct.)

Montana, I believe, is a Republican State. Nebraska, I believe, is a Republican State. In fact, every State west of the Hudson River except the two that I mentioned stand for this principle. I believe a majority of them are Republican States.

Mr. BORAH. Mr. President—
The VICE-PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Idaho?

Mr. OWEN. Certainly.

Mr. BORAH. I was absent from the Chamber when Idaho was supposed to have been enlisted in this matter, and I desire to say that there is no doubt in my mind that Idaho is in favor of the principle of electing Senators by popular vote, and that our legislature was not insane when it so declared.

Mr. OWEN. I have not the slightest doubt of the correctness of the view of the junior Senator from Idaho, and am glad to have the junior Senator from Idaho answer the senior Senator from Idaho as to the views of the people of Idaho, and as to the sanity of the legislature of that State.

NEVADA.

Senate concurrent resolution relating to the election of United States Senators by direct popular vote.

Whereas the people of this State, as shown by a vote taken thereon, favor an amendment to the Constitution of the United States providing for the election of United States Senators by a direct popular vote; and

Whereas it is evident that a large majority of the American people favor such an amendment, as shown by the tone of the public press and by the resolutions of the state legislatures of the various States; and the resolution passed by the National House of Representatives; and

Whereas Article V of the Constitution of the United States provides that Congress, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments thereto;

Resolved, therefore (if the assembly concur), That the legislature of the State of Nevada favors the adoption of an amendment to the Constitution which shall provide for the election of United States Senators by popular vote, and respectfully requests that a convention be called for the purpose of proposing an amendment to the Constitution of the United States, as provided for in Article V of said Constitution, which amendment shall provide for a change in the present method of electing United States Senators, so that they can be chosen in each State by a direct vote of the people.

Resolved, That a copy of this resolution and application to Congress for the calling of a convention be sent to the President of the United States, the Speaker of the House of Representatives, and to each of the Representatives of the State of Nevada in the Congress of the United States.

Resolved, That our Representative in Congress be directed to urge upon Congress the calling of a convention provided for by these resolutions.

The people of Nevada directly nominate United States Senators. (Nevada primary laws, 1883, chap. 18. Mandatory; rudimentary.)

New Hampshire primary laws, 1905, chapter 95; 1907, chapter 105. Partly mandatory; partly optional; rudimentary.

NEW JERSEY.

Joint resolution 5.

Whereas Article V of the Constitution of the United States provides that "the Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or on the application of the legislatures of two-thirds of the several States shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes as part of this Constitution, when ratified by the legislatures of three-fourths of the several States, or by convention in three-fourths thereof," etc.; and

Whereas the House of Representatives of the Congress of the United States has on four separate occasions passed by a two-thirds vote a resolution proposing an amendment to the Constitution providing for the election of United States Senators by direct vote of the people; and

Whereas the United States Senate has each time refused to consider or vote upon said resolution, thereby denying to the people of the several States a chance to secure this much desired change in the method of electing Senators; Therefore be it

Resolved by the senate and general assembly of the State of New Jersey, Under the authority of Article V of the Constitution of the United States application is hereby made to Congress to forthwith call a constitutional convention for the purpose of submitting to the States for ratification an amendment to the Federal Constitution providing for the election of United States Senators by direct vote of the people; and

Resolved, That the secretary of state be, and is hereby, directed to forward a properly authenticated copy of these resolutions to the President of the United States, to the President of the Senate of the United States, and to the Speaker of the House of Representatives of the United States.

Approved May 28, 1907.

STATE OF NEW JERSEY, Department of State:

I, S. D. Dickinson, secretary of state of the State of New Jersey, do hereby certify that the foregoing is a true copy of joint resolution No. 5 of the legislature of the State of New Jersey, approved by the governor May 28, 1907, as the same is taken from and compared with the original now remaining on file in my office.

In testimony whereof, I have hereunto set my hand and affixed my official seal, at Trenton, this 25th day of November, A. D., 1907.

S. D. DICKINSON,
Secretary of State.

The people of New Jersey directly nominate United States Senators under the protection of the law of 1908. (New Jersey primary laws, 1898, chap. 139, and subsequent amendments. Mandatory; state wide; partly direct and partly indirect.)

New York primary laws, act of 1898, chapter 179, as amended each succeeding year. Mandatory; partly state wide; partly local; direct features optional.

NORTH CAROLINA.

A joint resolution relative to amending the Constitution of the United States to provide for the election of United States Senators by a direct vote of the people of the respective States.

Whereas there is a widespread and rapidly growing belief that the Constitution of the United States should be so amended as to provide for the election of the United States Senators by the direct vote of the people of the respective States; and

Whereas other amendments to the United States Constitution are by many intelligent persons considered desirable and necessary; and

Whereas the Senate of the United States has so far neglected to take any action whatever upon the matter of changing the manner of electing United States Senators, although favorable action upon such proposed change has several times been unanimously taken by the House of Representatives: Therefore

Be it resolved by the house of representatives of the State of North Carolina (the senate concurring therein), That the legislature of North Carolina, in accordance with the provisions of Article V of the Constitution of the United States, hereby apply to and request the Congress of the United States to call a convention for the purpose of proposing amendments to the Constitution of the United States; and

Resolved, That we hereby request our Representatives in Congress and instruct our United States Senators to bring this matter to the attention of the respective bodies and to try and induce favorable action thereon; and

Resolved further, That the secretary of the State of North Carolina is hereby directed to forthwith transmit a certified copy of these resolutions to the Vice-President of the United States, the Speaker of the House of Representatives in Congress, and to each of the Representatives and United States Senators in Congress from North Carolina, and to the speaker of the house of representatives of each State in which the legislature is now or soon to be in session.

In the general assembly; read three times, and ratified this the 11th day of March, A. D. 1907.

STATE OF NORTH CAROLINA, Office of Secretary of State:

I, J. Bryan Grimes, secretary of state of the State of North Carolina, do hereby certify the foregoing and attached (two sheets) to be a true copy from the records of this office.

In witness whereof I have hereunto set my hand and affixed my official seal.

Done in office at Raleigh this 4th day of April, in the year of our Lord 1908.

J. BRYAN GRIMES,
Secretary of State.

North Carolina primary laws, 1907 (numerous special acts). Mandatory and optional; local; rudimentary.

NORTH DAKOTA.

The people of North Dakota directly nominate United States Senators under the protection of the law of 1907. (North Dakota primary laws, 1907, chap. 109. Mandatory; state wide; direct.)

OHIO.

The people of Ohio directly advise as to United States Senators. Ohio permits under law of 1908 the direct nomination of Senators by primary. (Ohio primary laws, 1908. Mandatory; state wide; delegate and direct; direct in cities and counties; advisory vote on United States Senator.)

OKLAHOMA.

Senate joint resolution 9.—Relating to the calling of a convention of the States to propose amendments to the Constitution of the United States providing for the election of United States Senators by direct vote of the people, and for other purposes, and providing for the appointment of a senatorial election commission of the State of Oklahoma.

Whereas a large number of the state legislatures have at various times adopted memorials and resolutions in favor of the election of United States Senators by direct vote of the people of the respective States; and

Whereas the National House of Representatives has on several different occasions in recent years adopted resolutions in favor of the proposed change in the method of electing United States Senators, which were not adopted by the Senate: Therefore be it

Resolved by the senate and the house of representatives of the State of Oklahoma, That the legislature of the State of Oklahoma, in accordance with the provisions of Article V of the Constitution of the United States, desires to join with the other States of the Union to respectfully request that a convention of the several States be called for the purpose of proposing amendments to the Constitution of the United States, and hereby apply to and request the Congress of the United States to call such convention and to provide for submitting to the several States the amendments so proposed for ratification by the legislatures thereof, or by conventions therein, as one or the other mode of ratification may be proposed by Congress.

Sec. 2. That at said convention the State of Oklahoma will propose, among other amendments, that section 3 of Article I of the Constitution of the United States should be amended to read as follows:

"The Senate of the United States shall be composed of two Senators from each State, chosen by the electors thereof, as the governor is chosen, for six years; and each Senator shall have one vote. They shall be divided as equally as may be into three classes, so that one-third may be chosen every year; and if vacancies happen by resignation or otherwise the governor may make temporary appointments until the next regular election in such State. No person shall be a Senator who shall not have attained the age of 30 years, and been nine years a citizen of the United States, and who shall not when elected be an elector of the State for which he shall be chosen. The Vice-President of the United States shall be President of the Senate, but shall have no vote unless they be equally divided. The Senate shall choose their own officers and also a President pro tempore in the absence of the Vice-President or when he shall exercise the office of the President of the United States."

Sec. 3. A legislative commission is hereby created, to be composed of the governor and eight members, to be appointed by him, not more than four of whom shall belong to the same political party, to be known as

the senatorial direct-election commission of the State of Oklahoma. It shall be the duty of said legislative commission to urge action by the legislatures of the several States and by the Congress of the United States to the end that a convention may be called as provided in section 1 hereof. The members of said commission shall receive no compensation.

SEC. 4. That the governor of the State of Oklahoma is hereby directed forthwith to transmit certified copies of this joint resolution and application to both Houses of the United States Congress, to the governor of each State in the Union, and to each of our Representatives and Senators in Congress.

GEORGE W. BELLAMY,
President of the Senate.

WM. H. MURRAY,
Speaker of the House of Representatives.

Approved January 9, 1908.

C. N. HASKELL,
Governor of the State of Oklahoma.

STATE OF OKLAHOMA, *Department of State:*

I, Bill Cross, secretary of state of the State of Oklahoma, do hereby certify that the annexed and foregoing is a true copy of senate joint resolution No. 9, relating to the calling of a convention of the States to propose amendments to the Constitution of the United States providing for the election of United States Senators by direct vote of the people, and providing for the appointment of a senatorial election commission of the State of Oklahoma.

Approved, January 9, 1908.

The original of which is now on file and a matter of record in this office.

In testimony whereof I have hereunto set my hand and caused to be affixed my official seal.

Done at the city of Guthrie this 29th day of January, A. D. 1908.

[SEAL.]

BILL CROSS, *Secretary of State.*
By LEO MEYER, *Deputy.*

The people of Oklahoma directly nominate United States Senators under the protection of the law of 1908. (Oklahoma primary law, 1908. Mandatory; state wide; direct.)

OREGON.

STATE OF OREGON,

Office of the Secretary of State:

I, F. W. Benson, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of senate joint resolution No. 7 with the original of said joint resolution No. 7, with the indorsements thereon, filed in the office of the secretary of state of the State of Oregon on the 10th day of March, 1903, and that the same is a full, true, and correct transcript therefrom and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon. Done at the capitol at Salem, Oreg., this 12th day of March, A. D. 1908.

[SEAL.]

F. W. BENSON, *Secretary of State.*

Senate joint resolution 7.

Whereas Article V of the Constitution of the United States provides that "the Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or on the application of the legislatures of two-thirds of the several States shall call a convention for proposing amendments, which in either case shall be valid to all intents and purposes as part of this Constitution, when ratified by the legislatures of three-fourths of the several States, or by convention in three-fourths thereof," etc.; and

Whereas the House of Representatives of the Congress of the United States has on four separate occasions passed by a two-thirds vote a resolution proposing an amendment to the Constitution providing for the election of United States Senators by direct vote of the people; and

Whereas the United States Senate has each time refused to consider or vote upon said resolution, thereby denying to the people of the several States a chance to secure this much-desired change in the method of electing Senators: Therefore, be it

Resolved by the senate and house of representatives of the State of Oregon. That, under the authority of Article V of the Constitution of the United States, application is hereby made to Congress to forthwith call a constitutional convention for the purpose of submitting to the States for ratification an amendment to the Federal Constitution providing for the election of United States Senators by direct vote of the people; and

Resolved. That the secretary of state be, and is hereby, directed to forward a properly authenticated copy of these resolutions to the President of the United States and to the President of the Senate of the United States and to the Speaker of the House of Representatives of the United States.

The people of Oregon directly nominate United States Senators under protection of the law of 1904. (Oregon primary law, 1904. Mandatory; state wide; direct.)

PENNSYLVANIA.

IN THE SENATE, February 6, 1901.

No. 10.]

Whereas a large number of state legislatures have at various times adopted memorials and resolutions in favor of election of United States Senators by popular vote; and

Whereas the National House of Representatives has on four separate occasions, within recent years, adopted resolutions in favor of this proposed change in the method of electing United States Senators, which were not adopted by the Senate; and

Whereas Article V of the Constitution of the United States provides that Congress, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, and believing there is a general desire upon the part of the citizens of the State of Pennsylvania that the United States Senators should be elected by a direct vote of the people: Therefore be it

Resolved (if the house of representatives concur). That the legislature of the State of Pennsylvania favors the adoption of an amendment to the Constitution which shall provide for the election of United States Senators by popular vote, and joins with other States of the Union in respectfully requesting that a convention be called for the purpose of proposing an amendment to the Constitution of the United States as provided for in Article V of the said Constitution, which

amendment shall provide for a change in the present method of electing United States Senators, so that they can be chosen in each State by a direct vote of the people.

Resolved. That a copy of this concurred resolution and application to Congress for the calling of a convention be sent to the secretary of state of each of the United States, and that a similar copy be sent to the President of the United States Senate and the Speaker of the House of Representatives.

E. W. SMILEY,
Chief Clerk of the Senate.

The foregoing resolution concurred in February 6, A. D. 1901.
CHARLES JOHNSON,
Acting Chief Clerk of the House of Representatives.

Approved the 13th day of February, A. D. 1901.

The foregoing is a true and correct copy of concurrent resolution of the general assembly No. 10.

W. W. GRIEST,
Secretary of the Commonwealth.

Pennsylvania primary laws, 1906, chapter 10; 1907, chapter 160. Mandatory; state wide; direct, except for state offices. Rhode Island primary laws, 1902, chapter 1078. Mandatory; local; direct or indirect.

SOUTH CAROLINA.

The people of South Carolina nominate United States Senators by voluntary party regulations. (South Carolina primary laws, 1888, chap. 9; 1896, chap. 25; 1900, chap. 211; 1903, chap. 73; 1905, chap. 409. Mandatory; state wide; rudimentary.)

SOUTH DAKOTA.

UNITED STATES OF AMERICA,
State of South Dakota, Secretary's Office:

I, D. D. Wipf, secretary of state of South Dakota and keeper of the great seal thereof, do hereby certify that the attached instrument of writing is a true and correct copy of house joint resolution No. 2, as passed by the legislature of 1907, and of the whole thereof, and has been compared with the original now on file in this office.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of South Dakota. Done at the city of Pierre this 18th day of March, 1908.

[SEAL.]

D. D. WIPF, *Secretary of State.*
By J. L., *Assistant Secretary of State.*

House joint resolution 2.—A joint resolution memorializing Congress to submit to the several States an amendment to the Constitution of the United States, providing for the election of the United States Senators by direct vote of the electors.

Be it resolved by the house of representatives (the senate concurring therein):

Whereas the election of United States Senators by the legislatures of the several States frequently interferes with important legislative duties, and has in many States resulted in charges of bribery and corruption; and

Whereas the sentiment of the majority of the people of this State is in favor of electing United States Senators by a direct vote of the electors of the State, that under authority of Article V of the Constitution of the United States application is hereby made to Congress to forthwith call a constitutional convention for the purpose of submitting to the States for ratification an amendment to the Federal Constitution providing for the election of United States Senators by direct vote of the electors of the several States.

Be it further resolved. That the secretary of state be, and he is hereby, authorized and directed to send a properly authenticated copy of this resolution to the President of the United States, to the President of the United States Senate, the Speaker of the House of Representatives of the United States, and to each of the Senators and Representatives in Congress of the State of South Dakota.

M. J. CHANEY,
Speaker of the House.

Attest:

JAMES W. CONE,
Chief Clerk.
HOWARD C. SHOBER,
President of the Senate.

Attest:

L. H. SIMONS,
Secretary of the Senate.

I hereby certify that the within joint resolution originated in the house of representatives and was known in the house files as house joint resolution No. 2.

JAMES W. CONE, *Chief Clerk.*

STATE OF SOUTH DAKOTA, *Office Secretary of State, ss:*

Filed February 2, 1907, at 5 o'clock p. m.

D. D. WIPF, *Secretary of State.*

The people of South Dakota directly nominate United States Senators under the protection of the law of 1907. (South Dakota primary laws, 1907, chap. 139. Mandatory; state wide; direct; includes United States Senators.)

TENNESSEE.

Joint resolution No. 15.—Requesting Congress to call a convention for the purpose of proposing an amendment to the Constitution of the United States, which amendment shall provide for the election of United States Senators by direct vote of the people.

Whereas a large number of the state legislatures have at various times adopted memorials and resolutions in favor of the election of United States Senators by popular vote; and

Whereas the National House of Representatives has on several occasions recently adopted resolutions in favor of this proposed change in the method of electing United States Senators, which were not adopted by the Senate; and

Whereas Article V of the Constitution of the United States provided that Congress, on the application of the legislatures of two-thirds of the

several States, shall call a convention for the proposed amendments; and

Whereas, believing there is a general desire upon the part of the citizens of the State of Tennessee that the United States Senators should be elected by a direct vote of the people: Therefore

Be it resolved (if the house concur). That the legislature of the State of Tennessee favors the adoption of an amendment to the Constitution which shall provide for the election of United States Senators by popular vote, and joins with other States of the Union in respectfully requesting that a constitutional convention be called for the purpose of proposing an amendment to the Constitution of the United States, as provided for in Article V of said Constitution, which amendment shall provide for a change in the present method of electing United States Senators, so that they can be chosen in each State by direct vote of the people.

Be it further enacted, That a copy of this joint resolution and application to Congress for calling of the convention be sent to the secretary of state of each of the United States, and that a similar copy be sent to the President of the United States, to the Speaker of the House of Representatives, to each of the United States Senators from Tennessee, and our Representatives in Congress.

Adopted March 14, 1905.

J. I. COX,
Speaker of the Senate.

W. K. ABERNATHY,
Speaker of the House of Representatives.

Approved March 22, 1905.

JAMES B. FRAZIER, Governor.

STATE OF TENNESSEE, Office of Secretary of State:

I, John W. Morton, secretary of the State of Tennessee, do certify that the annexed is a true copy of senate joint resolution No. 15, passed by the general assembly of the State of Tennessee, 1905, the original of which is now of record in my office.

This the 12th day of March, 1907.

JNO. W. MORTON, Secretary of State.

The people of Tennessee favor direct nomination of United States Senators. Tennessee passed an act in 1908 for the direct nomination of Senators, although the act was later declared invalid by the supreme court of Tennessee. (Tennessee primary laws, 1901, chap. 39; 1903, chap. 241; 1905, chap. 353. Optional; state wide; direct.)

TEXAS.

House concurrent resolution 22.

Whereas under the present method of the election of United States Senators by the legislatures of the several States protracted contests frequently result in no election at all, and in all cases interfering with needed state legislation; and

Whereas Oregon, in common with many of the other States, has asked Congress to adopt an amendment to the Constitution of the United States providing for the election of United States Senators by a direct vote of the people, and said amendment has passed the House of Representatives on several occasions, but the Senate of the United States has continually refused to adopt said amendments: Therefore, be it

Resolved by the house of representatives of the State of Texas (the senate concurring). That the Congress of the United States is hereby asked and urgently requested to call a constitutional convention for proposing amendments to the Constitution of the United States as provided in Article V of the said Constitution of the United States.

Resolved, That we hereby ask and urgently request that the legislative assembly of each of the other States in the Union unite with us in asking and urgently requesting the Congress of the United States to call a constitutional convention for the purpose of proposing amendments to the Constitution of the United States.

Resolved, That the secretary of state be, and is hereby, authorized and directed to send a certified copy of this concurrent resolution to the President of the United States Senate, the Speaker of the House of Representatives of the United States, and to the legislative assembly of each and every of the other States of the Union.

(NOTE.—The enrolled bill shows that the foregoing resolution passed the house of representatives, no vote given; and passed the senate, no vote given.)

Approved April 17, 1901.

THE STATE OF TEXAS, Department of State:

I, W. R. Davie, secretary of state of the State of Texas, do hereby certify that the attached and foregoing is a true and correct copy of house concurrent resolution No. 22, passed by the twenty-seventh legislature of the State of Texas, and approved April 17, 1901, as the same appears of record in the printed statute book of the State of Texas, on pages 327 and 328 of General Laws of the State of Texas passed at the regular session of the twenty-seventh legislature, convened at the city of Austin, January 8, 1901, and adjourned April 9, 1901; and I further certify that I am the keeper and custodian of the said printed statute book above mentioned.

In testimony whereof I have hereunto signed my name officially and caused to be impressed hereon the seal of my office, same being the great seal of the State of Texas, at my office in Austin, Tex., on this the 3d day of April, A. D. 1908.

[SEAL.]

W. R. DAVIE,
Secretary of State.

The people of Texas directly nominate United States Senators under protection of the law of 1907. (Texas primary laws, 1907, chap. 177. Mandatory; state wide; direct.)

UTAH.

House joint resolution.

Whereas Article V of the Constitution of the United States provides that "the Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or on the application of the legislatures of two-thirds of the several States shall call a convention for proposing amendments, which in either case shall be valid to all intents and purposes as part of this Constitution when

ratified by the legislatures of three-fourths of the several States or by convention in three-fourths thereof," etc.; and

Whereas the House of Representatives of the Congress of the United States has on four separate occasions passed by a two-thirds vote a resolution proposing an amendment to the Constitution providing for the election of United States Senators by direct vote of the people; and

Whereas the United States Senate has each time refused to consider or vote upon said resolution, thereby denying to the people of the several States a chance to secure this much-desired change in the method of electing Senators: Therefore be it

Resolved by the senate and house of representatives of the State of Utah, That under the authority of Article V of the Constitution of the United States, application is hereby made to Congress to forthwith call a constitutional convention for the purpose of submitting to the States for ratification an amendment to the Federal Constitution providing for the election of United States Senators by direct vote of the people; and

Resolved, That the secretary of state be, and is hereby, directed to forward a properly authenticated copy of these resolutions to the President of the United States and to the Speaker of the House of Representatives of the United States.

Approved this 12th day of March, 1903.

STATE OF UTAH, County of Salt Lake, ss:

I, Willard Done, a notary public in and for the county of Salt Lake, State of Utah, do hereby certify that the within is a full, true, and correct copy of a house joint resolution passed by the legislature of the State of Utah and approved by Governor Heber M. Wells on the 12th day of March, 1903.

In testimony whereof I have hereunto set my hand and seal this 11th day of March, A. D. 1908.

WILLARD DONE, Notary Public.

Utah primary laws, 1901, chapter 72. Mandatory; rudimentary.

VIRGINIA.

The people of Virginia nominate United States Senators directly under voluntary party regulations. (Virginia primary law, code of 1904, sec. 1220. Optional; rudimentary.)

WASHINGTON.

Chapter 61.—An act making application to the Congress of the United States of America to call a convention for proposing amendments to the Constitution of the United States of America as authorized by Article V of the Constitution of the United States of America. (H. B. No. 207.)

Whereas the present method of electing a United States Senator is expensive and conducive of unnecessary delay in the passage of useful legislation; and

Whereas the will of the people can best be ascertained by direct vote of the people: Therefore,

Be it enacted by the legislature of the State of Washington, That application be, and the same is hereby, made to the Congress of the United States of America to call a convention for proposing amendments to the Constitution of the United States of America as authorized by Article V of the Constitution of the United States of America.

Sec. 2. That a duly certified copy of this act be immediately transmitted to the presiding officer of each legislative body of each of the several States of the United States of America, through the governor of each of the several States, with a request that each of such legislatures pass an act of like import as this act.

Passed the house February 19, 1903.

Passed the senate March 7, 1903.

Approved by the governor March 12, 1903.

STATE OF WASHINGTON,
Department of State, ss:

I, Sam H. Nichols, secretary of state of the State of Washington, do hereby certify that the above is a full, true, and correct copy of the original enrolled law now on file in this office.

In testimony whereof I have hereunto set my hand and affixed the seal of State this 13th day of March, A. D. 1908.

[SEAL.]

SAM H. NICHOLS,
Secretary of State.

The people of Washington directly nominate United States Senators under the protection of the law of 1907. (Washington primary laws, 1907, chap. 209. Mandatory; state wide; direct; includes United States Senator.)

West Virginia primary laws, 1891, chapter 67. Optional; rudimentary.

WISCONSIN.

To all to whom these presents shall come:

I, J. A. Frear, secretary of state of the State of Wisconsin and keeper of the great seal thereof, do hereby certify that the annexed copy of joint resolution No. 10 has been compared by me with the original enrolled resolution on file in this department and that the same is a true copy thereof, and of the whole of such original enrolled resolution.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State at the capitol, in the city of Madison, this 11th day of March, A. D. 1908.

[SEAL.]

J. A. FREAR, Secretary of State.

Joint resolution 10.

Whereas Article V of the Constitution of the United States provides that "the Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or on the application of the legislatures of two-thirds of the several States shall call a convention for proposing amendments, which in either case shall be valid to all intents and purposes as part of this Constitution, when ratified by the legislatures of three-fourths of the several States, or by convention in three-fourths thereof," etc.; and

Whereas the House of Representatives of the Congress of the United States has on four separate occasions passed by a two-thirds vote a

resolution proposing an amendment to the Constitution providing for the election of United States Senators by direct vote of the people; and Whereas the United States Senate has each time refused to consider or vote upon said resolution, thereby denying to the people of the several States a chance to secure this much-desired change in the method of electing Senators: Therefore be it

Resolved by the senate and assembly of the State of Wisconsin, That, under the authority of Article V of the Constitution of the United States, application is hereby made to Congress to forthwith call a constitutional convention for the purpose of submitting to the States for ratification an amendment to the Federal Constitution providing for the election of United States Senators by direct vote of the people; and

Resolved, That the secretary of state be, and is hereby, directed to forward a proper authenticated copy of these resolutions to the President of the United States, to the President of the Senate of the United States, and to the Speaker of the House of Representatives of the United States.

J. O. DAVIDSON,
President of the Senate.
I. L. LENROOT,
Speaker of the Assembly.
THEO. W. GOLDIN,
Chief Clerk of the Senate.
C. O. MARSH,
Chief Clerk of the Assembly.

The people of Wisconsin directly nominate Senators under the protection of the law of 1903. (Wisconsin primary laws, 1903, chap. 451; 1907, pp. 2. Mandatory; state wide; direct; includes United States Senator.)

WYOMING.

Enrolled memorial 2, house of representatives.

Be it resolved by the third legislature of the State of Wyoming, That the Senate and House of Representatives of the United States of America be memorialized as follows: The third legislature of the State of Wyoming respectfully represents to the honorable the Senate and the honorable the House of Representatives of the United States of America, in Congress assembled that they urge the submission of the constitutional amendments now pending in Congress requiring United States Senators to be elected by a vote of the qualified electors of the State.

They believe that the exciting and disturbing contest for seats in the legislature in many of the States has been owing in a great measure to impending contests for United States Senators.

In many States the sessions of the legislature are limited to a specified time, and much of this time has been wasted and consumed in a fruitless effort to elect Senators.

The temptation to corruption and the inducements to influence legislators by questionable means would be entirely removed if the election of Senators were transferred to the people. It is believed the business of the legislature should be confined to matters of legislation, and that the excitement attendant upon the selection of United States Senators by the legislature interferes to a great degree with that business. The growth of a public sentiment in this direction we believe to be grounded upon good reasons, calling for an amendment of the Constitution in this respect.

Resolved, That the governor be, and he is hereby, respectfully requested, upon his approval of this memorial, to forward a duly authenticated copy thereof, under the great seal of the State, to the Senators and Representatives in Congress from this State, in order that the same may be brought to the attention of the Congress of the United States.

GEO. W. HOYT,
President of the Senate.
JAY L. TORREY,
Speaker of the House.

Approved February 16, A. D. 1895.

WM. A. RICHARDS, Governor.

Wyoming primary laws, 1890, chapter 80; 1907, chapter 100. Rudimentary; optional.

In spite of 37 States demanding or adopting the indirect method of selecting Senators by vote of the people, in spite of all the evidence submitted to show universality of opinion, the will of the American people is refused the courtesy of a hearing.

Mr. President, I ask you, I ask the Senate, I ask the people of the United States, Do the people really rule?

The refusal of the Senate of the United States to perform its obvious duty in this matter of the submission of a constitutional amendment for the election of Senators by direct vote, while very important as the GATEWAY TO OTHER NEEDED REFORMS, is, however, merely characteristic of the Senate under the control of a party management that is ruled by a machine method unduly influenced by commercial allies and the so-called big interests. I shall presently show that the people can get none of the reforms they want while this unfortunate condition remains.

Mr. President, the unwearied and unconquerable Democracy in the opening declarations of its last national platform laid down the great issue that must next be settled in this country and said:

We rejoice at the increasing signs of an awakening throughout the country. The various investigations have traced graft and political corruption to the representatives of predatory wealth, and laid bare the unscrupulous methods by which they have debauched elections and preyed upon a defenseless public through the subservient officials whom they have raised to place and power.

The conscience of the Nation is now aroused to free the Government from the grip of those who have made it a business asset of the favor-seeking corporations; it must become again a people's government, and be administered in all its departments according to the Jeffersonian maxim, "Equal rights to all and special privileges to none."

SHALL THE PEOPLE RULE? IS THE OVERSHADOWING ISSUE WHICH MANIFESTS ITSELF IN ALL THE QUESTIONS NOW UNDER DISCUSSION.

THE GREATEST OF ALL ISSUES.

Mr. President, the greatest of all issues, not only in the United States but throughout the civilized world, is the issue of popular government, or the government of the people against delegated government, or government by convention, or government by machine politics.

The vital question is, Shall the people rule? Shall they control the mechanism of party government? Shall they have the direct power to nominate, to instruct, to recall their public servants; to legislate directly and to enact laws they want and veto laws they do not want, free from corruption, intimidation, or force, as well as elect Senators who claim to represent them on this floor?

The most valuable speech on good government that was ever delivered in the Congress of the United States was, in my opinion, delivered by Hon. JONATHAN BOURNE, JR., of Oregon, on Thursday, May 5, 1910, in which he sets forth this doctrine, and presents to the American people the triumph—the permanent triumph—of the people of Oregon over the corrupt and corrupting methods of machine politics in Oregon, and in which he sets forth the substance of the Oregon law.

These laws establish in fact and not in theory "the people's rule." They are as follows:

The Australian ballot law, which obviates the grosser forms of intimidation and bribery.

The registration law, applying to general or primary elections, by which a voter's right to cast one ballot and have it honestly counted is preserved, and by which dead men, fraudulent names, repeaters, and nonresidents can not be voted in Oregon.

The initiative and referendum, by which the people can initiate and enact into law any statute they want and veto any statute they do not want. The possible sins of omission and the possible sins of commission of the representatives of the people in the Oregon legislature are thus safeguarded.

The law of *publicity pamphlets*, published at state expense and sent to each voter fifty-five days before a general election, giving in brief *authoritative arguments for and against any public measure, authoritative arguments for and against any public candidate.*

The direct primary law, by which party members may nominate their own candidates and under which the whole people may choose between candidates so named by each party.

Statement No. 1, by which a candidate for the legislature pledges himself to the people of Oregon to elect the people's choice for Senator without regard to his individual preference.

STATEMENT NO. 1 IS OF VITAL IMPORTANCE.

The corrupt practices act, by which all improper acts are prohibited, such as promises of appointments, solicitation or acceptance of campaign contributions, distribution of anonymous letters, sale of editorial support, intimidation or coercion of voters, betting on elections, attempting to vote in the name of any other person, living, dead, or fictitious, and finally providing for complete publicity of campaign expenditures and strictly limiting the use of money by candidates or by their friends and allies or in their interest.

The right of recall, by which any public officer may be recalled from office by his electors on petition and a special election.

The Senator from Oregon well says:

"Mr. President, I reiterate that Oregon has evolved the best system of popular government that exists in the world to-day.

"The Australian ballot assures the honesty of elections.

"The registration law guards the integrity of the privilege of American citizenship—participation in government.

"The direct primary absolutely insures popular selection of all candidates and establishes the responsibility of the public servant to the electorate and not to any political boss or special interest.

"The initiative and referendum is the keystone of the arch of popular government, for by means of this the people may accomplish such other reforms as they desire. The initiative develops the electorate because it encourages study of principles and policies of government and affords the originator of new ideas in government an opportunity to secure popular judgment upon his measures if 8 per cent of the voters of his State deem the same worthy of submission to popular vote. The referendum prevents misuse of the power temporarily centralized in the legislature.

"The corrupt-practices act is necessary as a complement to the initiative and referendum and the direct primary, for without the corrupt-practices act these other features of popular government could be abused. As I have fully explained, the

publicity pamphlet provided for by the corrupt-practices act affords all candidates for nomination or election equal means of presenting before the voter their views upon public questions, and protects the honest candidate against the misuse of money in political campaigns. Under the operation of this law popular verdicts will be based upon ideas, not money; argument, not abuse; principles, not boss or machine dictation.

"The recall, to my mind, is rather an admonitory or precautionary measure, the existence of which will prevent the necessity for its use. At rare intervals there may be occasion for exercise of the recall against municipal or county officers, but I believe the fact of its existence will prevent need for its use against the higher officials. It is, however, an essential feature of a complete system of popular government.

"ABSOLUTE GOVERNMENT BY THE PEOPLE.

"Under the machine and political boss system the confidence of sincere partisans is often betrayed by recreant leaders in political contests and by public servants who recognize the irresponsible machine instead of the electorate as the source of power to which they are responsible. If the enforcement of the Oregon laws will right these wrongs, then they were conceived in wisdom and born in justice to the people, in justice to the public servant, and in justice to the partisan.

"Plainly stated, the aim and purpose of the laws are to destroy the irresponsible political machine and to put all elective offices in the State in direct touch with the people as the real source of authority; in short, to give direct and full force to the ballot of every individual elector in Oregon and to eliminate dominance of corporate and corrupt influences in the administration of public affairs. The Oregon laws mark the course that must be pursued before the wrongful use of corporate power can be dethroned, the people restored to power, and lasting reform secured. They insure absolute government by the people."

For the information of the Senate and of the country I submit as an exhibit to my remarks a copy of the Oregon and Oklahoma laws upon these important reforms so modified, explained, and digested that they may be conveniently used by other States and ask that they be printed as a Senate document. (S. Doc. No. 603.)

The initiative and referendum is the open door to every reform. Oregon, South Dakota, Montana, Missouri, Oklahoma, and Maine have adopted it. In Arkansas it is submitted to the people and sure to pass. In Nevada its enactment will soon be complete. In many States cities have the initiative and referendum in municipal affairs, Texas, Mississippi, Iowa, Colorado, Kansas, Nebraska, California, Washington, Idaho, North Dakota, Minnesota, Massachusetts in addition to the six States first named.

THE SECRET ALLIANCE BETWEEN MACHINE POLITICS AND SPECIAL INTERESTS.

Mr. President, the great evil from which the American people have suffered in recent years has been the secret, but well-known alliance between commercial interests and machine politics, by which special interests have endeavored and often succeeded in obtaining legislation giving them special advantages in Nation, State, and in municipalities over the body of the American people and obtained administrative and judicial immunity so that the laws have not been properly enforced against them; by which means they have enriched themselves at the expense of the American people; at the expense of Democrats and Republicans alike; by which private individuals have become enormously and foolishly rich and many millions of people intellectually, physically, financially, or morally weak have been reduced to poverty and to a condition of relative financial, industrial, and moral degradation.

Mr. President, the mad scramble for unneeded millions, the unrestrained lust for money and power has become a national and a world-wide scandal. How unwise it seems, Mr. President, when a man already has more than enough to gratify every want, every taste, every luxury, every wish that is within the bounds of reason or of common sense that he should still pursue a mad race for sordid wealth, using his great opportunities for good, not for the welfare of his poorer and weaker brothers, but to press them to hard labor through the artificial mechanism of corporate taskmasters like galley slaves sent to twelve hours of labor seven days a week, to degeneracy and ruin, as has been reported to this Senate through the protected iron and steel industries of Pittsburg (Pittsburg Survey) and at Bethlehem (Report of Secretary of Commerce and Labor).

What an evil influence over our national life is being exercised by the false social standards of lavish extravagance and wasteful ostentation, standards set by the thoughtless rich and imitated in graduated degrees by their satellites and admirers down through society to those who can not afford extravagance

without injury or ruin. Our whole society is being injuriously affected by these false standards of "high living." People have automobiles who have no homesteads.

Mr. President, I regard it as of great importance that the country should understand the manner in which commercial interests are using the powers of government through the mechanism of machine politics.

Many men without the slightest intention of departing from the line of the strictest rectitude nevertheless engage in the political game and use machine politics for their own preferment, recognizing no better method and thinking it to be a fact that purity in politics is an iridescent dream, and content that they are themselves guilty of no criminal or gross immoral act. My comments on these matters are intended to have no application whatever to any individual in the sense of imputing to him a bad or depraved motive. It is the system which I attack.

All men where severely tempted are liable to err, and I believe our Government should be so changed as to protect the individual from temptation of any kind as we would protect a friend from exposure to disease.

Mr. President, I have no desire to seek partisan advantage by pointing out the weaknesses of government under present methods of party management. I should like to see the complete restoration of good government in the United States. It will require the most vigorous efforts of the honest men of both parties to restore the Government to a condition of integrity, where high purposes, honor, and the common good shall exclusively rule.

I call attention to a brief sketch in the American Review of Reviews, New York, April, 1910, of this condition in the State of New York, which is merely illustrative, for the conditions developed by Folk in St. Louis; the conditions of municipal corruption exhibited in San Francisco; the painful condition recently exposed in Pittsburg, where over 40 members of the municipal council and various bankers were found guilty of criminal conspiracy against the people; the condition of graft exhibited in the capitol building in the sovereign State of Pennsylvania; the condition of corruption known to exist in Philadelphia, New York, and Boston are merely illustrative of the frailty of human beings subjected to temptation under a defective form of government. The condition portrayed by the Review of Reviews, edited by a great Republican editor, is but a slight exposition of a widespread evil, which requires active cooperation of all upright men to abate and eradicate.

I ask the Secretary to read this article from the Review of Reviews for April, 1910.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

GOVERNMENT VERSUS BUSINESS.

The people of the United States are trying to work out proper relations between law and government on the one hand and the modern forms of business life on the other hand. The Roosevelt administration awakened the country to the need of such adjustments, and it succeeded in accomplishing something toward bringing about the desired reforms. It was left for the Taft administration to propose an end of the period of agitation, and to find stable and workable solutions for various problems arising out of changed economic conditions. Almost everything in the political and legislative news of the past few weeks has had something to do with this struggle for right relations between business and government. The legislative disclosures at Albany, and the contest for the control of the Republican organization of the State of New York, would all be meaningless if not interpreted as phases in the fight to relieve the government of the Empire State from domination through the power of money furnished by business interests seeking their own advantage.

THE NEW YORK SYSTEM.

The boss system in New York has had nothing to do with political leadership in a true sense. The boss has been the man who took the money from the corporations and then distributed it in such a way as to preserve his own power, while also making it certain that the corporations would contribute again the next year, and that the ultimate recipients of bounty would be willing again to receive it and glad to feed out of the boss's hands. The demoralization of the New York legislature for many years past has been due simply to ill-adjusted relationships between business enterprises and the power of law and government. Perhaps the very least and smallest of the scandals of this New York period are those which through accident came into light some weeks ago and compelled the investigation at Albany of charges against the newly chosen leader of the state senate. It is commonly believed that the instance of alleged bribery, upon which the long-drawn-out Aills-Conger inquiry has turned, is merely a minor illustration of a system that meant the buying and selling of legislative favors on a large scale. Governor Hughes himself is now carrying on an investigation into the purchase of lands for the Adirondack forest reserve. It is charged that large areas of land which have reverted to the State through nonpayment of taxes after the valuable timber had been cut off were purchased for a few cents an acre at tax sales, and then bought again by the State for the forest reserve for several dollars an acre, all phases of the business being conducted by grafters more or less directly connected with the Albany legislative machine.

ALL IN THE NAME OF "PARTY."

Such are the charges, and Governor Hughes is likely to get at the bottom facts before he drops the subject. Superintendent Hotchkiss, of

the state insurance department, has also on hand some investigations that point to bribery and corruption in the legislature in connection with the affairs of various insurance companies. Most scandalous allegations have been made concerning the squandering of many millions of dollars in the condemnation and purchase of lands for the Catskill water supply that is to cost New York City at least a hundred million dollars. All these things, and various others that might be named, are a part of that famous New York "system" that has made politics profitable for professional politicians. This is what has built up in the Empire State the closely knit "organizations," so called, of party men, with their false theories of leadership and their impudent talk about party regularity. They have invented a doctrine of party obedience that has been used for the benefit of the weak-minded, who like to think they have consciences, and who wish to justify in some way their good and regular standing in militant parties, even though deep down in their hearts they know that the "Black Horse Cavalry" at Albany is usually in the saddle and in the van.

A TWO-PARTY ARRANGEMENT.

The simple reason why it is so hard for the State of New York to shake itself free from the system that has heretofore controlled the legislature is because it has been a *bi-partisan* system. *Tammany Hall* and the *Republican machine* have for many years been supported by the same interests. The chief business of the legislature of New York for a generation, it would seem, has been to sell indulgences. Millions of dollars, it is said, have been paid by all sorts of interests—transportation companies, lighting companies, telephone companies, insurance companies, and so on—mostly under the guise of political contributions or counsel fees, in order to obtain desired privileges or to prevent the passage of some measure deemed harmful. The contributors of these funds have only cared to secure results. How the money was distributed was something they did not wish to know. The Republican part of this money was doubtless used very largely for the purpose of maintaining the system of so-called leadership and regularity. Republican regularity in the State of New York has long meant that "good Republicans" must not do too much thinking, but must obey orders. Orders are supposed to come from the leader. Leadership centers at the point where campaign funds are received and disbursed. A liberal disbursement of funds, on a plan systematically conceived and worked out, has usually made it worth while for Republican members of the legislature to work loyally in the organization and vote as the leaders dictate. The local party papers throughout the State have also been made to realize the desirability of supporting the organization and taking their respective places within the system. Independence has been risky and expensive.

THE CONTROLLING FACTORS.

This wonderful Republican machine in the State of New York could never have had so long, prosperous, and powerful a career but for two highly important facts. One of those facts is the immensity of the private interests which have been able and anxious to support a system that would keep law and government in subservience. The other fact has been the existence of *Tammany Hall*, a great private conspiracy for the purposes of plunder, which has controlled so large a block of the Democratic members of the legislature, in close and profitable alliance with the Republican machine, that it has never been possible to use one party in the State of New York as an instrument for punishing the venal methods of the other party. Furthermore, it must not be supposed that anything like a majority of the members of the New York legislature have been in the habit of lining their pockets with thousand-dollar bills by reason of a cold-blooded, deliberate acceptance of bribes. Very many of them have simply been lacking in a proper sense of their personal responsibility as lawmakers. They have sheltered themselves behind a false theory of party responsibility. They have found it safe and comfortable to be regular, and to give the machine the benefit of their own personal respectability, in exchange for having the state central committee give them support in their districts, and otherwise keep their political paths smooth and pleasant.

The Review of Reviews I have always regarded as a Republican publication, and therefore regard the quotation I have given as the admonition of a friend and not a mere hostile, biased criticism.

I summon only one other witness, although I could give a multitude—GEORGE WILLIAM NORRIS, of Nebraska, the leader of the Republican insurgents in the House of Representatives, a man whose fidelity to the principles of the Republican party can not be questioned. In the *Woman's National Daily*, Saturday, May 21, 1910, Mr. NORRIS made the following statement, which shows that behind the protection afforded by the rules of machine organization special interests seek shelter and immunity from the law.

Without objection, I will simply insert in the RECORD Mr. NORRIS's comments.

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

The matter referred to is as follows:

[From the *Woman's National Daily*, Saturday, May 21, 1910.]

THE MEANING OF INSURGENCY.

(Written for the *Woman's National Daily* by Representative GEORGE WILLIAM NORRIS, of Nebraska.)

I am asked to define insurgency as it exists in the National House of Representatives. The term "insurgent" was originally applied as an epithet of derision to those Members of the House of Representatives who asked that the rules of the House be changed, by taking away from the Speaker some of his extraordinary power.

The principle for which they stood is one which is fundamental, if we would retain a representative government. It is a greater and more important question than any concrete legislative proposition that has been before Congress for many years.

It has been well known of all men that the Speaker of the House of Representatives possessed a power that was second only to that of the President of the United States; and, in some respects and in some instances, it was even greater than the President's power. This power was given to the Speaker entirely by the rules of the House, and a few Members claimed that this power should be taken away, and that the Speaker should not be able to control arbitrarily the votes and the consciences of the individual Members of the House; and because they

had the effrontery to boldly demand that the Speaker's power should be curtailed they were called insurgents. And this same power which they were fighting was at once used to deprive them of all influence.

The insurgents, while united upon the question of the abridgment of the Speaker's power, were not pledged to any particular line of legislation. For instance, some of them desired a high tariff, while others were advocates of a low tariff; but they all agreed that the tariff question should be determined by the membership of the House and not by any self-appointed board of control. Some of them were in favor of postal savings banks; others were opposed to it; but all of them concurred that the membership of the House should have the right to determine by their individual votes the question of postal savings banks, and that the question should not be determined and disposed of by the Speaker alone.

They were not advocating any particular legislation; they were all standing for the individual right of every Member to have his portion of influence in legislation and to bear his part of the responsibility for the same. It was a question, therefore, that reached to the very foundation of representative government.

A STAND FOR PRINCIPLE.

The insurgents stood for a principle—that of permitting every Member to be untrammelled in his vote and in his action; to be absolutely free to represent his constituents without fear of punishment from a self-constituted machine and without hope of reward from patronage distribution.

It is difficult for an observer, especially at a distance, to realize the wonderful influence the Speaker exerts over legislation. The power of the Speaker to appoint all the standing committees and to completely dominate and control the Committee on Rules gave to that official a tyrannical control of legislation that completely eliminated individual action and individual representation in the House. Intrenched behind the rules of the House were all the special interests that at any time expected to be interested in national legislation, and had the insurgents known at the beginning of their fight the wonderful power and the unlimited means at the disposal of the Speaker and his machine, they would, perhaps, have hesitated, if not declined altogether, to enter the fight—a fight which, while waged entirely for principle, endangered their very political existence.

They did not know, for instance, at the beginning that Standard Oil had any interest in the rules of the House of Representatives.

They were not aware that Tammany was safely entrenched behind these same rules.

They had no idea that the brewers of the country were depending on these rules to prevent an increase of the internal-revenue tax on beer in the last tariff act.

And yet, on the 15th day of March, 1909, when the first great battle was fought between the insurgents and the machine, it was discovered that all these interests were combined in the effort to retain the old rules of the House and to have adopted the so-called Fitzgerald amendment.

It was soon discovered that the machine against which the insurgents were compelled to fight, while having its head in the Speaker's chair in Washington, really extended to every city and hamlet in the United States, as evidenced by the influence brought to bear upon the different Members from all parts of the country in an effort to induce them to stay by the Speaker and save the machine from ruin.

The insurgents have stood for a principle nonpartisan in its nature and beyond and above partisanship. The right to be independent as a Representative in Congress and to follow the dictates of individual conscience is a principle that can not be defeated or submerged by the cry of partisanship.

NONPOLITICAL POLITICS.

The history of the House of Representatives will show that when the Republicans are in control the Democrats are always fighting the rules, and when the Democrats are in control the Republicans are the complainants. The special interests are Republican when the Republicans control and Democratic when the Democrats control. The real machine, however, knows no politics, and by machine methods all political parties are controlled in identically the same way. In desperate cases, when the life of the machine has been found to be in danger, there have been instances where the political machine of one party has been uncovered in the effort to save the life of the political machine of the opposite party. This was illustrated when Tammany, a Democratic organization, came to the assistance of the Republican machine in retaining the old House rules.

It does not require any particular courage for a Democrat to fight the rules of the House when the Republicans are in control, neither does it mean very much when a Republican is fighting the tyrannical control of the Speaker when the Democrats are in control. But the insurgents came out into the arena and opposed this power of the Speaker while their own party was in control of the House, thus bringing upon themselves the censure and the condemnation of the self-constituted and self-appointed machine and the so-called—and we hope temporary—leadership of their party in the House.

They were charged with being false and untrue to their own party. This charge—known by those who made it to be without truth and without foundation—was preferred in order to injure the standing at home of the so-called insurgents, and possibly to influence them in Washington by an appeal to their party pride. Those of the so-called regulars who oppose the insurgents and defend the old rules of the House make no argument in defense of the rules where the attack is made.

The insurgents have never stood for any proposition for unlimited debate in the House; have not asked that the so-called Reed rules be changed. They have not asked that the Committee on Rules should be abolished or that its power to make special or privileged reports be curtailed. And yet when the Cannonites come to the defense of the machine they invariably do so by pointing out the chaos that would follow the right of unlimited debate or the overturning of the ruling adopted by ex-Speaker Reed wherein he counted a quorum.

Insurgency means the preservation of republican government. It is greater than the question of the tariff or of railroad-rate legislation, or any other question of legislation, because it represents a principle that is fundamental, and because without the principle for which it stands being established we can have no legislation that is representative of the people, but only such legislation as is satisfactory to the machine which controls.

THE REAL ISSUE.

Because this machine happens to be headed by a Speaker whose thirst and liking for power have made him more brazen than any of his predecessors is no sufficient reason why the issue should be made an individual one instead of one against the real machine.

The issue is Cannonism, not CANNON the individual—not CANNON the man, who, as a matter of fact, has been shorn of a great amount of his power and is facing now his long-deserved defeat.

Cannonism is the issue. It is a word which has really been coined to represent opposition to change—opposition to progress; obedience to domination—obedience to favored interests. It represents a power exerted for the perpetuation of evils which have already too long existed. Cannonism represents property rights, while insurgency represents individual rights—representative rights. Insurgency means the rights of the people, through their chosen Representatives, to legislate for the people. Cannonism means the control of these legislative elements so that the rights of property shall be placed above human rights. Insurgency, while not denying the right of wealth or accumulation of property to the proper protection of law, stands for the control of such aggregated wealth and the subserviency of the rights of such wealth to the rights of the individual. While insurgency, as stated above, does not mean any particular legislation, yet it does mean that if the people, through their chosen Representatives, desire any particular legislation they shall have the right to it and shall not be prohibited from receiving it at the behest of accumulated wealth or well-organized political machines.

Insurgency does not mean the disruption of the Republican party; it means its purification, its enlightenment, its advancement; it means equal rights and equal privileges, and is opposed to machine rule, machine control, and corporate domination. It places country above party, the man above the dollar, the individual above the machine.

THE BIPARTISAN ASPECT.

Mr. OWEN. Mr. President, I shall not offend the columns of the CONGRESSIONAL RECORD with the multitudes of instances of corruption in municipality, city, or federal government, with which the public press has been constantly filled. The corruption shown in St. Louis by Mr. Folk; in San Francisco by Heney; in Chicago; in Pittsburg, where more than 40 members of the city council were indicted for graft; in Albany, N. Y.; in Harrisburg, Pa.; in New York; in Boston; in Philadelphia. The wide prevalence of corruption in government in our great Republic is a deep national disgrace. The number of egregious instances is both shocking and amazing. This nation-wide evil is, however, directly due to the weakness of human nature and the defective mechanism of party government which has unavoidably developed under a system of machine politics, with its corrupt and corrupting methods, which subjects men to temptations that too often prove irresistible. The evil, under such a bad system, would arise under any party in power, and can be absolutely eliminated and eradicated by the laws I propose.

A distinguished statesman once said that the idea of purity in politics was an iridescent dream.

The people retired him, and thereafter he described himself as "a statesman out of a job."

He neglected his opportunity to find a remedy and point it out. Yet he was a well-meaning man, an orator and a scholar of great ability, but he saw no way out.

PURITY IN POLITICS.

It is not true, Mr. President, that purity in politics is an iridescent dream. It can be made a reality through the Oregon system of popular government and by the overthrow of the imperfect mechanism of party government which has evolved the bad system of machine-rule government. The remedy for the evils from which our national, state, and municipal governments have suffered is to restore the rule of the people—to restore the full powers of government to the people by the Oregon system; to pass laws by which the people can directly nominate, directly initiate laws they do want, directly veto laws they do not want, directly recall public servants, by which the people can set aside political mercenaries, who often seize upon the reins of party control under color of party enthusiasm with the cold-blooded, criminal purpose of selling government favor for profit or power. I pray the leaders of all parties to promote the rule of the people by the Oregon system.

The people have no sinister purposes. The people will not sell out.

The people are "safe and sane."

The people are conservative and sound.

The people are honest and intelligent.

The people would vote for the public interest alone and would not vote for purely selfish private interests.

The people would not grant ninety-nine year or perpetual corporate franchises or legislative privileges of enormous value without adequate consideration.

The people would not deprive any persons of their just rights.

Under the rule of the people the issue of world-wide peace would be raised and would, by popular vote of all nations, be made a permanent international law.

The people know more than their Representatives do, and are less passionate and less liable to be led into either internal or international complications.

The people are worthier to be confided in than any individuals trusted with temporary power.

The people would be economical in government.

Under the rule of the people, with the right of recall, their public servants would be more upright, more faithful, more dili-

gent, more economical, and more honest; the public service would be purified; the bad example of corruption and extravagance in high places would be removed and new and better standards of public and private conduct would prevail.

The servants of the people would then concern themselves more in bringing about the reforms which the people desire.

IF THE PEOPLE REALLY RULE, WHY DON'T THE PEOPLE GET WHAT THEY WANT?

Mr. President, "popular distrust of our legislative bodies is undermining the confidence of the people in representative government." It is promoting radical socialism and developing elements of criminal anarchy.

It is developing forces that have in past history overthrown governments and destroyed the existing order.

The people desire many things which they are entitled to receive, which have been promised to them, and which have been withheld or at least not delivered by their public servants, who in reality make themselves the masters of the people when trusted with power.

The people want lower prices on the necessities of life and the reduction of the tariff. Why don't they get it? They were promised reduction, but they got a higher tariff and higher prices than before.

Why do they not get reciprocity? It has been repeatedly promised in party platforms and on the hustings.

Reciprocity was the policy repeatedly declared by Blaine and McKinley, and it was again proclaimed in the Republican national platform of 1904, upon which McKinley and Roosevelt were elected, confirming the policy upon which the people had previously trusted the Republican party with power.

But the Republican organization in the Senate on March 5, 1903, finally defeated every reciprocity treaty negotiated under the authority of the "Act to provide revenue for the Government, and to encourage the industries of the United States," approved July 24, 1897, to wit: The convention with France, submitted December 6, 1899, agreement extending time to ratify; submitted March 21, 1900; again March 9, 1901; December 4, 1902, and so forth. Recommitted March 5, 1903. In like manner were smothered and killed the following reciprocity treaties:

The convention with Great Britain, March 5, 1903; the convention for Barbados, March 5, 1903; the convention for British Guiana, March 5, 1903; the convention for Turks and Caicos Island, March 5, 1903; the convention for Jamaica, March 5, 1903; the convention for Bermuda, March 5, 1903; the convention for Newfoundland, March 5, 1903; the convention with Argentine Republic, March 5, 1903; the convention with Ecuador, March 5, 1903; the convention with Nicaragua, March 5, 1903; the convention with Denmark for St. Croix, March 5, 1903; and so forth, and so forth.

The people want lower prices and the reduction of the tariff. Why don't they get it? They were promised reduction, but they got a higher tariff and higher prices than before and shameful "retaliation" instead of honorable "reciprocity."

The people want the control of monopoly and the reduction of the high prices of monopoly. Why don't they get it? All parties promise it, yet Moody's Manual shows that the gigantic monopolies have rapidly grown until their stocks and bonds comprise a third of the national wealth. They aggregate over thirty thousand millions of dollars. Moody's Manual for 1907, page 2330, gives over 1,000 companies absorbed or merged by or into other companies for 1907, and these conditions grow worse each year.

Organized monopoly controls the meat market; controls the selling price of beef, mutton, pork, fowls, and every variety of meat.

Organized monopoly controls the prices of all bakery products and candies and preserves; controls the prices of all canned goods and tropical fruits; controls the price of sugar and salt and spices. Monopolies control everything that goes on the table, as food, as tableware, china and glass ware, and the price of the table itself; controls the price of everything that enters the house, the furniture, the carpets, the draperies; controls the price of everything worn upon the back of man, of woolen goods, of linen goods, of silk goods, of cotton goods, of leather goods. They control the price of all materials of which buildings are constructed—lumber, iron and steel, cement, brick, plaster, marble, granite, stone, tile, slate, and asphalt. They control paper and stationery goods, iron, copper, and steel and metals and goods made of these materials. They control dairy products; they control railways and steamship lines, telegraph, telephone, and express companies. They control everything needed by man, from the cradle which receives the baby, and the toys with which a child plays, to the casket and the ceremonies of the grave.

They have raised prices 50 per cent higher than the markets of the world, and their apologists, the political allies of commercial monopoly and their intellectual mercenaries, fill the public press with solemn argument about the quantitative theory of money and the increase of gold as explaining and justifying high prices.

The whole world is staggering under the high prices of monopoly, and the people of the United States are afflicted with prices 50 per cent higher than those paid by the balance of mankind. The people ask for bread and they get a stone. They ask for lower prices and they get a Senatorial investigation as to the causes of high prices, and the causes of high prices when ascertained by this unnecessary and absurd research will unquestionably be used as a special plea and as an apology and pretext for denying the reasonable demand of the American people for the restraint of monopoly and the lowering of prices.

These high prices mean that it takes \$150 to buy what \$100 bought before and ought to buy. It is very hard on domestic servants, all of whom are asking higher wages. It is very hard on people with fixed salaries or of small fixed incomes and annuities and with pensions. These artificial high prices make the few, the monopolists, very rich, but they sorely, painfully tax the living of the poor.

This policy is justified neither by common sense nor by patriotism.

The people demand a fair price for their crude products, for their cattle and hogs and sheep and the corn and hay and grass fed into these domestic animals and marketed. The beef trust artificially fixes the price of what they produce, without competition, at an unfair price, and no remedy is afforded. The tobacco trust fixes the price of their tobacco, and is stirring up the night riders' rebellion with its ignorant, criminal, and pitiful protests, by stealing the value of the labor of the tobacco raiser by artificial prices and no relief is given.

The thief uses the sword of the State to punish the protest of its victim, who in blind passion violates the law of the Government that does not protect him. It is a sorrowful sight.

Gamblers in the market places undertake to force prices of wheat, corn, oats, and cotton back and forth for gambling purposes and no relief.

Is it any wonder the people abandon the farm and find a worse condition in the grinding competition of labor in our great cities, where monopoly again fixes the price of labor? Is it any wonder labor makes violent efforts to protect itself and to protect the wives and children, who look to them for protection?

IF THE PEOPLE RULE, WHY DO THEY NOT GET WHAT THEY WANT?

The people have been promised the control of monopoly. Why do they not get it? Are the people in control of Government, or are the trusts in control? Do the people really rule?

The people do not approve blacklisting of employees by the tariff-protected monopolies, yet they get no relief.

The people do not approve the grinding down of wages by the protected monopolies, from which brutal policy, poverty, crime, inefficiency, sickness, and death must unavoidably follow.

WHY DO THEY GET NO RELIEF?

The people desire an employers' liability act—eight hours of labor and one day of rest in seven and sanitary housing for labor. Why do they not get it? Is the demand unreasonable? Has not the condition at Pittsburg, the center of the great system of American protection, been fully set forth by the highest authority, by the trained experts of the Russell Sage foundation?

Did they not point out twelve hours of labor seven days in the week as the usual rule, impure water, impure food, insanitary housing, sick women and children? Does not the recent report of the Department of Commerce and Labor of the Bethlehem Company confirm it? Why is there no relief from these hideous conditions of American life?

The people do not approve twelve hours of labor for seven days in the week that makes of man a pitiful beast of burden and destroys his efficiency and life. The Sage Foundation pointed out these tragical conditions at Pittsburg, as I have heretofore pointed out to the Senate; the Department of Commerce and Labor has reported to the Senate a like condition at the Bethlehem Steel Works, in answer to a resolution of the Senate offered by me.

Why is there no relief or attempt at relief?

The part which the United States Steel Corporation has played in promoting political campaigns is an open secret and furnishes one of the obvious reasons why relief is not afforded.

The people would like publicity of campaign contributions, and a thorough-going corrupt-practices act. Why do they not get it?

Who is interested in maintaining the corrupt practices? Do not the people desire corrupt practices stopped?

Who opposes publicity of campaign contributions? Do not the people wish publicity of campaign contributions and effective control of the use of money in campaigns?

The people desire to control gambling in agricultural products. Who is concerned in maintaining this evil system of gambling in wheat and corn and oats and rye and cotton? Do the people desire this gambling to continue, and would it continue under the rule of the people?

The people despise the legislative treachery of the so-called "joker" in their laws which defeats the implied promise of relief in the law. When the people rule this legislative trickery will cease.

Oh, it is said, Mr. President, that the people do not know what they want nor how to govern themselves directly, but only by representatives.

I emphatically deny it. The demonstration in Oregon is a final answer to such shallow pretenses. I confess for the most part they are an unorganized mob in politics; that for many years they have trusted political parties managed by machine methods; that they do not select candidates or issues; but Oregon and Oklahoma point a new and safe way to correct this deficiency.

The people wish the gambling in stocks and bonds to be terminated. Why does the Senate not act? Why does not the Congress act and forbid the mails to the most gigantic and wicked gambling scheme the world has ever known—a gigantic sponge, which absorbs by stealth and craft hundreds of millions annually from foolish trusting citizens, misled by false appeals to their avarice, cupidity, and speculative weaknesses, derisively called "the lambs," who pass in an unbroken stream to slaughter on the fascinating altars of mammon.

Why are the reserves of the national banks not used exclusively for commerce, but used instead as an agency of stock gambling and overcertification of checks as a chief auxiliary? I tried my best in the Senate when the financial bill was pending in 1908 to amend this evil condition, but the Senate will remember the denial of that relief.

Why is there no control of overcapitalization of the overissue of stocks and bonds of corporations, another means by which the people are defrauded?

Why is there no effective control of railroad, passenger, and freight rates after forty years of agitation? Do the people want reasonable railroad rates, or do the people conduct the Government of the United States?

The present discussion of railroad freight rates on the floor of the Senate and on the floor of the House is almost entirely in vain, because the jury is not a jury in sympathy with the people, but a jury that, most unfortunately, under machine rule, can not be free from the influence of the enormous power of the railroads in politics. The debate is well-nigh useless, and for this reason will amount to nothing in the way of substantial relief to the American people, except to defeat a skillful raid planned against the people under color of serving them.

Why is there no adequate control of the discrimination of railways against individuals, or discriminations in favor of one community against another?

The people are opposed to these discriminations, but their representatives, the party leaders who are in power, do not adequately represent the reasonable desires of the people.

Why is there no physical valuation of railways (giving the railway companies generous consideration of every value they are entitled to) as a basis of honest freight and passenger rates? The Interstate Commerce Commission has repeatedly advised us that it was essential and necessary, but yet there has been no response from the authorized representatives of the people.

IF THE PEOPLE RULE, WHY DO THEY NOT GET WHAT THEY ARE ENTITLED TO?

Why is there no parcels post? Would it serve the interest of the people and protect the deficit of the Post-Office Department? Undoubtedly. But the great express companies have such political power with the dominant representatives of the people that the dominant representatives do not justly represent the people, but represent instead those who contribute money and influence secretly to campaign funds.

Why do we not have a national development of good roads, cooperating with every State and county in the Union?

The people undoubtedly want it and undoubtedly need it. Why do we not have a systematic development of our national waterways? The people want that, but the recent rivers and harbors bill, appropriating fifty-two millions, spent many millions on local projects with political prestige, but without a thoroughgoing national design.

The people desired a pure food and drug act, and it took a long time to get it, and its administration now is made almost

impossible by the influences over government of self-promoting commercial interests.

Why is equality of opportunity being rapidly destroyed and absorbed by corporate growth and power without any protection of the young men and of the young women and people of the land? Do the people want equality of opportunity? Was it not promised in the Republican platform?

The people universally desire an income tax. It was defeated in the Supreme Court by a fallacious argument, which I have heretofore pointed out, and will probably be defeated as a constitutional amendment, because of machine rule and the influence of private interest with machine rule, which is more potential than the public welfare.

Why do the people not get a progressive inheritance tax on the gigantic fortunes of America? The people want it. Every nation in Europe has it, even under monarchies, as I have heretofore shown, with the most exact particulars.

Common honesty and fairness demands it, its constitutionality is affirmed by the highest courts, and it would not offend the feelings of the most avaricious multimillionaire at the time of its enforcement—after he was dead.

Why do we wait so long for the admission of Arizona and New Mexico? For years it has been promised; for years those people have waited upon the administration of justice by the Congress of the United States.

Finally, Mr. President, why do we not have election of Senators by direct vote of the people? The elected representatives of the people in four preceding Congresses have, by a vote substantially unanimous, favored and passed resolutions for this purpose. Did they represent the people of the United States? Thirty-seven States now stand for it. Do they represent the people of the United States? All the great nonpartisan organizations of the country, the American Federation of Labor, the Society of Equity, the National Grange, the Farmers' Educational and Cooperative Union, and every one of the great political parties with the exception of the dominant party, in its national platform, and even here a majority, a great majority, of Republican States favor it and have so expressed themselves, and yet no action. Nine-tenths of the people want it, and the Senate of the United States defeats it, and the Senator from Idaho [Mr. HEYBURN] amuses the Senate by calling this mature judgment of the American people "popular clamor." It is enough to make the Senate laugh, this mirth-provoking "popular clamor," evidenced by the insane legislatures of Idaho and Kentucky.

Is it wrong to inquire—

DO THE PEOPLE RULE?

Everything that they stand for and desire is defeated. All of the great doctrines that they have been urging forward are obstructed. Some of the Republican leaders say, "Yes; the people rule through the Republican party." My answer is, Mr. President, that if the people ruled through the Republican party, they would have long since answered their own prayers and demands favorably and not denied themselves their own petitions.

Mr. President, the evils which have crept into our Government have grown up naturally under the convention system, not through the faults of any particular man or any particular party. I believe in the integrity of the great body of the Republican citizens of this country, but I have little patience with pure machine politics guided by selfish interests in either party. The system of delegated government affords too open and abundant opportunity for commercialism and for mere self-seeking political ambition.

It has seized upon the party in power, as it always seeks to do with the party that can deliver, and it will be a task of enormous difficulty to purge the party in power of these dangerous and sinister forces, if, indeed, it do not prove utterly impossible except by its retirement from power.

In some cases delegated government, even under a machine form, is perfectly upright, perfectly honest, and serves the cause of the people excellently well, but the mechanism of government of the delegate plan affords too great opportunity for the alliance of commercialism and political ambition. An ordinary state convention, under the machine-rule plan, is composed of delegates delegated from county conventions; the county conventions consist of delegates delegated from the ward primary; the ward primary consists of a ward boss, a bouncer or two, and a crowd of strikers who do not represent the actual membership of the party voters of that ward, so that when a Senator is nominated by a state convention he is often three degrees removed from the people, and is the choice of a machine and does not really feel fully his duty to the inarticulate mass.

It will be better for this country when Senators and Members of Congress and state legislators and municipal legislators are

chosen by the direct vote of the people and when the people have the right of recall by the nomination of a successor to their public servants. The people will never abuse their power.

The great political need in the United States is the establishment of the direct rule of the people, the overthrow of machine politics, the overthrow of corrupt or unwise use of money, intimidation, coercion, bribery; the overthrow of the various crafty corporate and political devices which have heretofore succeeded in nullifying the will of the people.

The great issue is to restore the direct rule of the people as members of parties and within both parties, and to abate the malign influence of machine methods.

The great issue is to enable the members of the Republican party to control it, to provide a mechanism by which the members of the Republican party, for example, can really nominate their own candidates for public office and for party office, and then require their elected representatives to represent the people who elect them and make effective the will of the party members who have nominated and elected them.

The great issue is to enable the members of the Democratic party to directly nominate their own candidates, both in the party itself and for public office, and then require such public servants so nominated and elected to represent the people who nominated and elected them under penalty of the recall or under the safeguards of the initiative and referendum.

All the people now have is the power to defeat on election day a bad candidate, and thus they exercise some influence over nominations. The people do not in reality rule.

The people appear to rule through the present machinery of party government, but they do not rule in fact, because the party machinery is so largely in the hands of machine men, is so largely controlled in the interest of the few and against the interest of the many; because the present mechanism of party management is so contrived as to largely exclude automatically the cooperation of the great body of the members of the party, and is so contrived as to cause the party power to fall by gravity into the hands of professional managers.

The remedy for these evils is to restore the government of the people and to modify the present mechanism of party government, so the party members may conveniently control their own party.

In order to accomplish this there must be—

First. An honest and effective registration law.

Second. An honest and effective ballot law.

Third. A direct primary law, properly safeguarded, by which candidates for public office and for party office may be directly and safely nominated.

Fourth. Constitutional and statutory laws providing the initiative and referendum, by which the people may directly legislate, if the legislature fail, and may directly exercise the veto power over an act of their representatives in the legislature if a law is passed they do not want.

Fifth. A thoroughgoing corrupt-practices act, forbidding election rascalities, prohibiting the use of money, and providing full publicity.

Sixth. An act providing for the publicity pamphlet, giving the arguments for and against every measure, the argument for and against every candidate, and putting this pamphlet in the hands of every citizen before each election for his information and guidance.

Seventh. The right of recall.

In order to get relief from the evils, a few of which I have tried to point out, these important statutes must be written on the statute books of every State, and the machine must not be allowed to fill them full of "jokers." The machine must not be allowed to change a word of these laws that does not stand the approval of the friends of the rule of the people.

In order to have these laws passed by the state legislatures, every candidate for membership in the legislature should be questioned and his written answer demanded by authorized committees of the people—committees partisan and nonpartisan, committees Republican and Democratic, committees of all parties, committees of the American Federation of Labor, of the Farmers' Union, of the Grange, and of other organizations of free men, operating together whenever convenient.

The candidates for the legislature who refuse to agree to support cordially the legislative programme of the people's rule deserve to be defeated as they were defeated in Oklahoma in the campaign for the constitutional convention in 1906. Question the candidates on the people's rule.

No candidate can expect, or ought to expect, the vote of the people when he defies the right of the people to rule.

The Democratic party inscribed on its banners in the last national platform the doctrine of the people's rule, and I do

hope all Democrats will do what they can to make effective the platform declaration by concrete laws.

The enemies of the people's rule obscurely discourse about destroying representative government. Nobody should be deceived for a moment by this illogical, unreasonable, unfounded, and utterly absurd pretension. It is the argument of the machine and should brand the proponent as an enemy of popular government.

My representative represents me best when he receives my instruction and when I retain the right to instruct him and to recall him and to act independently of him if necessary.

I firmly believe in representative government.

Those who stand for the people's rule programme believe in representative government.

It is representative government they want.

It is representative government they demand.

It is representative government they insist on.

The end of misrepresentative, corrupt machine government is the corollary of this demand and its necessary complement.

I trust to see the time come, Mr. President, when the citizen can vote with full knowledge and by secret postal ballot, to be counted at state headquarters and registered with the same certainty, secrecy, and security that his check would be registered in a bank office, without cost, without inconvenience, and at his leisure.

Only by the overthrow of corruption in politics and by the elimination of the sinister influences of commercialism will the people of the country ever be able to consider dispassionately the great matters of public policy which are so essential to their future development and welfare. When we shall have purged our Government of dishonest methods and have provided a means by which the people can intelligently and honestly rule; *when we shall have provided a mechanism by which the people can authoritatively express themselves, they will vote for universal peace. The people of the United States to-day, if they could vote on the question of international peace, on the question of limiting the armament of nations, would heartily be in favor of it. The people of Germany would vote the same way. The people of Great Britain would vote the same way.*

The danger of war arises not from the people, but from ambitious leaders, anxious for activity, anxious for service, anxious for promotion. The dogs of war in every nation are anxious to fight, and commercial interests engaged in furnishing the muniments of war, in furnishing material for building battle ships, fill the press with rumors of war when the naval appropriation is before Congress and these things tend to irritate nations with each other.

The international mischief makers, who prate too much about the excessive delicacies of questions of national honor that can only be settled by the arbitrament of war, should be sternly suppressed and would be rendered powerless for harm under the rule of the people.

If the people could express themselves, they would immediately vote for good roads, improved waterways, wholesale education, eight hours of labor, improved protection of the public health, lower prices, reasonable control of public-utility corporations, reasonable freight rates, reasonable rates by express, telephone, and telegraph, the right of direct legislation, and to control their public servants.

Mr. President, the citizens of the great Republic wait in vain for substantial relief, while machine politicians in State and municipalities growl at each other; but the Democrats and Republicans at home and men of all opinions are robbed with perfect impartiality by the organized monopolies and trade conspiracies of this country. I am unwilling to see the people wait any longer.

Mr. President, the people's rule is the only way to end political corruption, and I am rejoiced to see the great American press giving the question of the new system of government vigorous attention. With the active help of the newspaper men of the United States this system will be in control of the United States in two and a half years.

The newspaper men who appreciate the gradual closing of the doors of opportunity for young men by the gigantic growth of monopoly will stand for the rule of the people, as the doctrine of organized righteousness and as *the soundest safeguard of property rights* as well as of human rights.

Unrestrained organized greed can not oppress human beings too far without explosive consequences of far-reaching danger to property rights.

The compilation of laws, with explanatory notes, which I have submitted as a Senate document, looks to the restoration of the rule of the people of the United States; and when I say people, I mean the rule of the Republican people, the Democratic people, the independent people, the Socialist people, and the Populist

people. And, Mr. President, I ask that it be printed as a Senate document. (S. Doc. No. 603.)

The PRESIDING OFFICER (Mr. KEAN in the chair). The Chair hears no objection to the request of the Senator from Oklahoma.

Mr. OWEN. At present these people do not rule; they only think they rule. They are, in fact, ruled by an alliance between special commercial interests, at the head of which is the great political trade combination known as the Protective Tariff League and a great political machine whose name I need not mention in this presence.

Mr. President, the Senator from Oregon has heretofore set up in the clearest possible manner, in his most notable and valuable speech of May the 5th, the system of the people's rule of Oregon. I wish to give it my cordial approval and to say with the adoption of this method the people of the United States can relieve themselves in very great measure, if not entirely, of the sinister influences to which bad government in this country is directly due.

PROGRESS OF SYSTEM.

Mr. President, as one of the steps to the restoration of the people's rule I call to the attention of the Senate Senate joint resolution No. 41, providing for the submission to the States of the Union of a constitutional amendment providing for the election of Senators by direct vote of the people, and move that the Committee on Privileges and Elections be instructed to report the same at the first day of the next session of this Congress, which will give the committee abundant time; and on this motion I call for the yeas and nays.

Mr. BEVERIDGE. I count it a happy circumstance that in his engaging remarks the Senator from Oklahoma [Mr. OWEN] did not reduce this great question of statesmanship to a dogma of partisanship. It is larger than any party. It is as broad as the Republic.

I regretted that into the flow of the Senator's remarks some little partisanship was injected by various Senators as though this question were a Democratic issue or a Republican issue. The State of Indiana passed this resolution in 1907. It was passed by a Republican legislature. I think that of the various States that have passed resolutions, perhaps quite as many that are known as Republican States have been in favor of it as those that are known as Democratic States; so that no party can make this its peculiar issue.

Mr. President, I think that one of the first to suggest this plan since the adoption of the Constitution was one of the greatest of Indiana's statesmen, the man whom Lincoln was fond of calling the deputy President of the United States for the Mississippi Valley—Governor Oliver P. Morton. We are wedded to this doctrine in Indiana.

I was particularly glad that the Senator from Oklahoma did not attempt to make this question a partisan one. It would not have been fortunate from the Democratic point of view had he tried to do so; for, if my recollection is not at fault, when the Senator brought up his resolution before and secured a vote upon it, there were only nine Democratic Senators who voted for it—less than a third of the Democratic membership of this body. On the contrary the majority of Senators who did vote for it were Republican Senators; if I am wrong in my recollection, I hope some Senator will correct me.

I count it an honor to be one of those who voted for it.

We are accustomed to think that the election of Senators by the method finally prescribed in the Constitution was the one most favored by those great statesmen, who wrote our fundamental law. But that is not the historic fact. The plan most favored by the ablest men of the period when the Constitution was written was not even the election of Senators by the States, but by senatorial districts.

As every student knows, it was the constitution of the Senate upon which the constitutional convention nearly went upon the rocks. There was the most determined contention as to how the Senate should be constituted. I believe history shows it to be the fact that the great majority of those whose names are now household words for constructive statesmanship at that formative time were in favor of the election of Senators by senatorial districts instead of by States, and by the people of those senatorial districts instead of by the legislatures of the States. That great plan of plain justice was defeated by the smaller States. For example, Belden, of New Jersey—I think that was his name—in the course of the debate, remarked that if that plan prevailed, New Jersey would withdraw and form an alliance with a foreign power.

I shall not take the time this morning to call attention to all historic details of the original plan and of the plan finally determined upon; but the plan that was adopted ultimately was forced by the insistence of the smaller States, which

wanted an opportunity to be what they called upon an equal footing in this body.

But, Mr. President, even when it was finally declared as the result of this weave and play of contending opinions and conflicting forces that Senators should be elected by the legislatures of the States, nothing was in the contemplation of the Constitution makers that now actually is practiced.

Everybody knows that the theory was that the legislature of the State should look all over the State, bound by no consideration of party, restrained by no obligation of any kind except the duty of selecting the wisest, the bravest, and the purest man for Senator. It was not at that time contemplated that if a legislature belonged to one party by an election or to another party it was bound to select a Senator who belonged to that party.

The party convention system which has so radically changed in its practical operations much of our Constitution did not arise until Andrew Jackson's time.

So, Mr. President, we find that we have actually departed from the intention of the Constitution even as this matter was finally settled; because, even upon that theory, the legislature was supposed to select, regardless of party or other consideration, the ablest man to represent the State.

It has been suggested that the selection of a party's candidate for Senator or governor or whatnot by primaries is a near approach to the election of Senators by a direct vote of the people; but all students who have observed the working of primaries see that that is not the case. On the contrary, the selection of a party's candidate for Senator by primaries is far from being the equivalent of the election of that officer by the direct vote of the people.

I shall not at this moment intrude upon the Senate to point out the details of dissimilarity; but one is sufficient to show the difference. In the selection of Senators or other officers by primaries which sweep throughout an entire State the people will not come out to vote in such numbers as they do at an election, where the whole issue is to be determined, unless they are worked up by a powerful personality or by very attractive issues; and if that proves to be the case, then their energy is exhausted in the primary election, and little is left for the real election.

So the selection of Senators by party primary is not an adequate substitute for the election of Senators by a direct vote of the people. It is better than nothing, perhaps, but the election of Senators by the direct vote of the people is the only right, wise, and complete solution of this great question.

Mr. President, I have always been from the time that I began to give any study to public questions heartily in favor of the election of Senators by the direct vote of the people. It had its origin in the wisest minds that formulated the Constitution, who were overruled only by a compromise forced upon them.

Mr. GALLINGER. Mr. President—
The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from New Hampshire?

Mr. BEVERIDGE. Certainly; but I am about through.

Mr. GALLINGER. The Senator from Indiana suggests, and I presume correctly, that when the Constitution was adopted the great men who were in that convention had in view the selection of Senators without reference to political or party consideration.

Mr. BEVERIDGE. Yes; under the plan as finally agreed upon.

Mr. GALLINGER. Now, if the Senator's plan of a direct vote by the people should be accepted as sound and desirable, would the Senator be in favor of returning to the idea that the fathers had in view?

Mr. BEVERIDGE. Why, that would secure that very end. The fathers thought of selecting the best man irrespective of party, under the plan finally adopted. The original view which I have stated twice, the view of the great constructive statesmen of the Constitutional Convention, was that Senators should be selected in two ways, first, by senatorial districts instead of by the legislatures, and second, by the people directly. But the smaller States forced the adoption of the plan as we now find it in the Constitution. Under that plan the idea was that the legislature would look over the whole State and elect the best man Senator. The unforeseen development of the political party, as we know it to-day, has changed that design of the Constitution builders.

So, Mr. President, the question of the Senator is unthinkable under our party system that has grown up in the Republic, and the convention system that has developed since Andrew Jackson's time.

Mr. GALLINGER. It is unthinkable from my view point. I was just wondering whether the Senator's mind was running along the same channel as the minds of the great men to whom he alluded, that the States should select their best men irrespective of any consideration except purity of character and ability.

Mr. BEVERIDGE. The Senator did not do me the honor to listen to my remarks. What I said was the plan taken by those who, at that date had had most credit for constructive statesmanship was the selection of Senators by senatorial districts instead of by States, and by the people instead of by the legislature. That plan, I said, was defeated by the smaller States and the present plan adopted, and then after the present plan had been adopted, the theory or the policy, as it was adopted, was that the legislatures should select the best man they could find, regardless of parties, which, as the Senator knows, did not exist in the sense in which they now exist.

Mr. GALLINGER. I did not misunderstand the Senator, and my question was directed to that point.

Mr. BEVERIDGE. The men who favored the first system were very great men.

Mr. GALLINGER. My question was directed to the point whether the Senator would be in favor of returning to that idea. It has crept into American politics, as the Senator knows, in at least one State, where they ignore party politics in the selection of Senators.

I will ask the Senator one further question. The Senator from Oklahoma—I heard only a portion of his speech, which was interesting—suggested the propriety of electing judges by the people, a plan which prevails in certain States.

Mr. BEVERIDGE. I am not speaking upon that question. I did not even hear what the Senator from Oklahoma said on that subject.

Mr. GALLINGER. There is one other question. If the Senator would favor that idea, where are we going to stop?

Mr. BEVERIDGE. Pardon me, the Senator from Oklahoma hung about the central proposition, the election of Senators by a direct vote of the people, great clusters of minor questions, and I do not propose to answer as to each one of those questions. They were many. They were more or less important. To discuss all of them would take an entire session.

Mr. GALLINGER. I will not press the question on the Senator from Indiana. I have wondered whether when we get to the point of electing our judges in the States by popular vote—

Mr. BEVERIDGE. I said not a word about the election of judges.

Mr. GALLINGER. And the election of Senators by popular vote, we would also elect the Supreme Court judges by popular vote. Why not?

Mr. BEVERIDGE. The theory of the Constitution was that the President should be elected by the college of electors, that they should sweep the whole Republic and choose the best and bravest men for that office. The development of the party system has nullified that phase of the Constitution, so that although in theory the college of electors has the right to choose whom it pleases, nevertheless they are morally and almost physically bound to vote for the man who heads the ticket. It might be an interesting subject, when we are not so much pressed for time, to go into the various modifications of the Constitution and the curious development of the party system.

Mr. HEYBURN. Mr. President—
The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Idaho?

Mr. BEVERIDGE. Certainly, I yield.

Mr. HEYBURN. I was going to ask the Senator if he thought a country of this size could possibly make a constitution in any length of time whatever?

Mr. BEVERIDGE. That is a question which I do not understand to be applicable; but why not?

Mr. HEYBURN. The question of a constitutional convention was presented by the Senator from Oklahoma.

Mr. BEVERIDGE. I am not so weak in my faith in the intelligence and patriotism of the people of the Nation as to think they can not draft a constitution. Of course they can.

I conclude, Mr. President, merely by saying that this is not a party question. The fact that the Republican legislature of Indiana passed a resolution does not entitle us to say that it is a Republican issue any more than the fact that the Democratic legislature of another State passed a resolution entitles us to say that it is a Democratic issue. It is an issue of patriotism and not of politics, and it had its roots in the beginnings of our history.

Mr. DIXON. Mr. President—
The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Montana?

Mr. BEVERIDGE. Certainly.

Mr. DIXON. I am glad to hear the Senator from Indiana make the statement that it is not a matter of partisan politics. I was sorry the Senator from Oklahoma put that kind of a flavor on it, for I remember when the vote was taken two years ago on the Senator's amendment I voted with him, and that of the 20 votes cast for the amendment 11 of them were Republican votes and only 9 Democratic votes were cast for it. Nineteen Democratic Senators are recorded as not voting and only 9 out of the entire Democratic membership voted with the Senator from Oklahoma on the resolution, while 11 Republican Senators voted for it.

Mr. BEVERIDGE. I said that it would have been unfortunate for the Senator's argument if he had tried to make it a partisan issue, because on the roll call it would be a difficult matter for him to explain it upon that basis.

Mr. OWEN. Mr. President, I only want to occupy the floor for a moment to answer the suggestion that the Senator from Oklahoma had made this a partisan proposition. On the contrary, in the beginning of my remarks I submitted the vote that had taken place in the Senate as it occurred, without commenting on it one way or the other, and I pointed out that every Republican State west of the Hudson River stood for—and had expressed it, directly or indirectly, by resolutions of legislatures or by the actual practice of their people—the primary nominating of Senators. For that reason I do not think that I could be put in the attitude of making it a partisan question, but exactly the contrary. I do not regard it as a partisan question.

Mr. BEVERIDGE. I sincerely trust the Senator from Oklahoma, or some other Senator, will bring up this really great question at some time when all of us do not feel under obligations to exclude everything from discussion except the measure which the Senate is legislating upon, because this matter deserves wider discussion. It should not be forgotten that President Taft has declared for the election of Senators by the direct vote of the people. He said in his letter of acceptance, "With respect to the election of Senators by the direct vote of the people, I am inclined to favor it; but it is hardly a party question." He was right in both of these positions.

PENSIONS AND INCREASE OF PENSIONS.

Mr. SMOOT submitted the following report:

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

That the Senate recede from its amendments numbered—

5, page 6, lines 20 to 23, inclusive.

7, page 8, lines 14 to 17, inclusive.

That the House recede from its disagreement to the amendments of the Senate numbered—

1, page 1, lines 6, 7, and 8.

2, page 5, lines 21 to 24, inclusive.

3, page 6, lines 10, 11, and 12.

4, page 6, line 18, striking out "two."

6, page 7, line 14, after "Battalion," insert "Missouri."

8, page 8, line 24, strike out "twenty-four" and insert "thirty."

9, page 11, lines 22 to 25, inclusive.

And agree to the same.

REED SMOOT,
CHARLES CURTIS,
ROBT. L. TAYLOR,

Managers on the part of the Senate.

H. C. LOUDENSLAGER,
WM. H. DRAPER,
WILLIAM RICHARDSON,

Managers on the part of the House.

The report was agreed to.

Mr. SMOOT submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19403) 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,

having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered—

6, page 5, lines 22 to 25, inclusive.

8, page 7, lines 1 to 4, inclusive.

That the House recede from its disagreement to the amendments of the Senate numbered—

1, page 2, lines 1, 2, and 3, and agrees to the same with an amendment as follows: "The name of Walter S. Hall, alias

Walter McLaughlin, late of Company D, Twelfth Regiment United States Volunteer Infantry, war with Spain, and pay him a pension at the rate of twelve dollars per month."

2, page 4, lines 7 to 9, inclusive.

3, page 4, line 20.

4, page 4, line 23.

5, page 4, line 26.

7, page 6, lines 10, 11, and 12.

9, page 7, lines 13, 14, and 15.

And agree to the same.

REED SMOOT,
CHARLES CURTIS,
ROBT. L. TAYLOR,

Managers on the part of the Senate.

H. C. LOUDENSLAGER,
WM. H. DRAPER,
WILLIAM RICHARDSON,

Managers on the part of the House.

The report was agreed to.

Mr. SMOOT submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20490) 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, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 4, page 4, lines 9 to 11, inclusive.

That the House recede from its disagreement to the amendments of the Senate numbered—

1, page 2, lines 5 to 8, inclusive.

2, page 2, lines 23 and 24, and page 3, lines 1 and 2.

3, page 4, lines 1 to 4, inclusive.

5, page 4, lines 12 to 17, inclusive.

6, page 5, lines 20 to 23, inclusive.

And agree to the same.

REED SMOOT,
CHARLES CURTIS,
ROBT. L. TAYLOR,

Managers on the part of the Senate.

H. C. LOUDENSLAGER,
WM. H. DRAPER,
WILLIAM RICHARDSON,

Managers on the part of the House.

The report was agreed to.

PRESIDENTIAL APPROVALS.

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

On May 21, 1910:

S. 7916. An act authorizing the construction of a bridge across the Columbia River near the mouth of the San Poil River, in the counties of Ferry and Lincoln, Wash.; and

S. 7763. An act to authorize the Pensacola and Southwestern Railroad Company, a corporation existing under the laws of the State of Alabama, to construct a bridge over and across Perdido Bay from Cummings Point, Escambia County, Fla., to Lillian, Baldwin County, Ala.

On May 23, 1910:

S. 7994. An act to repeal section 4035 of the Revised Statutes, providing for the issuance of money-order notices, and for other purposes; and

S. 7995. An act to amend section 3928 of the Revised Statutes to provide for receipts for registered mail, and for other purposes.

On May 27, 1910:

S. 2341. An act to authorize the sale and disposition of the surplus and unallotted lands in Bennett County, in the Pine Ridge Indian Reservation, in the State of South Dakota, and making appropriation to carry the same into effect; and

S. 3360. An act to amend an act entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900.

On May 30, 1910:

S. 183. An act to authorize the sale and disposition of a portion of the surplus and unallotted lands in Mellette and Washabaugh counties, in the Rosebud Indian Reservation, in the State of South Dakota, and making appropriation and provision to carry the same into effect.

On May 19, 1910:

S. J. Res. 97. Joint resolution authorizing the construction and maintenance of wharves, piers, and other structures in Lake Michigan, adjoining certain lands in Lake County, Ind.

COURT OF COMMERCE, ETC.

Mr. ELKINS. Regular order!

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. OWEN. Mr. President, I submitted a motion.

The PRESIDING OFFICER. The Senator's motion was not in order at that time.

Mr. OWEN. I understood that the regular order had been yielded to me for the purpose of bringing up the matter.

The PRESIDING OFFICER. The Chair did not so understand.

Mr. BROWN. The regular order is the unfinished business, and the pending question is on my amendment to the bill.

The PRESIDING OFFICER. The Chair so understands. The pending question is on the amendment offered by the Senator from Nebraska [Mr. BROWN].

Mr. BROWN. On that amendment I ask for the yeas and nays.

Mr. BURTON. Mr. President, I desire to be heard on the amendment.

Mr. BEVERIDGE. Let the amendment be read.

Mr. GALLINGER. Let it be read.

The PRESIDING OFFICER. The amendment will be read.

Mr. OWEN. I should like to have it clearly understood whether or not the regular order was set aside for the purpose of permitting me to bring up the matter which has been before the Senate.

The PRESIDING OFFICER. The Chair understands that the regular order was not set aside, but that the Senator from Oklahoma was recognized.

Mr. GALLINGER. The Senator from Oklahoma, under our system of no rules in this body, had a right to make his speech on this bill or any other bill.

Mr. OWEN. I understand that, but I supposed that the Senator from West Virginia intended that I should have this other matter disposed of. However, I do not wish to interfere with the progress of the railroad bill, and shall therefore not insist.

Mr. ELKINS. Let the amendment be read.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. It is proposed to add at the end of the bill a new section, as follows:

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

Mr. BURTON. Mr. President, the manifest object of this amendment is to maintain competition between different railway lines and systems. Undoubtedly the adoption of the amendment would please a great many people, but I am so thoroughly satisfied its adoption would work injury rather than benefit that I am unwilling to see a vote taken without expressing briefly my views upon the subject.

Competition is futile as applied to railroads and quasi-public corporations and contrary to sound economic and business principles. Competition, of course, is the very life of trade in many departments of enterprise. Perhaps it has the most helpful effect in banking and mercantile business, also it may aid the public if it exists in industrial enterprises; and yet the time may come when one particular organization, or allied organizations, will gain such control of certain branches of industry

that regulation rather than the maintenance of competition will confer the greatest good upon the greatest number.

What is competition? What is the result of it? Under its influence one person obtains that which he desires, such as articles of commerce, facilities which are useful, at a less price than another. The tendency is to compel the producer to charge lower prices, yet by statutes relating to railways we prohibit, and very justly, lower charges for one shipper than for another. What we are seeking to accomplish is that every citizen of the United States shall have an equal right upon the iron rails and that the humblest shipper shall not be discriminated against in favor of the largest.

Competition can not apply with benefit to railways or to any class of quasi-public corporations. In the same list are included gas companies, water companies, telephone and telegraph lines.

I am thoroughly aware that a great many persons think that the establishment of a new and competing telephone line confers a benefit upon a community. It does nothing of the kind. It necessitates the duplication of plants, of office force, of those employed in managing the telephone lines, and what in its ultimate effect is more important than anything else, the payment of interest on double capital, thus entailing an additional burden upon the public, and as a general thing resulting in inferior service.

With great pains and with general approval laws have been passed forbidding rebates. No more salutary provision could be incorporated into our laws relating to railways. But the moment you pass a law prohibiting rebates, you incorporate into the statutes of the country a provision against competition. We often overlook the peculiar nature of railway property. A railroad between two places is essentially a monopoly. Its rails are located, its buildings are constructed; this investment can not be abandoned. It must continue to do business, or those who invest in it will fail to receive a return upon their property.

The normal course to pursue is to allow agreements between competing lines and to subject these agreements and all rates made under them to the strictest regulation. These two things—agreement and regulation—should go hand in hand, and they are distinctly antagonistic to competition.

I regret very much that section 7 has been dropped from the bill, because I have the utmost confidence that in the ultimate solution of this question agreements between rival or competing lines will be allowed, but at the same time there will be the greatest strictness in government regulation for the purpose of securing fairness and equality to all.

I remember an illustration in my own State and locality of the idea that competition benefits the public. Twenty-nine years ago a line was projected from Buffalo to Chicago, familiarly known as the "Nickel Plate," or the New York, Chicago and St. Louis. For much of the way you could flip a copper from that road to the Lake Shore and Michigan Southern, which ran parallel to it.

The promoters of the Nickel Plate made the most roseate promises of the benefits that would accrue to the public by reason of competition. Those who desired to secure the right of way made that argument to the farmers along the line. "You are now in the grasp of a monopoly. Sell us the right of way at a low price, encourage the building of a competing line, and the greatest benefits will accrue to you." That argument was often accepted by those who owned the property through which the road passed; but it would be very interesting if that right-of-way man should go out among those farmers to-day and use that same argument. Almost immediately the competing line fell under the control of the older railway. Whatever good it accomplished along most of the route which it traversed could have been secured far more cheaply and far better by the addition of a third, and if necessary, a fourth track to the existing line. Now, there is harmony between them, one line taking for the most part one class of traffic, and the other line another class, but with the double burden on the investing public created by the building of an independent line.

It is true there has been sharp competition between different lines, but the results have been temporary in their nature. Rate wars have disarranged business, they have destroyed accurate commercial calculations, and generally the low rates which result inure to the benefit of but a few shippers, and those the strong rather than the weak.

Mr. BROWN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Nebraska?

Mr. BURTON. Certainly.

Mr. BROWN. Does the Senator from Ohio take the position that there should be no competition between common carriers?

Mr. BURTON. I do not. There is an inevitable competition in facilities and in the degree of convenience offered to the public.

Mr. BROWN. That is competition in service. Does the Senator take the position that the competition between common carriers should relate to the service alone and not to the charges and fares?

Mr. BURTON. I do maintain that there is no permanent lowering of rates secured by competition.

Mr. BROWN. Permit me to suggest that on that ground alone can opposition be based to this amendment. If we are to assist the destruction of competition among common carriers, then this amendment should be defeated; but if we want to maintain what little competition we now have, the amendment should be sustained.

Mr. BURTON. I am obliged to the Senator from Nebraska for asking the question. Nothing can entirely eliminate an element of competition. The personnel of different lines, the ambition of each to obtain traffic, to afford facilities to the public, will lead to a measure of competition, but when you argue that by competing lines you ultimately lower the rates, you are indulging in a fallacy and a delusion.

Mr. BEVERIDGE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Indiana?

Mr. BURTON. Certainly.

Mr. BEVERIDGE. I wish to ask a question for information, to make clear to my own mind a remark of the Senator's which engaged my attention. The Senator said that when the second line in the example he gave was completed the people found that they had to pay rates upon the double burden that was upon the investing public. That is a new statement, and it seems to me to be a powerful one, that whereas before the second line was built the rates charged were upon a certain amount of investment, when the second or immediately competing line was built then necessarily the charges were upon the investment to build both. That is a new and important argument.

Mr. BURTON. To answer that question with accuracy it should be said that the added expense is diffused over the whole railway system, but to an exceptional extent the specific locality suffers, because the older lines must bear a larger share of the burden imposed by the construction of a newer and alleged competing line.

Mr. BEVERIDGE. Upon the same lines has the Senator investigated what the facts are when two telephone systems in a given city take the place of one, whether on the whole the rates are reduced by reason of the two telephone systems existing or whether the practical result is the increase of rates?

Mr. BURTON. Not with the greatest thoroughness. So far as I have investigated, I will say that the tendency was to high rates. There is a principle behind all this.

Mr. BROWN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Nebraska?

Mr. BURTON. If the Senator from Nebraska will yield a moment, I do not see how it can be otherwise. There is involved the principle that a certain amount of capital invested must yield a certain return. Some people say that if capital is destroyed nevertheless you obtain the benefit of the competition. But what is the result of such destruction? Capital will not be invested in that branch of enterprise. The public will have poorer facilities. As one of our writers has said, "Invested capital never dies; it is never destroyed." If there is an amount which is apparently wasted in any particular business, its effect is felt in less investment in that business. The standard of development is hampered.

I shall be glad now to yield to the Senator from New Hampshire [Mr. GALLINGER], though I believe the Senator from Nebraska [Mr. BROWN] first sought recognition.

Mr. GALLINGER. Just a word, Mr. President, in answer to the query as to whether rates are increased or decreased by competing telephone companies. The fact is that nine times out of ten in this country the independent telephone companies have rapidly been absorbed by the existing companies. I think that would tend to increase the rates just as a few years ago in this city we permitted a second electric-light company to be installed, but a very little time elapsed before it was absorbed by the existing company, and the gentleman who installed the second company has been traveling in foreign lands ever since on the profits he made out of his investment.

Mr. BURTON. I know of some instances in which independence is still maintained and in which they have raised their rates.

Mr. GALLINGER. Yes; there are some such cases.

Mr. BROWN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Nebraska?

Mr. BURTON. I yield to the Senator from Nebraska.

Mr. BROWN. Mr. President, the Senator from New Hampshire [Mr. GALLINGER] presents a complete answer to the argument of the Senator from Ohio [Mr. BURTON] in his illustration of telephones. His assertion is that where a telephone system is put in additional to the one existing, finally the one absorbs the other.

Mr. GALLINGER. Usually.

Mr. BROWN. Usually; and, therefore, competition is destroyed. I concede that; but this amendment goes to the proposition that stops the absorption. It prevents the common carrier competing with another from buying the stock of the other, which is absorption. If this amendment carries, there will not be any more railroad absorption.

Mr. BURTON. But does the Senator from Nebraska believe for a minute that the unnecessary capital invested in wasted lines will be allowed to go without any return?

Mr. BROWN. No, indeed. I think that every capitalist and all capital that is invested ought to have returns. My proposition is that interstate common carriers, organized for the purpose of transporting goods between the States, are in the business of carrying or transporting goods over their own line and not over the lines of competitors. Their business should be confined to their own lines; their control of the carrying business should be limited by their own line.

This amendment simply seeks to deprive the common carrier from controlling competing lines. It does not go to the fact of a return on the capital invested at all.

Mr. BURTON. The amendment is but the development of a general idea that competition between what may be called rival railway lines is of benefit. Against that idea I enter my most vigorous opposition, because it is not true. It does not do any good in the long run.

Mr. DOLLIVER. Will the Senator permit an interruption?

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

Mr. BURTON. I do.

Mr. DOLLIVER. Mr. President, it has always appeared to me that there is another element in this problem. Even if it were conceded that competition between rival railway lines for practical purposes is impossible, still the method of throttling it—

Mr. BURTON. The method of what, may I ask the Senator from Iowa?

Mr. DOLLIVER. The method of putting an end to competition may involve public burdens so serious as to make the absorption against public policy. If I am correctly informed, these purchases of the stock of competing lines are effected by increasing either the bond issue or the stock issue of the purchasing carrier; and when they take the proceeds of these new capital issues to buy the stock of competing lines they leave the public in the position of paying dividends and interest on the capital of the line controlled and upon a very great addition to the capital of the line seeking control. Thereupon, in my judgment, a very great public injury arises, so great that even at present we are able to see the working out of it in the existing higher railway charges to maintain the integrity of the stock and bond issues that have grown up in the last few years in addition to any legitimate investment in railroad mileage or other facilities burdening the community in a way, for which it receives no return whatsoever.

Mr. BURTON. Mr. President, I shall have no quarrel with the Senator from Iowa—I probably should not have any quarrel with him in any event—in his contention that the issue of stocks and bonds should be limited. I regard the omission of those sections of the bill as most unfortunate. Although there may be some question as to constitutionality, if a valid provision can be adopted by Congress giving to the Interstate Commerce Commission the right to supervise the issuance of securities, I am satisfied it would be most helpful to the whole country. In fact, I go even further. I think the issuance of fictitious or watered securities lies at the very root of the evils which now exist in railway rates. When a line is merely projected there may be doubt whether the Federal Government, through any of its agencies, has a right to control its stock and bond issues; but it seems to me that when a line or lines are in operation there would be no question of that right, because it is so intimately interwoven with the whole question of rates, and consequently a question of interstate commerce. Everyone knows that after bonds and stocks have been sold and are held by innocent holders any court would hesitate to lower rates below a

Court, absolutely prevents everything which it is contended by the Senator from Nebraska he desires to reach by his amendment, and applies not merely to railroad companies, but to all kinds of corporations, while this amendment is limited to railroads, a limitation which we thoroughly analyzed and exposed in the early discussion of this measure.

It is an unnecessary amendment if the purpose is only to secure such action as is outlined by the Senator from Nebraska. If the purpose is the real purpose of the original bill, to permit that to be done which can not now be done, and to that extent to modify the antitrust law, it ought to be said that such is its purpose. But whether it be for the one purpose or the other, it is in violation of the virtually unanimous vote and the apparently unanimous understanding by which and under which section 12 was excluded altogether from the bill. It is excluded now from the bill and is excluded from the bill as sent here by the House. If we do nothing, we shall leave the antitrust law in full force, so far as this bill is concerned. If we modify it and limit its operation to railroads, as this amendment provides, and do not touch the holding companies and other corporations, which may do the thing which is now proscribed, we thus far repeal it, and in addition to this result we drive a peg upon which may be hung in the form that may be formulated in conference all to which we are opposed.

Mr. President, because it is unnecessary if the purpose be to prevent consolidation and obstruction of competition, because it will necessarily impinge upon and to some extent repeal the antitrust law, and because it gives an opportunity now virtually excluded from this legislation to do the things which were intended by the original bill, I think the amendment ought to be rejected and that we should stand where we stood by the unanimous vote of the Senate on the 3d day of May.

For these reasons I am opposed to the amendment as now proposed and in any form in which it might probably be presented.

THE VICE-PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Nebraska, on which the yeas and nays have been ordered.

The Secretary will call the roll.
The Secretary proceeded to call the roll.

Mr. CLAY (when his name was called). I again announce my pair with the junior Senator from New York [Mr. ROOR].
Mr. PAGE (when Mr. DILLINGHAM's name was called). I wish to announce the necessary absence of my colleague [Mr. DILLINGHAM], and the fact that he is paired with the senior Senator from South Carolina [Mr. TILLMAN].

Mr. FLINT (when his name was called). I am paired with the senior Senator from Texas [Mr. CULBERSON]. He being absent, I will withhold my vote. If he were present, I should vote "nay."

Mr. FOSTER (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. McCUMBER]. He is unavoidably absent on account of sickness. If I were at liberty to vote, I would vote "nay."

Mr. CRAWFORD (when Mr. GAMBLE's name was called). My colleague [Mr. GAMBLE] is unavoidably absent.
Mr. JOHNSTON (when his name was called). I am paired with the Senator from Michigan [Mr. SMITH].

Mr. NEWLANDS (when his name was called). I am paired for the day with the senior Senator from New York [Mr. DEPEW].

Mr. OWEN (when his name was called). I am paired with the Senator from Pennsylvania [Mr. PENROSE]. If he were present, I would vote "yea."

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

Mr. DU PONT (when Mr. RICHARDSON's name was called). My colleague [Mr. RICHARDSON] is necessarily absent, and is paired, as has just been stated by the Senator from Maryland. If my colleague were present, he would vote "nay."

Mr. SCOTT (when his name was called). I have a general pair with the senior Senator from Florida [Mr. TALIAFERRO], but as I notice that this is not a party question I will take the liberty of voting. I vote "nay."

The roll call was concluded.
Mr. FLINT. I am paired with the senior Senator from Texas [Mr. CULBERSON]. I transfer that pair to the senior Senator from Maine [Mr. HALE] and vote "nay."

Mr. BROWN. My colleague [Mr. BURKETT] is necessarily absent. If he were present, he would vote "yea."

SURVEY. (The yeas and nays having voted in the affirmative).
The SECRETARY. It is proposed, at the proper place, to insert:

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

The result was announced—yeas 20, nays 41, as follows:

| | | | |
|----------------|------------|-------------|--------------|
| YEAS—20. | | | |
| Borah | Clapp | Gore | Overman |
| Bourne | Crawford | Jones | Purcell |
| Bristow | Cummins | La Follette | Rayner |
| Brown | Dixon | Martin | Shively |
| Chamberlain | Dolliver | Money | Simmons |
| NAYS—41. | | | |
| Bacon | Cullom | Hughes | Smoot |
| Bailey | Curtis | Kean | Stephenson |
| Brandegge | du Pont | Lodge | Stone |
| Briggs | Elkins | Nelson | Sutherland |
| Bulkeley | Fletcher | Nixon | Taylor |
| Burnham | Flint | Page | Warner |
| Burrows | Frazier | Paynter | Warren |
| Burton | Frye | Perkins | Wetmore |
| Carter | Gallinger | Piles | |
| Clark, Wyo. | Guggenheim | Scott | |
| Crane | Heyburn | Smith, Md. | |
| NOT VOTING—31. | | | |
| Aldrich | Daniel | Johnston | Percy |
| Bankhead | Davis | Lorimer | Richardson |
| Beveridge | Depew | McCumber | Root |
| Bradley | Dick | McEnery | Smith, Mich. |
| Burkett | Dillingham | Newlands | Smith, S. C. |
| Clarke, Ark. | Foster | Oliver | Taliaferro |
| Clay | Gamble | Owen | Tillman |
| Culberson | Hale | Penrose | |

So Mr. BROWN's amendment was rejected.

CLAIMS OF OMAHA INDIANS.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4179) authorizing the Omaha tribe of Indians to submit claims to the Court of Claims, further insisting upon its amendments disagreeing to by the Senate, and requesting a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BROWN. I move that the Senate further insist upon its amendments and agree to the further conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed Mr. BROWN, Mr. SUTHERLAND, and Mr. PURCELL the managers at the further conference on the part of the Senate.

LAND PATENTS IN ALASKA.

Mr. HEYBURN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 621) to amend sections 2325 and 2326 of the Revised Statutes of the United States, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: That the Senate recede from its disagreement to the amendment of the House striking out all after the enacting clause and inserting the following:

"That in the District of Alaska adverse claims authorized and provided for in sections twenty-three hundred and twenty-five and twenty-three hundred and twenty-six, United States Revised Statutes, may be filed at any time during the sixty days' period of publication or within six months thereafter, and the adverse suits authorized and provided for in section twenty-three hundred and twenty-six, United States Revised Statutes, may be instituted at any time within sixty days after the filing of said claims in the local land office."

Amend the title so as to read:

"An act extending the time in which to file adverse claims and institute adverse suits against mineral entries in the District of Alaska," and agree to the same as follows:

"That in the District of Alaska adverse claims authorized and provided for in sections twenty-three hundred and twenty-five and twenty-three hundred and twenty-six, United States Revised Statutes, may be filed at any time during the sixty-days' period of publication or within eight months thereafter, and the adverse suits authorized and provided for in section

twenty-three hundred and twenty-six, United States Revised Statutes, may be instituted at any time within sixty days after the filing of said claims in the local land office."

Amend the title so as to read:
"An act extending the time in which to file adverse claims and institute adverse suits against mineral entries in the District of Alaska."

W. B. HEYBURN,
GEO. E. CHAMBERLAIN,
C. D. CLARK,
Managers on the part of the Senate.
F. W. MONDELL,
A. J. VOLSTEAD,
JOS. T. ROBINSON,
Managers on the part of the House.

The report was agreed to.

PENSIONS AND INCREASE OF PENSIONS.

Mr. SMOOT submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 5573) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and wars other than the civil war and to certain widows of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

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

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

The report was agreed to.

Mr. SMOOT submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 6272) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and wars other than the civil war and to certain widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

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

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

The report was agreed to.

Mr. SMOOT submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 5237) granting pensions to certain soldiers and sailors of wars other than the civil war and to certain widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

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

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

The report was agreed to.

COURT OF COMMERCE, ETC.

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. CUMMINS. I offer an amendment to the bill. It is to be inserted after the amendment which was proposed by the Senator from Washington [Mr. JONES] and adopted by the Senate. That amendment is on page 19 at the end of line 6.

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

The SECRETARY. On page 19, at the end of line 6, and after the amendment already agreed to at that place, insert:

And at any hearing involving a rate increased after January 1, 1910, or of a rate sought to be increased after the passage of this act the burden of proof to show that the increased rate or proposed increased rate is just and reasonable shall be upon the common carrier.

Mr. CUMMINS. Mr. President, I shall detain the Senate but for a moment with regard to this amendment. The Senate remembers, I think, with perfect distinctness the long and earnest discussion with regard to the propriety of requiring all increases in rates to be approved by the commission before they take effect.

The proposition which was contained in the amendment which I had the honor to submit has been emphasized, I think, very much in the last few days by the concern which is felt everywhere throughout the country with regard to the action of the railroads in increasing rates, many of which are to take effect on June 1.

I do not desire to go over that ground again. The amendment of the Senator from Washington [Mr. JONES] approached to a degree the end which we sought to accomplish, and now all that remains to make the amendment which the Senate has already accepted of material value to the people of the country is to declare that in these hearings the railway companies shall have the burden of proof. All the information, or practically all of it, is in their hands. It is but equitable to compel them to lay before the commission the conditions and circumstances which they believe warrant an increase in the rates.

I earnestly hope that the Senate will accept this amendment. I may add to that a fervent prayer that the distinguished Senator from West Virginia, the chairman of the committee, will see in the amendment so much merit that he will join with me in asking the Senate to do this justice to the American shipping public.

Senators, inasmuch as this is probably the last time before the passage of the bill that I will address the Senate with regard to these subjects, I crave your indulgence for a very brief retrospect.

Mr. President, nearly three months ago, speaking in behalf of a Republican minority of the Committee on Interstate Commerce, and in behalf of other Senators who in a general way shared their views, I opened the debate upon this bill with a review of its various provisions as comprehensive and analytical as I could make it. The discussion that has intervened between that time and this has been not only continuous, but earnest and intense. The Senate is now about to vote upon the bill, and in view of the fact that I would not have voted for it as it was reported by the committee, but give it my support as it now is, my purpose at the present moment is to put upon the record, in the plainest possible way and in the briefest possible time, a statement of the material changes which have been wrought in the measure, their effect upon the welfare of the people, and upon my attitude toward it.

I said when the discussion began that there were some good things in the bill as it came from the committee. I recited them then, and I recapitulate them now.

Section 8 gave to shippers the best practicable protection against a misstatement of the legal rate applicable to a shipment about to be made—a protection long deferred and imperatively needed. This provision remains unchanged.

Section 9 enlarged the power of the Interstate Commerce Commission respecting classifications. For years the commission had keenly felt its inadequate authority with regard to classifications, and it is most fortunate that Congress is about to supply this instrumentality for the better regulation of railway rates. Section 9 also broadened the power of the commission by conferring undoubted authority to initiate proceedings for the correction of unreasonable rates. In my judgment this was the most valuable addition to railway regulation which the bill as reported proposed. It will hereafter be possible for the commission, when it has any given rate under consideration upon complaint, to draw into the proceeding upon its own motion any other rate which ought to be examined in order that complete justice may be done. The added strength which

Federal Government can often reach in its hand with greater facility and effectiveness than a State to correct an evil of which the people of the State, possibly of many States, complain. A railroad corporation may be organized in the State of Missouri, for example, as many have been. It may extend its lines beyond that State and become an interstate carrier. We have such corporations in Missouri, as every State has them. These corporations, or many of them, are principally owned, managed, and controlled by men who live out of the State and far distant from it. It is difficult for the State to keep track of and scrutiny over the officials who dominate the corporations it creates. It is often difficult for the state courts to get jurisdiction over intermediate corporations organized elsewhere as agencies through which stock and bond manipulations are executed, it may be, in violation of the law of the State; and it is often exceeding difficult for the state authorities to uncover facts that may be necessary to a just and proper administration of their own laws in this behalf.

But the power of the Federal Government is far-reaching and all pervading. It can assert itself in every nook and corner of every State in the Union and over every man and corporation subject to its jurisdiction, wherever found. I see no reason why the one sovereign may not invoke the aid of the other in punishing offenses against the laws of both and in upholding public policies to which both are solemnly committed.

Mr. President, I said near the beginning of this address that I did not assume to define Democracy, to outline public policy, or to interpret party platforms for any other man, but that I should assert the right to do all those things for myself. I have stated with the utmost frankness my well-considered view of the questions involved in this discussion. While I have spoken with candor and without evasion, earnestly and, I may say, almost appealingly, I hope nothing I have said has in the slightest degree offended. Nothing has been farther from my thought than to wound the most delicate susceptibilities, and if I have in any degree offended I regret it and tender my disclaimer of such purpose. What I have sought to do has been to declare in plain language the views I hold upon these questions, and I do this earnestly because, whatever others may think, I feel that in what we are engaged upon is involved a grave question of party good faith. I appeal to my Democratic colleagues on party grounds, and if I had any right to do so I would appeal to Republican Senators on party grounds, to pass this legislation. Having done this, I can do no more. Democrats, we have made a good record so far. Let us make no mistake now.

A word more, Mr. President, and I am done. I have said that I would not vote for this bill even in its amended form. On reflection, however, I am not sure but that I should recede from that position. It is true the bill still contains very objectionable provisions, but it is also true that the amendments agreed to have greatly improved it. Through these amendments several important and desirable provisions have been incorporated which were specifically declared for in the Democratic national platform. The fact is that everything of value in the bill was taken from that platform, and this shows that that platform, taken as a whole, has been received with favor even by this Senate—not only by Democrats, but by a substantial minority of Republicans. Democratic Senators and a minority of Republican Senators have succeeded in working a goodly part of that platform into this measure. If, now, these same Senators will go a step farther along the way pointed out by that platform and confer upon the Interstate Commerce Commission power to make a physical valuation of interstate railroads and to exercise a supervision over stock and bond issues, so as to prevent abuses in that behalf, we will have even greater reason for congratulation. But in any event I am not sure but that we ought to vote for the bill as it stands, imperfect as it is, because of the good things it contains. Still, I can not escape doubt as to which would be the wiser course, to vote for the bill as a whole, because it contains some good provisions, or to vote against it because of the bad things it contains. One thing is sure, if the pending amendment offered by the Senator from Wisconsin and the one I shall offer are agreed to, I will unhesitatingly vote for it.

Mr. President, I give notice that after the disposition of the amendment proposed by the Senator from Wisconsin [Mr. LA FOLLETTE], I shall offer the amendment I have indicated.

Mr. HEYBURN. Mr. President, the question involved in the amendment under consideration occupies rather a peculiar relation to this legislation. Under existing law, when the question is raised as to the reasonableness or propriety of railroad rates, the commission has the power to ascertain the value of the property. The Supreme Court, in determining this question, says that it is a necessary part of the duty of the commis-

sion to ascertain the real value of the property, and it is so obvious that it would seem to need no elaboration. If they are going to determine whether a rate is confiscatory or not, they must, as a basis, determine the value of the property upon which the rate is based. That right exists now, so that there is no occasion for any amendment to confer upon the Interstate Commerce Commission the right to determine the value of the property as often or whenever the rates may be called in question.

What we need is an adequate appropriation of money to enable the commission to perform that duty; but it is no part of the duty of Congress under this bill to provide for that fund. There is an amendment that has been offered and, I think, referred to the Committee on Appropriations, or the proper committee, providing for an appropriation of \$100,000 to be used by the commission for the purpose of ascertaining values in actual cases where the question is necessarily raised. It is my intention, when that amendment is before the Senate, to ask that the sum be increased to \$250,000. It is an appropriation that is to be used only so far as necessity may require. It does not seem to me that it would be wise to enter upon the determination of the value of property that may never be involved in any question under consideration by the Interstate Commerce Commission.

It is admitted that it would cost some millions of dollars to determine the value of all of the railroad property in the United States. As against that we have an appropriation of, say, \$250,000, which is estimated to be ample for the purpose of determining value in all of the cases where the question is raised. Why should we enter upon a general determination of the value of railroad property in the absence of the necessity to know the value of the railroad property—that is, as to fixing the rate?

In regard to the other proposition, as to capitalization, I will say that, under the decision of the Supreme Court, capitalization is just as necessary a question to be taken into consideration in determining whether a rate is confiscatory or reasonable or unreasonable as any other question. It is enumerated as one of the things that the Interstate Commerce Commission shall ascertain; but why undertake through an exceedingly expensive proceeding to ascertain the value of property for the purpose of determining the propriety of its capitalization, except where the propriety of its capitalization is involved in some controversy? You might just as well provide for a commission to ascertain the value of all of the property in the United States, because it might, under some circumstances, be necessary to have the fact in the courts in the determination of any question that might arise.

It is because there is upon the statute books to-day a law authorizing the determination of values that I should not feel called upon to support an amendment that would merely reiterate, and in a form not so desirable, the existing law. The Interstate Commerce Commission in the Spokane case spent a great deal of time, but not a very large sum of money, for the purpose of determining the value of the property, in order to determine whether or not the rates were reasonable or confiscatory, and no embarrassment grew out of that.

The only necessity that I see is that we provide the commission with the funds to enable them to execute the existing law, because, if we enter upon this vast undertaking of determining the value of property merely out of curiosity or as a basis for campaign speeches, we will be certainly violating our duty here in guarding the Treasury against enormous and unnecessary expenditures.

If we were to adopt this amendment and enter upon such an enterprise as is contemplated by it, we would find that it would be a continuing thing from year to year indefinitely. There is no time when the value of railroad property of the United States can be determined for more than or beyond the period of the actual determination of it. Next year the values will have changed; and this immense force and this enormous expenditure would go on indefinitely. It is stated here that it would cost \$5,000,000 to do it. If it will cost \$5,000,000 to do it this year, it will cost probably the same or more to do it in five years or two years or at any other period in the future.

I see no occasion for anticipating the commission of crime or the doing of wrong by either people or corporation. Let us meet these cases as they come before us just as we do in the ordinary administration of justice. We would not think of making an appropriation for the determination of a question that might or might not arise in the future. We are here to legislate for the present, keeping in mind always, of course, the effect of the legislation upon the future. I see no occasion for going further than to make an appropriation to enable the Interstate Commerce Commission to execute and administer the

law that is already upon the statute books and which has been interpreted by the Supreme Court of the United States—an interpretation that appeals to the reason of every person. It seems to me that these questions are at present involved within the duty that rests upon the Interstate Commerce Commission to perform its functions.

When I spoke yesterday I merely suggested some interrogatories as to the effect of an assessment by the distinct tribunals, the Government and the State, but I can still see the wisdom of the suggestion arising out of it. Why not—

THE VICE-PRESIDENT. The amendment will be stated.
THE SECRETARY. After line 7, on page 24, it is proposed to insert a new section, to be known as section 10a and to read as follows:

SEC 10a. That the act to regulate commerce approved February 4, 1887, as amended, is hereby amended by adding thereto a new section, to be known as section 19a and to read as follows:

"SEC. 19a. That the commission shall investigate and ascertain the value of the property used for the convenience of the public by every common carrier subject to the provisions of this act. For the purpose of such an investigation and ascertainment of value, the commission is authorized to employ such engineers, experts, and other assistants as may be necessary, who shall have power to administer oaths, examine witnesses, and take testimony. The value shall be ascertained by means of an inventory which shall list such property so used by every common carrier subject to the provisions of this act in detail, and shall classify the physical elements of such property in conformity with such classification as the commission may prescribe.

"The commission shall have power to prescribe the method of procedure to be followed in the conduct of the investigation, the form in which the results of the valuation shall be submitted, and the classification of the elements that constitute the ascertained value; and such investigation shall show the value of the property used by every common carrier as a whole and the value of such property in each of the several States and Territories and the District of Columbia.

"Such investigation shall be commenced not later than January 1, 1911, and shall be prosecuted with diligence and thoroughness, and the result thereof reported to Congress at the beginning of each regular session thereafter until completed.

"Every common carrier subject to the provisions of this act shall furnish to the commission, or its agents, from time to time and as the commission may require, maps, profiles, contracts, reports of engineers, and any other documents, records, and papers, or copies of any or all of the same, in aid of such investigation and determination of the value of the property used by said common carrier, and shall grant to all agents of the commission free access to such property, its right of way, and its accounts, records, and memoranda, whenever and wherever requested, by any such duly authorized agent, and every common carrier is hereby directed and required to cooperate with and aid the commission in the work of such valuation of property in such further particulars and to such extent as the commission may require and direct; and all rules and regulations made by the commission for the purposes of administering the provisions of this section and section 20 of this act shall have the full force and effect of law.

"Upon the completion of the work herein provided for the commission shall thereafter, in like manner, keep itself informed of all extensions and improvements or other changes in the condition and value of the property used for the convenience of the public by every common carrier subject to the provisions of this act, and shall ascertain the value thereof, and shall, from time to time as may be required for the proper regulation of such common carriers under the provisions of this act, revise and correct its valuation of property.

"To enable the commission to make such changes and corrections in its valuation, every common carrier subject to the provisions of this act shall report currently to the commission, and as the commission may require, all improvements and changes in the property used by it for the convenience of the public, and file with the commission copies of all contracts for such improvements and changes at the time the same are executed.

"Whenever the commission shall have completed the valuation of such property so used by any common carrier, and before said valuation shall become final, the commission shall give notice by registered letter to said carrier, stating the valuation placed upon the several classes of property used by said carrier, and shall allow the carrier thirty days in which to file a protest against the same with the commission. If no protest is filed within thirty days, said valuation shall become final.

"If notice of protest is filed by any common carrier, the commission may be to hear and consider any matter relative and material thereto which may be presented by such common carrier in support of its protest so filed as aforesaid. If after hearing any protest of such valuation under the provisions of this act the commission shall be of the opinion that its valuation is incorrect, it shall make such changes as may be necessary, and shall issue an order making such corrected valuation final. All final valuations by the commission, and the classifications thereof, shall be prima facie evidence relative to the value of the property in all proceedings under this act.

"The provisions of this section shall apply to receivers of carriers and operating trustees. In case of failure or refusal on the part of any carrier, receiver, or trustee to comply with any of the requirements of this act and in the manner prescribed by the commission such carrier, receiver, or trustee shall forfeit to the United States the sum of \$500 for each such offense and for each and every day of the continuation of such offense, such forfeitures to be recoverable in the same manner as other forfeitures provided for in this act.

"That the circuit and district courts of the United States shall have jurisdiction, upon the application of the Attorney-General of the United States at the request of the commission, alleging a failure to comply with or a violation of any of the provisions of this act by any common carrier, to issue a writ or writs of mandamus commanding such common carrier to comply with the provisions of this act."

lowing pairs:

The senior Senator from Arkansas [Mr. CLARKE] with the senior Senator from Rhode Island [Mr. ALDRICH].

The senior Senator from Texas [Mr. CULBERSON] with the junior Senator from California [Mr. FLINT].

The junior Senator from Arkansas [Mr. DAVIS] with the junior Senator from Illinois [Mr. LOBBER].

The senior Senator from Florida [Mr. TALLAFERRO] with the junior Senator from West Virginia [Mr. SCOTT].

Mr. SCOTT (after having voted in the negative). I voted with perhaps a misunderstanding. I announced a pair with the junior Senator from New York [Mr. ROOT], but as he is already paired with the junior Senator from Georgia [Mr. CLAY], and the Senator from Georgia transferred the pair to the junior Senator from Iowa [Mr. CUMMINS], I desire to withdraw my vote in order to keep my pair with the senior Senator from Florida [Mr. TALLAFERRO].

Mr. LA FOLLETTE. I ask that the pairs be announced as recorded—

Mr. GALLINGER. Let the vote first be announced.

Mr. KEAN and others. Yes.

Mr. LA FOLLETTE. And the names of those not voting and not paired be announced.

The VICE-PRESIDENT. After the vote shall have been recapitulated and announced that will be done.

Mr. LA FOLLETTE. I made a request of this sort on another vote, and it was deferred until the vote was announced, and it did not appear as it was ordered that it should appear.

Mr. GALLINGER. Let us have the regular order.

Mr. LODGE. I make the point that this is out of order pending the announcement of the vote.

The VICE-PRESIDENT. It is out of order. The Secretary will recapitulate the vote.

The Secretary recapitulated the vote.

Mr. LA FOLLETTE. Now, Mr. President—

Mr. HALE. Let the vote be announced, Mr. President.

The result was announced—yeas 25, nays 30, as follows:

YEAS—25.

| | | | |
|---------|----------|-------------|---------|
| Bacon | Crawford | Jones | Rayner |
| Bailey | Dixon | La Follette | Simmons |
| Borah | Dolliver | Newlands | Stone |
| Bristow | Fletcher | Overman | Taylor |
| Brown | Frazier | Owen | |
| Clapp | Gamble | Paynter | |
| Clay | Gore | Purcell | |

NAYS—30.

| | | | |
|-------------|-----------|------------|------------|
| Brandegee | Cullom | Guggenheim | Perkins |
| Briggs | Curtis | Hale | Piles |
| Bulkeley | Depew | Heyburn | Smoot |
| Burnham | Dick | Kean | Stephenson |
| Burton | du Pont | Lodge | Sutherland |
| Carter | Elkins | Nelson | Warner |
| Clark, Wyo. | Frye | Nixon | |
| Crane | Gallinger | Page | |

NOT VOTING—37.

| | | | |
|--------------|------------|------------|--------------|
| Aldrich | Cummins | McEnery | Smith, Md. |
| Bankhead | Daniel | Martin | Smith, Mich. |
| Beveridge | Davis | Money | Smith, S. C. |
| Bourne | Dillingham | Oliver | Tallaferro |
| Bradley | Blunt | Penrose | Tillman |
| Burkett | Foster | Percy | Warren |
| Burrows | Hughes | Richardson | Wetmore |
| Chamberlain | Johnston | Root | |
| Clarke, Ark. | Lorimer | Scott | |
| Culberson | McCumber | Shively | |

So Mr. LA FOLLETTE'S amendment was rejected.

Mr. LA FOLLETTE. Now I renew my request.

The VICE-PRESIDENT. Will the Senator from Wisconsin please restate his request?

Mr. LA FOLLETTE. It is that all pairs be announced, and fully announced, stating how, if the pair was so recorded, the Senator would have voted had he been present, and that the names of all Senators not paired and not voting be stated in the RECORD.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Wisconsin?

Mr. MONEY. I object.

The VICE-PRESIDENT. Objection is made.

Mr. MONEY. I object to this part of the request of the Senator: I object to the name of a Senator who is absent and not voting and not paired being put in the RECORD for the purpose of showing that he did not pair and did not vote. The fact that his name does not appear in the roll either for or against the amendment, and that his name does not appear amongst those paired, seems to me quite sufficient, and therefore I am compelled to object to that part of the Senator's request.

The VICE-PRESIDENT. The Senator from Mississippi objects.

Mr. GALLINGER. Another reason for objecting is that the Senator from Wisconsin suggests that announcement be made how absent Senators would have voted if they had been here. I do not think that can very well be done.

Mr. LA FOLLETTE. No; I did not make a request for that except as stated in the announcement of their pairs.

The SECRETARY. On page 24, after line 4, insert the following:

SEC. 10a. That the act to regulate commerce, approved February 4, 1887, as amended, is hereby amended by adding thereto a new section to be known as section 19a, and to read as follows:

SEC. 19a. That when, in any proceeding before the Interstate Commerce Commission, whether begun upon application or upon its own initiative, involving the determination of the reasonableness of a rate, charge, or classification, or the reasonableness of a proposed increase of a rate, or charge, or change of classification, the value of the property of any transportation company subject to this act is material to the determination of such question, the commission shall have the authority to ascertain and determine, after full hearing, the actual physical value of the property of such corporation; the amount of stocks and bonds issued and outstanding by it; the amount of money or property value actually paid to and received by it for the stocks and bonds so issued, and what part of the moneys and property so received was actually invested and used in the construction, equipment, and improvement of its property, and any other just and fair element of value; and said determination and findings shall be prima facie evidence of the facts so found in said proceeding or any subsequent proceedings against such corporation involving the reasonableness of a rate, charge, or classification, or the reasonableness of an increase of a rate, or charge, or change of classification. For the purpose of making the foregoing investigations and determination the commission shall have power to require from such corporation, in such detail as the commission may prescribe, an inventory of its property and of all stocks and bonds issued by it, the amount of money or property received therefor and how invested; to employ expert engineers and accountants to examine the statements contained in such inventory or to examine the property and books relating thereto of such corporation; and to make any other examination and investigation the commission may deem necessary; and for this purpose it shall be the duty of such corporation to furnish such engineers and accountants, or the commission full access to any of its property or books. The commission shall make a record of its findings and determinations as to the physical value of the property and as to the stocks and bonds of such corporation, and report the same to the Congress at its next regular session thereafter and also to the governor of the State or States in which such corporation is incorporated."

| | | | |
|--------------|------------|------------|----------|
| Bradley | Dunningham | Money | Sandwich |
| Burkett | Flint | Oliver | Tillman |
| Chamberlain | Foster | Penrose | Warren |
| Clarke, Ark. | Hale | Percy | Wetmore |
| Culberson | Johnston | Richardson | |
| Cummins | Lorimer | Root | |

So Mr. SIMMONS's amendment was rejected.

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

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. Add to the bill new sections, as follows:

SEC. 12. That for the purpose of this act the following words and phrases shall be deemed to have the meaning specified in this section: "Stock" shall mean any share or shares of capital stock in any such corporation, whether common, preferred, or otherwise classified.

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

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

SEC. 13. That no corporation subject to the provisions of this act shall issue any share of stock unless at least the par value thereof has first been paid in cash into its treasury or unless it is issued in exchange for property or securities at not to exceed their true and actual value, equal in amount to at least the par value of such stock: *Provided*, That it shall be lawful for such corporation to pay a commission to any person, if necessary, as a consideration to his subscribing or agreeing to subscribe for any shares, or procuring or agreeing to procure subscriptions for any shares, but no such commission shall be paid unless expressly authorized by the Interstate Commerce Commission as necessary and in the public interest: *And provided further*, That any company which has been in continuous existence for more than two years may sell additional shares at a discount, if necessary to procure their sale; but no shares shall thus be sold at a discount without the previous express approval of the Interstate Commerce Commission as necessary and in the public interest.

SEC. 14. That no such corporation shall issue any evidences of funded indebtedness which shall have a date of maturity exceeding fifty years from date of issue, or which shall bear interest at a rate exceeding 6 per cent per annum. And in no case shall such corporation sell its evidences of funded indebtedness at a discount such that, taking into consideration the rate of interest and the date of maturity thereof, the net return to the investor thereon shall exceed 7 per cent per annum. The amount of such evidences of indebtedness which may hereafter be issued by any corporation issued, at any time exceed, in all, the capital stock of the corporation actually paid in at the time: *Provided, however*, That whenever the law of a State under whose laws any such corporation has been organized shall authorize such corporation to issue a greater amount of its evidences of funded indebtedness than that herein provided for, or shall authorize a higher rate of interest than that herein limited and provided for, then in such cases and as to such corporation the Interstate Commerce Commission shall not in those particulars make any decision or order not in accordance with such state law: *And provided further*, That any such corporation which at the time of the passage of this act shall have evidences of funded indebtedness outstanding in excess of its capital stock may refund any part of such funded indebtedness in the future by issuing not to exceed an equal amount of evidences of funded indebtedness.

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

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

state Commerce Commission shall determine for what period of time interest may be paid in this manner, and such period shall in no case extend beyond the close of the half year during which the construction shall have actually been completed.

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

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

Fourth. Corporations themselves engaged in the actual operation of transportation only, subject to the limitations in section 16, issue stock or evidences of funded indebtedness in exchange for the securities of other corporations owning or operating transportation, telegraph, or telephone lines, or may apply the proceeds of the sale of such securities: *Provided*, That no such corporation shall hereafter acquire or hold any of the securities of any other corporation which operate a parallel or competing line, nor shall any such corporation hereafter acquire any of the securities of any other corporation whose lines are not directly connected with the lines of the purchasing corporation, unless, although not connecting, the lines of the corporation whose securities are acquired are so related to the lines of the purchasing corporation as to permit operation of both lines as a substantial unit and to the improvement of the service.

Fifth. Corporations organized for the purpose of holding securities of other corporations owning or operating transportation, telegraph, or telephone lines may, subject to the limitations in section 16, issue their securities in exchange for the securities of any such corporation, or apply the proceeds of the sale of their securities to the purchase of such securities: *Provided*, That no such holding corporation shall hereafter acquire or hold securities of any corporation owning or operating a line parallel to or competing with the line or lines of any other corporation in which it also holds securities; nor shall any such holding corporation hereafter acquire the securities of any corporation whose lines are not directly connected with those of some other corporation in which it already holds securities, unless, although not so directly connected, the lines of the two corporations can be operated as substantially one unit and the service be improved thereby.

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

SEC. 17. That a corporation subject to the provisions of this act shall issue only such amount of stock and evidences of funded indebtedness as may be reasonably necessary for the purpose for which such issue has been authorized; and no such corporation shall apply the proceeds of any such stock or evidences of funded indebtedness to any other purpose than that for which they were authorized: *Provided*, That whenever the law of a State under whose laws any such corporation has been organized shall provide for and limit the amount of stock or evidences of funded indebtedness that any such corporation may issue, then and in that case the Interstate Commerce Commission shall not, in that particular make any decision or order not in accordance with such state law.

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

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

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

SEC. 21. That every annual or periodical balance sheet of any such corporation which shall hereafter, in accordance with law, be filed with the Interstate Commerce Commission shall distinguish securities issued under the provisions of this act from securities previously issued, and shall indicate as to each class of securities issued under the terms of this act the amount issued for cash, the amount of premiums or of discount, if any, thereon, the amount of commission, if any, allowed on sales of stock, and the amount issued in exchange for property and for

securities, respectively. The Interstate Commerce Commission shall prescribe such forms of accounts to such corporations and require from them reports in such form as will disclose clearly the disposition of the securities issued under the terms of this act and the application of the proceeds thereof. Every company subject to the provisions of this act shall, in its annual balance sheets, or other balance sheets hereafter submitted to the Interstate Commerce Commission, distinguish among its assets the amount of such assets acquired by the investment or surplus earnings subsequent to the passage of this act; and every such company which shall hereafter acquire the property or the securities of any other such company shall, in its annual balance sheets, show what part of the value of the property or securities so acquired represents the investment, subsequent to the passage of this act, of surplus earnings of the company whose property or securities are acquired.

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

The PRESIDING OFFICER. The question is on the amendment submitted by the Senator from Missouri [Mr. STONE].

Mr. STONE. Mr. President, just a word. I will state that this proposition which I submit is exactly and in terms the amendment proposed by the Senator from Iowa, known as the Dolliver amendment, with two exceptions. To section 14 of that amendment I add a proviso to this effect:

Provided, however, That whenever the law of a State under whose laws any such corporation has been organized shall authorize such corporation to issue a greater amount of its evidences of funded indebtedness than that herein provided for, or shall authorize a higher rate of interest than that herein limited and provided for, then in such cases and as to such corporation the Interstate Commerce Commission shall not in those particulars make any decision or order not in accordance with such state law.

To section 17, which, as offered by the Senator from Iowa, relates to the issue of stocks and bonds, I propose this proviso:

Provided, That whenever the law of a State under whose laws any such corporation has been organized shall provide for and limit the amount of stock or evidences of funded indebtedness that any such corporation may issue, then and in that case the Interstate Commerce Commission shall not in that particular make any decision or order not in accordance with such state law.

That is all I care now to add to what I said this morning.

Mr. SHIVELY. Mr. President, I should like to ask the Senator from Missouri whether, under this amendment, a company could be organized in one of the States whose corporation laws are very liberal, and could there receive authority to capitalize, say, at \$100,000 a mile?

Mr. BEVERIDGE. That is it exactly.

Mr. SHIVELY. Would this amendment prevent the Interstate Commerce Commission from interfering in any way with that transaction?

Mr. STONE. Mr. President, this amendment would prevent the Interstate Commerce Commission from making any order that would conflict with the law of the State, but—

Mr. SHIVELY and Mr. DOLLIVER addressed the Chair.

Mr. STONE. Let me finish my answer.

While I did not sympathize with the objection made to the original amendment offered by the Senator from Iowa, and really preferred it in that form, still it was contended on both sides of the Chamber that the amendment as that Senator proposed it would interfere with and deprive the State of the power and the right to fix the limit of capitalization for corporations it had created. That objection was urged, and it seemed to influence the minds and action of Senators.

What I now seek to do is to leave to each State the right to establish its own rules and to control the capitalization of its own corporations. I do that with a view to obviating the objections that have been made. It may be said, as it has been intimated by the inquiry of the Senator from Indiana [Mr. SHIVELY], that some State might abuse this privilege which it has—

Mr. DOLLIVER. Mr. President—

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

Mr. STONE. If the Senator will pardon me for a moment—I was saying that it is urged that some State might authorize a capitalization or the issuing of evidences of indebtedness far beyond what was reasonable and right; but that, I think, is not likely to happen.

Mr. President, for myself I am willing to leave each and every State in this Union free and undisturbed in this behalf and trust the patriotic judgment of the people and the law-makers of each State where a corporation is organized to fix the limit of its capitalization. Undoubtedly, as I see it, even under the amendment as originally proposed by the Senator from Iowa, a State could, in the first instance, when authorizing or permitting the organization of a corporation under its laws, fix the limit of its capitalization, because, in the first instance, such a

corporation is limited in the scope of its operations to the State itself. Primarily it is not an interstate corporation, but a state corporation. If the State of Indiana, for example, organizes or permits the organization of a corporation under its laws, primarily it could do only an intrastate business, for the State of Indiana would have no power to confer upon the corporation the right to extend its lines into other States or to do an interstate business. It would be a domestic or local corporation, and the State could say that that corporation could capitalize at such sum as it saw proper to limit. It will be the purpose of this amended amendment which I shall offer to remove the objection urged that the proposition submitted by the Senator from Iowa might interfere with the rights of a State.

I do not believe that any State in the Union will go very much too far in the direction of authorizing capitalization. Being an advocate of, and a believer in, the dignity and integrity of all the States, I am willing, for myself, to leave it to the judgment of the lawmaking and law-executing power of the State to fix the limit of capitalization for corporations organized under its laws. That is the only particular in which I propose to change the amendment of the Senator from Iowa, leaving all the other powers conferred upon the Interstate Commerce Commission, which are numerous, as provided for in that Senator's amendment.

Mr. DOLLIVER. Mr. President, I, of course, have a sympathetic interest in the approbation which the Senator from Missouri [Mr. STONE] has been kind enough to give to the amendment which I presented to the Senate the other day, and which received so scant a vote as to almost discourage anybody who was not fortified by long experience and much tribulation; but I do not think I ought to carry my sympathetic emotions so far as to acquiesce in the notion that the amendment which the Senator from Missouri has offered has any significance of a practical sort. He proposes that the Government of the United States shall strictly regulate the issue of these stocks and bonds, provided that where the law of a State has undertaken to control the matter, the federal prohibition shall have no application. That is an excellent device to interest people who are morbid on the subject of state rights. It does not interest me.

I hold that the highest right any State in the Union has is the right to have the Congress of the United States exercise its jurisdiction under the Constitution. It is all folly to say that with that proviso this amendment of mine, already unfortunate beyond measure in having been defeated, would have any importance or meaning for the public whatsoever. Every overcapitalization that has occurred in forty years in the United States, every existing inflation of railroad security values, has taken place in strict accordance with the laws of the State in which the corporation is legally incorporated. No inflation of railroad securities is very likely to occur in violation of the laws of the State which create the corporation. Therefore the abuse in all of its enormity has grown up in strict accordance with the law or as a strict result of the failure to legislate on the part of the State in which the corporations are organized. It is, therefore, perfectly obvious that a federal prohibition not applicable where the States have authorized the thing to be done, instead of being a valuable addition to our volume of statute laws, is in reality a mere futility. However benevolent and helpful in its purpose and design, it is absolutely worthless in its operation and its actual meaning.

The PRESIDING OFFICER. The question is on the amendment submitted by the Senator from Missouri [Mr. STONE].

Mr. STONE. I ask for the yeas and nays on the amendment. The yeas and nays were not ordered.

The amendment was rejected.

Mr. SIMMONS. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated. The SECRETARY. After the last proviso of the long-and-short-haul amendment it is proposed to insert:

Provided further, That when application is made to the said commission by a carrier to fix a lower rate for longer than for shorter distances on account of water competition, said application shall not be granted if the commission, after investigation, shall find that the lower rate asked for will destroy water competition.

Mr. SIMMONS. Mr. President, we have two methods of transportation in this country—one by rail and one by water. I do not believe that the water carrier is entitled to any preferential treatment where his interest clashes with that of the carrier by rail, but I do maintain that he is entitled at least to fair and equal treatment.

It is now universally acknowledged that the decline in water transportation in this country has been brought about by the railroads. So far as this is the result of greater natural advantages which railroad transportation possesses over water trans-

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from North Carolina, which is identical, so far as I can see, with this amendment, I will accept it, because I do not see the use of piling up one act upon another.

The VICE-PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Ohio. [Putting the question.] By the sound, the "ayes" have it.

Mr. BEVERIDGE. The yeas and nays were ordered, Mr. President.

Mr. ELKINS. Not in this case.

Mr. BEVERIDGE. The yeas and nays were ordered, and the Secretary had started to call the roll.

The VICE-PRESIDENT. The Chair is advised that the yeas and nays had been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CLAY (when his name was called). I again announce my pair with the junior Senator from New York [Mr. Root] and the transfer of that pair to the senior Senator from Florida [Mr. TALLIAFERRO]. I vote "yea."

Mr. FLINT (when his name was called). I am paired with the senior Senator from Texas [Mr. CULBERSON]. I transfer my pair to the senior Senator from Pennsylvania [Mr. PENROSE], and vote "yea."

Mr. FOSTER (when his name was called). I am paired with the senior Senator from North Dakota [Mr. McCUMBER]. If I were at liberty to vote, I should vote "yea."

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

Mr. OVERMAN (when his name was called). I announce my pair with the senior Senator from Washington [Mr. PILES]. If he were present, I would vote "yea."

Mr. PERCY (when his name was called). I am paired with the junior Senator from Kentucky [Mr. BRADLEY].

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

Mr. SMITH of South Carolina (when his name was called). I am paired with the junior Senator from Rhode Island [Mr. WETMORE]. Were he present, I should vote "yea."

The roll call was concluded.

Mr. SCOTT. I again announce my pair with the senior Senator from Florida [Mr. TALLIAFERRO] and its transfer to the junior Senator from New York [Mr. Root]. I vote "yea."

Mr. CHAMBERLAIN (after having voted in the affirmative). I am paired with the junior Senator from Pennsylvania [Mr. OLIVER]. Inasmuch as he is not here, I desire to withdraw my vote.

Mr. SMITH of South Carolina. I should like to announce the absence of the senior Senator from Vermont [Mr. DILLINGHAM] and the senior Senator from South Carolina [Mr. TILLMAN], and the pair of those Senators.

Mr. BACON (after having voted in the affirmative). I inquire if the Senator from Maine [Mr. HALE] has voted.

The VICE-PRESIDENT. He has not voted.

Mr. BACON. I have a pair with him for the day, and I withdraw my vote. If he were present and I were permitted to vote, I should vote "yea."

The result was announced—yeas 54, nays 1, as follows:

YEAS—54.

| | | | |
|-------------|-----------|-------------|------------|
| Beveridge | Crawford | Gore | Purcell |
| Bourne | Cullom | Guggenheim | Rayner |
| Brandegee | Curtis | Heyburn | Scott |
| Briggs | Depew | Jones | Shively |
| Bristow | Dick | La Follette | Simmons |
| Brown | Dixon | Lodge | Smoot |
| Burnham | Dolliver | Money | Stephenson |
| Burrows | du Pont | Nelson | Stone |
| Burton | Elkins | Newlands | Sutherland |
| Carter | Fletcher | Nixon | Taylor |
| Clapp | Flint | Owen | Warner |
| Clark, Wyo. | Frazier | Page | Warren |
| Clay | Gallinger | Paynter | |
| Crane | Gamble | Perkins | |

NAYS—1.

Frye

NOT VOTING—37.

| | | | |
|--------------|------------|------------|--------------|
| Aldrich | Culbertson | Lorimer | Root |
| Bacon | Cummins | McCumber | Smith, Md. |
| Bailey | Daniel | McEnery | Smith, Mich. |
| Bankhead | Davis | Martin | Smith, S. C. |
| Borah | Dillingham | Oliver | Talliaferro |
| Bradley | Foster | Overman | Tillman |
| Bulkeley | Hale | Penrose | Wetmore |
| Burkett | Hughes | Percy | |
| Chamberlain | Johnston | Piles | |
| Clarke, Ark. | Kean | Richardson | |

So Mr. BURTON's amendment was agreed to.

The SECRETARY. On page 17, between the lines 14 and 15 insert the following:

Whenever a railway or railways in competition with a water route or routes shall reduce the rates on the carriage of any species of freight it shall not be permitted to increase such rates unless, after hearing by the Interstate Commerce Commission, it shall be found that such proposed increase rests upon changed conditions other than the elimination or the decrease in water competition, and the said commission is hereby given the right to prescribe minimum railroad rates on lines competing with waterways whenever, in its opinion, the object of the railroad or railroads in reducing rates is to destroy waterway competition.

by railway competition. There are two branches or divisions of this amendment. The first provides that when a railroad has reduced a rate on a line or lines in competition with waterways, it shall not thereafter raise that rate unless it appears that the increase is based upon changed conditions other than the elimination of or the decrease in water competition.

Take, for example, a case in which the railway rate was 50 cents. I am referring to an actual case. The railway reduced the rate to 25 cents until the boats competing with it were driven out of commission. It then raised its rate to 100 cents, or twice what it was before engaging in this competition and four times what it was when the effort was made to drive the boats from the competing waterway.

I am frank to admit some doubt as to the validity of the provision—whether the railways could not go into court, and if the rate they fixed, say that of 25 cents, was confiscatory, whether they could be prevented from raising it to a figure which would pay interest upon the cost of their property. The doctrine of estoppel would hardly apply.

But it seems to me there is a principle involved here which should sustain this amendment. It is a part of our national policy to maintain transportation by water.

Great sums have been expended in the improvement of our rivers. Those expenditures have been largely nullified by ruinous railway competition. Such being the policy regarding waterway improvements, it seems to me its attainment can be secured by providing, as does this amendment, that a railway reducing its rates, when the object of such reduction is against public policy, when it is inspired by an ulterior motive, does so at its own risk. At any rate a railway, in the face of a provision of this kind, will be slow to lower its rates with a view to destroying water competition.

The second section of the amendment provides that the commission shall be—

given the right to prescribe minimum railroad rates on lines competing with waterways whenever, in its opinion, the object of the railroad or railroads in reducing rates is to destroy waterway competition.

No possible objection can be made to the validity of this provision. It is not probable that it would be resorted to except in a case of palpable discrimination, where there was an effort, by maintaining rates ruinously low, to destroy water competition, with the manifest purpose of raising those rates when the water competition was eliminated.

Mr. ELKINS. Is not this the same amendment in substance as that just offered by the Senator from North Carolina and adopted?

Mr. BURTON. It covers the same general ground, but the amendment of the Senator from North Carolina pertained, as I stated a few minutes ago, to fixing rates under the long-and-short-haul clause.

Mr. ELKINS. I think it is substantially the amendment offered by the Senator from North Carolina and just adopted.

Mr. BURTON. Now, let me point out to the Senator from West Virginia the difference. Suppose you have a water and rail route from New York to Wilmington, N. C., and through water and rail rates, with a number of intermediate rates, to Washington, to Richmond, to Fayetteville, and numerous other local points. The amendment of the Senator from North Carolina prevents the rate from New York to Wilmington by rail being fixed at a figure which will destroy water competition, but that is so connected with the intermediate rates that it is an independent proposition from the one set forth in this amendment.

I will state that I think the adoption of an amendment like this is absolutely essential to the profitable utilization, I will not say of all the waterways of the country, but of a large share of them, including, indeed, such a river as the Mississippi, on which we have expended enormous amounts and on which there should be a large and profitable traffic, very helpful to all the communities bordering on the river and situated near it. Unless some provision of this kind is adopted and incorporated in our laws, that traffic which should exist must gradually disappear.

Mr. NEWLANDS. Mr. President, I offer the following amendment.

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

The SECRETARY. Add as an additional section to the bill the following:

NATIONAL RAILWAY HOLDING COMPANIES.

Sec. — That any number of persons not less than 15 may form a corporation for the purpose of acquiring and holding the stock of state corporations which are common carriers subject to the act to regulate commerce, approved February 4, 1887, as amended, with a view to controlling in the interest of interstate and foreign commerce state railroads which if connected together would constitute continuous and not competitive lines.

POWERS.

That every corporation organized under this act shall have powers and be subject to restrictions as follows:

To assume a corporate name, and under such name to have corporate succession for a period stated in its certificate of incorporation; and if no other period be therein named, such succession shall be perpetual.

To sue and be sued in its corporate name.

To issue bonds and capital stock as hereinafter provided.

To adopt, use, and alter a corporate seal.

To elect all necessary officers and appoint managers and agents as hereinafter provided.

To hold, purchase, convey, mortgage, or lease such real or personal property as the lawful purposes of the corporation may require, including the right to acquire and hold the capital stock or bonds, or both, of railroad corporations, including navigation lines, and to lease the property of such other corporations.

To manage its business, make contracts, incur liabilities, and borrow money, subject to the requirements or provisions or other conditions in this act contained.

To make by-laws not inconsistent with laws applicable to such corporations or the rules of the Interstate Commerce Commission.

CAPITALIZATION.

That such corporations shall provide for and issue only such amount of bonds and stocks as may be necessary for the purchase of stocks or bonds or for the improvement or equipment of the railroad and navigation lines leased by it, together with the proper cost of organizing and promoting the company and the amount of capital reasonably required in addition for working capital. No bonds or stocks shall be issued except for money paid or for property acquired at its actual cash value. The issuance of stocks or bonds and the amount thereof shall in every case be subject to the approval of the Interstate Commerce Commission, which shall grant full public hearings in relation thereto, and of such hearings public notice shall be given by or under the direction of the commission. The United States shall be represented at such hearing by the Attorney-General or one of his assistants. The commission shall certify in writing to the incorporators or to the corporation its determination, and shall record the same in its records, and all bonds and stocks not issued in compliance with such determination shall be void as against such corporation.

CERTIFICATE OF INCORPORATION.

That the original incorporators shall sign and acknowledge a certificate setting forth the following facts:

The name of the company, which shall contain the words "National Railway Holding Company," and which shall not be the same as that of any other corporation organized under this act or sufficiently similar thereto to cause confusion therewith.

Nature of the business proposed to be engaged in.

Duration of corporate existence.

Principal place of business.

The proposed amount of bonds and stock, which shall be determined as provided in section —, and the respective amounts, conditions, and privileges of the separate classes of stock if it is desired to have more than one class.

The par value of the shares.

The number of shares subscribed by each incorporator.

The said certificate shall be submitted to the Interstate Commerce Commission, which shall direct such amendments therein or additions thereto as may be deemed necessary, and shall, when such certificate is in conformity to law and in other respects is approved by the commission, indorse the approval of the commission thereon, and record the said certificate, with such indorsement, and the day and hour of the submission of the approved certificate, in proper books kept by the commission for such purpose. The corporate existence shall commence with such day and hour, and such record and a duly certified copy thereof shall be prima facie evidence of such corporate existence.

REGULATION BY INTERSTATE COMMERCE COMMISSION.

That all corporations organized under this act shall be subject to the provisions of the act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof.

BOOKS AND RECORDS.

That the treasurer shall keep proper books of account of all transactions of the corporation, and the secretary shall keep proper and full records of the transactions of all meetings of the stockholders, the board of directors, and the executive committee, and all of said books shall be open to the inspection of the commission at any time, and also to the inspection of any stockholder at any reasonable time and place. It shall be the duty of the respective officers having charge of such books and records to permit, upon demand, after ten days' previous notice, such inspection by a stockholder, unless such right of inspection shall be enjoined as above provided.

REPORTS.

That all corporations formed under this act shall make to the Interstate Commerce Commission such reports as are now by law required to be made to said commission, and such further reports as the rules of said commission shall from time to time require.

TAXATION.

That corporations organized under this act are hereby declared to be instrumentalities for the regulation of interstate and foreign commerce. The stocks, bonds, and fixed evidences of indebtedness owned or issued by such corporations and their operations and traffic shall not be subject to taxation by any State or Territory, but the other prop-

erty of such corporations situate in a State or Territory shall be subject to assessment and taxation in such State or Territory under the laws thereof.

STATE POLICE AND STATE RATES.

That nothing herein contained shall be construed as interfering with the police laws of any State regarding state railroads controlled by corporations organized under this act and operating in such States, nor shall anything herein contained be construed as affecting the right and power of each State to regulate purely state commerce on such railroads.

ACCIDENT AND INSURANCE FUND.

That every corporation organized under this act shall set aside annually a percentage of the gross receipts of said corporation, not exceeding 1 per cent, to be held as a fund in the Treasury of the United States for the payment of pensions to the employees of such corporation and of the subsidiary corporations controlled by it, who shall have been disqualified for active service either by injury in the service or by age. The conditions entitling employees to pensions, the amount and time of payment, the investment of the fund, the disbursing of the same, and the entire management thereof shall be under rules and regulations to be made and from time to time amended by the Interstate Commerce Commission.

BOARD OF CONCILIATION.

That the Interstate Commerce Commission is hereby empowered and directed to act as a board of conciliation between corporations organized under this act and their employees as to any dispute arising between such corporations and their employees in the matter of compensation, hours and conditions of labor, the protection of life and limb of said employees, and such powers shall be exercised by said commission in accordance with the rules and regulations to be made and from time to time altered by said commission.

DIVIDENDS.

That no corporation organized under this act shall pay or distribute to its stockholders in any form, during any one year, a dividend or dividends exceeding in total amount 7 per cent upon its capital stock, without the consent of the Interstate Commerce Commission.

JURISDICTION OF SUITS.

That any corporation organized under this act shall, for the purpose of all actions by or against it, real, personal, or mixed, and all suits in equity, be deemed a citizen of every State in which its lines are located, and in such cases circuit and district courts of the United States shall not have jurisdiction other than such as they would have in cases between individual citizens of the same State. The provisions of this section shall not be held to affect the jurisdiction of the courts of the United States in cases brought by the United States, or by direction of an officer therein, or cases for winding up the affairs of any such corporation.

RULES.

That the Interstate Commerce Commission shall make and from time to time alter, amend, or repeal rules necessary for the complete enforcement of the provisions of this section.

That this section and all franchises acquired under it shall be at all times subject to amendment, alteration, or repeal by act of Congress.

The VICE-PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Nevada.

Mr. NEWLANDS and Mr. LA FOLLETTE addressed the Chair.

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

Mr. NEWLANDS. I do.

Mr. LA FOLLETTE. Manifestly there is not a quorum present. I suggest the absence of a quorum.

The VICE-PRESIDENT. The Secretary will call the roll. The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|-------------|-----------|-------------|--------------|
| Bacon | Cullom | Gore | Perkins |
| Bailey | Curtis | Guggenheim | Rayner |
| Bourne | Depew | Heyburn | Scott |
| Brandege | Dick | Hughes | Shively |
| Briggs | Dolliver | Johnston | Simmons |
| Bristow | du Pont | Jones | Smith, S. C. |
| Brown | Elkins | La Follette | Smoot |
| Bulkeley | Fletcher | Money | Stephenson |
| Burnham | Flint | Newlands | Taylor |
| Burrows | Foster | Nixon | Warner |
| Burton | Frazier | Overman | Warren |
| Carter | Frye | Page | |
| Chamberlain | Gallinger | Paynter | |
| Crane | Gamble | Percy | |

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

Mr. NEWLANDS. Mr. President, the purpose of this amendment is to substitute the National Government for the State of New Jersey as the sovereign which shall create national holding companies for the purpose of uniting state railroads which, if connected together, would constitute continuous and not competitive lines.

It is not the national incorporation act for railway companies and navigation lines which I have hitherto urged upon the attention of the Senate. It differs from that in this, that it nowhere provides for corporations which shall own railroads, as the bill which I originally prepared did. It provides only for corporations which can acquire the stock of state railroads which, if connected together, would form continuous lines, and thus unite their control for the purposes of interstate and foreign commerce.

My purpose in offering the amendment in this form was to relieve the amendment which I propose to offer of the objections urged by my friends upon this side of the Chamber, who

just ended, but we have in it the test of the issues in the assignments of error, and those assignments of error state the proposition contained in the amendment offered by the Senator from Texas. They are questions to be determined by the court. Can we, with propriety, legislate further upon that question when the former legislation which, as suggested by the Senator from Texas, was in his judgment sufficient to have covered everything that is intended to be covered by this amendment—can we, under those circumstances, proceed to legislate further? I think not.

The language contained in the Senator's amendment is contained in the amended complaint to be submitted to the court, and the court will doubtless pass upon this very question—I might call it the suspended question—stated by the court when it considers this appeal. As an act of propriety, why not wait until the court has passed upon it? It may be that it will sustain the contention of the Senator from Texas; it may do so because the question is presented to it.

Mr. PILES. Mr. President, I wish to say but a few words in respect to this amendment. I voted for the commodity clause as it was passed in 1906, but I am unable to support the amendment proposed by the Senator from Texas, not because it omits the timber clause, which I aided in having inserted at that time, but because I believe the amendment to be unconstitutional and that its enactment would work great injustice to many sections of the country. I conceive it to be my duty as a legislator, whenever my mind is doubtful as to the constitutionality of a proposed act, to cast my vote against it. While the courts under the authorities, as I understand them, resolve all doubts in favor of the constitutionality of an act, it is, I believe, the plain duty of a legislative body to abstain from adopting a measure unless fully satisfied of its authority to do so.

At the time the commodity clause was passed, it was not, I believe, the intention of Congress to force the railroad companies to cease mining coal altogether, as stated by the Senator from Texas. At that time it was pretty generally charged that the railroad companies engaged in mining coal were discriminating against other mine operators by failing to furnish them sufficient cars to carry on their business in such a manner as to successfully compete with such railway companies in the coal markets of the country. That it was not intended to force the railways to cease mining coal absolutely is shown by the fact that the commodity clause expressly authorizes such companies to transport coal and other products mined or produced by them for the purpose of carrying on their business, and the Senator from Texas has, I notice, retained that proviso in his amendment.

There are in the western country a number of coal mines located upon a single line of railway. Indeed, I know of no place, except it be in the East, where the population is dense, where coal mines are served by more than one railroad. If, therefore, this amendment should be adopted and the railroad companies should be prohibited from mining coal except for their own use, the people who are served by such mines would be deprived of the privilege of purchasing coal from many mines that are now in operation, which in many instances would work an absolute injury to a very large number of people. There are, doubtless, places in the mining regions of the country where no one but a railroad company could successfully operate a coal mine.

The Senator from Texas has an idea that if his amendment should be adopted the railroad companies could without difficulty sell their mines to other operators, who would continue to work the mines and thereby furnish tonnage to the railroad companies and coal to the consumers, but there are, no doubt, many mines so situated as to be of little or no value except to the railway companies who opened them up for the primary purpose of supplying themselves with coal along certain stretches of their roads.

I think it would be a somewhat difficult task for the railway companies to find purchasers for so large an amount of property, within the time mentioned in the amendment, who were prepared to proceed with the coal business without seriously affecting the coal-consuming public, to say nothing of the hardships inflicted upon the thousands of coal miners engaged in the business of mining coal for a livelihood.

I shall not at this late hour undertake to discuss the constitutional aspect of the amendment. I do not believe that the courts would sustain it. We have the decision of the circuit court of appeals, which adopted the view of the Senator from Texas as to the purpose and meaning of the original amendment. That court held the law to be unconstitutional. The Supreme Court of the United States clearly indicated that it

entertained grave doubt as to the constitutionality of such a provision as that proposed by the Senator from Texas.

Mr. BORAH. Mr. President—

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

Mr. PILES. I yield to the Senator.

Mr. BORAH. Just for a question. It is true, nevertheless, that the court has not decided the particular question which will be presented by this amendment?

Mr. PILES. It is true; yes.

Mr. BORAH. Then, there can be no impropriety in submitting it to the court again, as it has not yet decided it.

Mr. PILES. Mr. President, I should myself be very much disappointed if the court held the proposed amendment constitutional. What benefit could it be to the people of this country to have the Supreme Court of the United States hold that a railroad company could not transport a commodity which it had mined and sold to a third person?

Mr. BORAH. Mr. President, then the Senator would be greatly gratified to have the court hold it unconstitutional?

Mr. PILES. I think the amendment as proposed is unconstitutional.

Mr. BORAH. In view of the fact of its supreme importance, ought not the matter to be settled?

Mr. PILES. I see no supreme importance about this question. The Supreme Court of the United States have held under the present commodity clause that the railroad companies can not engage in the business of mining and selling coal. They hold, as the Senator knows, that such companies may mine and transport coal for their own use; that when they, in good faith, sell to some third person coal produced at their mines they may under existing law transport the coal so transferred the same as other commodities. Beyond this I do not think Congress can rightfully go, and I do not think that anything beyond this would be beneficial to the people. On the contrary, I think the adoption of the amendment proposed by the Senator from Texas would, in many cases, work serious injury.

Mr. BAILEY. Mr. President, will the Senator from Washington permit me to ask him a question?

Mr. PILES. Certainly.

Mr. BAILEY. How can the court reconcile a decision that Congress can not lay this prohibition on account of the origin, after they have asserted that Congress can lay this identical prohibition on account of the ownership? In my opinion, when the court decides that Congress can prohibit coal of a certain ownership from interstate transportation, it must decide that it can prohibit it on account of its origin.

Mr. PILES. The court took altogether a different view of the proposition.

Mr. BAILEY. No; the court did not. The court declined to take any view of that question.

Mr. PILES. Yes; the court took that view of the situation which the court said would render the law constitutional; and it decided it upon that theory and said that the other question was doubtful.

Mr. BAILEY. Mr. President, the Senator must know that if the court had said, as it might have said, that "This construction will render the act unconstitutional and the other construction saves the constitutionality, and therefore we adopt the other construction," that would have ended the matter; but the court did not say that; the court said, "This construction raises a great constitutional question; this other construction does not; and we adopt the other." The court is already on record as declining to say that the provision was unconstitutional.

Mr. PILES. I do not care to prolong this discussion, as it is now nearly 6 o'clock, and I am reminded that if we are to vote upon this amendment this evening I shall have to close my remarks.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Texas [Mr. BAILEY], and on that question the Senator from Texas demands the yeas and nays.

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

Mr. CHAMBERLAIN (when his name was called). I am paired with the junior Senator from Pennsylvania [Mr. OLIVER]. If he were present and I were permitted to vote, I should vote "yea."

Mr. CLAY (when his name was called). I announce my pair with the junior Senator from New York [Mr. ROOT], but I transfer that pair to the senior Senator from Florida [Mr. TALLAFERRO] and vote. I vote "yea."

Mr. FLETCHER (when his name was called). I am paired for the remainder of the afternoon with the Senator from Maine [Mr. FRYE]. If he were present, I should vote "yea."

Mr. FLINT (when his name was called). I am paired with the senior Senator from Texas [Mr. CULBERSON]. I transfer that pair to the senior Senator from Pennsylvania [Mr. PENROSE] and vote. I vote "nay."

Mr. FOSTER (when his name was called). I again announce my pair with the senior Senator from North Dakota [Mr. McCUMBER], and state that if he were present I should vote "yea."

Mr. GORE (when his name was called). I am paired with Mr. BAILEY. Mr. President, I offer as a last, and as a separate, section of the bill the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

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

That the fifth paragraph of the first section of the act approved June 29, 1906, entitled "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," be amended to read as follows:

From and after the 1st day of May, 1912, it shall be unlawful for any railroad company to transport from any State, Territory, or the District of Columbia, to any other State, Territory, or the District of Columbia, or to any foreign country, any article or commodity manufactured, mined, or produced by it, or under its authority, or by any corporation, joint stock company, or partnership in which said railroad holds, owns, or controls, directly or indirectly, any stock or interest; and it shall also be unlawful from and after the 1st day of May, 1912, for any railroad company to transport from any State, Territory, or the District of Columbia, to any other State, Territory, or the District of Columbia, or to any foreign country, any article or commodity which it may own, in whole or in part, or in which it may have any interest, direct or indirect, or which is owned in whole or in part by any corporation, joint stock company, or partnership in which the said railroad company holds, owns, or controls any stock or interest: *Provided, however*, That any railroad company may transport any such articles or commodities as may be necessary and intended for its own use in conducting its business as a common carrier.

Mr. BAILEY of South Carolina (when his name was called). I have a pair with the junior Senator from Rhode Island [Mr. WETMORE]. If he were present, I should vote "yea."

Mr. WARREN (when his name was called). I stand paired with the senior Senator from Mississippi [Mr. MONEY], and therefore withhold my vote.

The roll call having been concluded, the result was announced—yeas 25, nays 31, as follows:

YEAS—25.

| | | | |
|-----------|----------|-------------|---------|
| Bacon | Clapp | Hughes | Rayner |
| Bailey | Clay | La Follette | Shively |
| Beveridge | Crawford | Newlands | Simmons |
| Borah | Dixon | Overman | Stone |
| Bourne | Dolliver | Owen | |
| Bristow | Frazier | Paynter | |
| Brown | Gamble | Purcell | |

NAYS—31.

| | | | |
|-------------|-----------|------------|------------|
| Brandegee | Cullom | Guggenheim | Perkins |
| Bulkeley | Curtis | Hale | Piles |
| Burnham | Depew | Heyburn | Scott |
| Burrows | Dick | Jones | Smoot |
| Burton | du Pont | Lodge | Stephenson |
| Carter | Elkins | Nelson | Sutherland |
| Clark, Wyo. | Flint | Nixon | Warner |
| Crane | Gallinger | Page | |

NOT VOTING—36.

| | | | |
|--------------|------------|------------|--------------|
| Aldrich | Daniel | Lorimer | Root |
| Bankhead | Davis | McCumber | Smith, Md. |
| Bradley | Dillingham | McEnery | Smith, Mich. |
| Briggs | Fletcher | Martin | Smith, S. C. |
| Burkett | Poster | Money | Taliaferro |
| Chamberlain | Frye | Oliver | Taylor |
| Clarke, Ark. | Gore | Penrose | Tillman |
| Culberson | Johnston | Percy | Warren |
| Cummins | Kean | Richardson | Wetmore |

So Mr. BAILEY's amendment was rejected.

Mr. ELKINS. I move that when the Senate adjourns to-day it be to meet at 11 o'clock to-morrow morning.

The motion was agreed to.

Mr. CRAWFORD. I desire to offer an amendment.

The VICE-PRESIDENT. The Senator from South Dakota offers an amendment, which will be stated.

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

The VICE-PRESIDENT. The Senator from South Dakota has submitted an amendment which has not yet been reported. The Secretary will report the amendment; and then will the Senator from South Dakota yield to the Senator from Illinois?

Mr. CRAWFORD. Yes; but I should like, first, to make a brief statement.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. Add to the end of section 9 the following paragraph:

From and after May 1, 1912, it shall be unlawful for any railroad company to transport from any State, Territory, or the District of Columbia to any other State, Territory, or the District of Columbia, or to any foreign country, any article or commodity which it owns, in whole or in part, or in which it may have any interest, direct or indirect; or which is owned in whole or in part by a corporation in which it is the owner, legally or equitably, of the capital stock or a majority thereof; or any article or commodity which, within the period of ninety days prior to the date when such article or commodity is presented to it for transportation, as aforesaid, was owned by it, in whole or in part, or in which within said period it had any interest, direct or indirect; or which within said period was owned in whole or in part by a corporation in which it is at the time of presentation for transportation the owner legally or equitably of the capital stock or a majority thereof: *Provided*, That this act shall not apply to such articles or commodities as may be necessary and intended for the use of said railway company in the conduct of its business as a common carrier.

Mr. CRAWFORD. Mr. President, I am not going to detain the Senate at this time to discuss the amendment. We have been here a long while, and the discussion has gone over a considerable period, but before the Senator from Illinois presses his motion for an executive session I simply desire to say a word.

The amendment does not go as far as that presented by the Senator from Texas, in that it allows a railway company which mined or manufactured an article in good faith to dispose of it, and if it has done so ninety days prior to the time it is offered for shipment, the ban is removed from it. In other respects it is similar to the amendment proposed by the Senator from Texas in that it prohibits the transportation companies from being interested in other corporations engaged in this business.

I simply make that statement in connection with the presenting of the amendment, so that it may be considered, and I will ask to have it taken up to-morrow.

EXECUTIVE SESSION.

Mr. CULLOM. I renew my motion 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 5 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Thursday, June 2, 1910, at 11 o'clock a. m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 1, 1910.

SURVEYOR OF CUSTOMS.

Nelson H. Henry to be surveyor of customs in the district of New York.

RECEIVER OF PUBLIC MONEYS.

Joshua G. Wood to be receiver of public moneys at Topeka, Kans.

POSTMASTERS.

ARIZONA.

Albert L. Smith, at Prescott, Ariz.

INDIANA.

Charles C. Lyons, at Fairmount, Ind.

NEW YORK.

Alton C. Bates, at Springville, N. Y.
Henry C. Getter, at Middleburg, N. Y.
Robert A. Greenfield, at Mount Vernon, N. Y.
Francis H. Salt, at Niagara Falls, N. Y.

PENNSYLVANIA.

James C. Brown, at Bloomsburg, Pa.
Elmer E. Fleming, at Haverford, Pa.
William Harrison Moore, at South Fork, Pa.

TENNESSEE.

Asa H. Faulkner, at McMinnville, Tenn.

WASHINGTON.

W. F. McMahan, at Auburn, Wash.

WISCONSIN.

Allan Beggs, at Hudson, Wis.
Nels Nelson, at Washburn, Wis.

tion bill," which was referred to the Committee on Interstate Commerce.

Mr. PAGE presented a petition of sundry citizens of Orleans, Vt., praying that an appropriation be made for the extension of the work of the Office of Public Roads, Department of Agriculture, which was ordered to lie on the table.

Mr. DILLINGHAM presented a petition of sundry citizens of North Pomfret, Vt., praying that an appropriation be made for the extension of the work of the Office of Public Roads, Department of Agriculture, which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. GAMBLE. I am directed by the Committee on Indian Affairs, to whom was referred the bill (S. 7814) to authorize the Secretary of the Interior to sell a portion of the unallotted lands in the Cheyenne Indian Reservation, in South Dakota, to the Milwaukee Land Company for town-site purposes, to report it adversely. I move that the bill be postponed indefinitely, as the House bill, covering the same subject, has already been favorably reported by the committee.

The motion was agreed to.

Mr. CLARK of Wyoming, from the Committee on Public Lands, to whom was referred the bill (H. R. 19268) to create an additional land district in the Territory of New Mexico, to be known as the Fort Sumner land district, reported it without amendment and submitted a report (No. 766) thereon.

Mr. FLINT, from the Committee on Public Lands, to whom was referred the bill (S. 7968) granting to the city of Los Angeles certain rights of way in, over, and through certain public lands and national forests in the State of California, reported it without amendment and submitted a report (No. 767) thereon.

Mr. OWEN, from the Committee on Indian Affairs, to whom was referred the bill (S. 6823) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Pawnee tribe of Indians against the United States, reported it without amendment and submitted a report (No. 768) thereon.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the amendment submitted by Mr. McCUMBER on April 12, 1910, proposing to appropriate \$150,000 for filling in camp site at Queen Emma Point, Honolulu, Hawaii, for camping purposes, etc., intended to be proposed to the sundry civil appropriation bill, reported favorably thereon and moved that it be printed and, with the accompanying papers, referred to the Committee on Appropriations, which was agreed to.

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

A bill (H. R. 18357) for the relief of Matthew McCarthy (Report No. 770); and

A bill (H. R. 3348) for the relief of James McKenzie (Report No. 771).

He also, from the same committee, to whom was referred the bill (H. R. 23388) for the relief of Demon S. Decker, reported it with an amendment and submitted a report (No. 769) thereon.

COMPARISON OF TARIFF ACTS.

Mr. SMOOT, from the Committee on Printing, to whom was referred the House concurrent resolution 39, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

House concurrent resolution 39.

Resolved by the House of Representatives (the Senate concurring). That there be printed and bound 10,000 copies of a compilation entitled "Comparison of the tariff acts of July 24, 1897, and of August 5, 1909, showing the rates of duty, respectively, in parallel columns," as prepared by William W. Evans, a clerk of the Committee on Ways and Means, and authorized by said committee to be printed, 7,500 copies for the use of the House and 2,500 copies for the use of the Senate.

PUBLIC BUILDING AT NEW ORLEANS.

Mr. GAMBLE. On behalf of the junior Senator from West Virginia [Mr. SCOTT], I report back from the Committee on Public Buildings and Grounds, with amendments, the bill (S. 3928) increasing the limit of cost of the construction of the court-house and post-office building at New Orleans, and I submit a report (No. 765) thereon. I call the attention of the senior Senator from Louisiana [Mr. FOSTER] to the bill.

Mr. FOSTER. As this is a local measure, I ask unanimous consent for its immediate consideration.

Mr. HALE. Let it be read.

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

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

The amendments were, on page 1, line 7, after the word "granite," to insert the words "or marble;" and in line 12,

before the word "thousand," to strike out "fifty-seven" and insert "sixty," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and empowered, if a reasonable bid can be secured, to modify the existing contract for the construction of the court-house and post-office building at New Orleans, La., so as to substitute granite or marble for limestone, including all changes incident to such substitution of material, and for this purpose the limit of cost of said building heretofore fixed, of \$1,300,000, exclusive of cost of site, is hereby increased to \$1,460,000.

The amendments were agreed to.

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

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

MISSISSIPPI RIVER BRIDGE.

Mr. CULLOM. I should like to call up the bill (H. R. 18285) to authorize the construction of a bridge across the Mississippi River between Moline, Ill., and Bettendorf, Iowa. The bill has been on the calendar for a good while, and I should like to have it passed.

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

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

COLUMBIA RIVER BRIDGE, WASHINGTON.

Mr. JONES. I should like to ask to have unanimous consent for the present consideration of the bill (S. 8316) authorizing the construction of a bridge across the Columbia River between the counties of Grant and Kittitas, in the State of Washington.

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

The bill was reported from the Committee on Commerce with amendments, on page 1, line 4, after the word "it," to strike out "its successors or assigns;" in line 8, before the word "point," to strike out "some" and insert "a;" and after the word "point," to insert "suitable to the interests of navigation," so as to make the bill read:

Be it enacted, etc., That the Northern Pacific Railway Company, or any railway corporation controlled by it, is hereby authorized to construct, maintain, and operate a bridge and approaches thereto across the Columbia River between the counties of Grant and Kittitas, in the State of Washington, at a point, suitable to the interests of navigation, in section 20, township 17 north, range 23 east, in accordance with the provisions of an act of Congress entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

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

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

Mr. HALE. I ask now for the regular order.

The VICE-PRESIDENT. The regular order is reports of committees. Are there any further reports of committees?

BILLS INTRODUCED.

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

By Mr. BURROWS:

A bill (S. 8495) granting an increase of pension to Stephen E. Taylor (with an accompanying paper);

A bill (S. 8496) granting an increase of pension to Benjamin F. Johnston (with an accompanying paper);

A bill (S. 8497) granting an increase of pension to Freeborn H. Price (with an accompanying paper);

A bill (S. 8498) granting an increase of pension to Lorin T. Richardson (with an accompanying paper);

A bill (S. 8499) granting an increase of pension to John Walker (with an accompanying paper); and

A bill (S. 8500) granting an increase of pension to Charles Pettys (with an accompanying paper); to the Committee on Pensions.

By Mr. PERCY:

A bill (S. 8501) for the relief of the heirs or estate of Louis Summers, deceased (with an accompanying paper); to the Committee on Claims.

By Mr. MONEY:

A bill (S. 8502) for the relief of James W. Person and Isabella M. Person; to the Committee on Claims.

By Mr. TAYLOR:

A bill (S. 8503) to prevent trusts or combinations intended to restrain trade or commerce or to control the market value of merchandise, produce, or commodities; to the Committee on Interstate Commerce.

AMENDMENT TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. FOSTER submitted an amendment proposing to increase the appropriation for the construction of the court-house and post-office building at New Orleans, La., by substituting granite or marble for limestone in the construction, from \$1,300,000 to \$1,460,000, 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.

WITHDRAWALS OF PUBLIC LANDS.

Mr. GUGGENHEIM submitted an amendment intended to be proposed by him to the bill (H. R. 24070) to authorize the President of the United States to make withdrawals of public lands in certain cases, which was ordered to lie on the table and be printed.

HEIRS OF DECEASED INDIANS.

Mr. OWEN submitted an amendment intended to be proposed by him to the bill (H. R. 24992) to provide for determining the heirs of deceased Indians, for the disposition and sale of allotments of deceased Indians, for the leasing of allotments, and for other purposes, which was referred to the Committee on Indian Affairs and ordered to be printed.

MERIDIAN HILL PARK.

On motion of Mr. SMOOT, it was

Ordered, That the map accompanying Senate Report No. 725, Sixty-first Congress, second session, on the bill (S. 7725) to acquire certain land in Hall & Elvan's subdivision of Meridian Hill, in the District of Columbia, for a park, be printed in connection with said report.

ADVANCE IN FREIGHT RATES.

The VICE-PRESIDENT. The morning business is closed. The Chair lays before the Senate resolution No. 249, coming over from a previous day. It will be stated.

The SECRETARY. Senate resolution No. 249, by Mr. LA FOLLETTE, directing the Attorney-General to institute actions against the railroads, enjoining them from advancing rates contrary to law.

The VICE-PRESIDENT. No action is suggested upon the resolution. It will lie on the table, without objection, until the Senator from Wisconsin is present. The morning business is closed.

PENSIONS AND INCREASE OF PENSIONS.

Mr. SMOOT. I submit a conference report. I will state that the House recedes from its amendment changing the rate of pension granted to Elizabeth Ann Howard from \$100, as provided in the bill passed by the Senate, to \$30, and they agree to the Senate provision of \$100.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 7653) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and wars other than the civil war, and certain widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment, on page 3, striking out line 5 down to and including line 8.

That the House recede from its amendment, on page 3, striking out line 13 down to and including line 16.

That the House recede from its amendment, on page 5, striking out line 11 down to and including line 14.

That the Senate recede from its disagreement to the amendment of the House, on page 1, striking out line 6 down to and including line 2, on page 2; and agree to the same.

That the Senate recede from its disagreement to the amendment of the House, on page 2, striking out line 18 down to and including line 21, on page 2; and agree to the same.

That the Senate recede from its disagreement to the amendment of the House, on page 3, striking out line 21 down to and including line 24; and agree to the same.

The conferees of the two Houses are unable to agree to the amendment of the House, on page 2, line 11, striking out "one hundred" and inserting in lieu thereof the word "thirty," the case of Elizabeth Ann Howard.

REED SMOOT,
S. H. PILES,
CHARLES J. HUGHES, JR.,
Managers on the part of the Senate.

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

The report was agreed to.

HOUSE JOINT RESOLUTION REFERRED.

H. J. Res. 221. Joint resolution making appropriation to supply a deficiency in appropriation for contingent expenses of the House of Representatives, was read twice by its title and referred to the Committee on Appropriations.

COURT OF COMMERCE, ETC.

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

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

The VICE-PRESIDENT. The pending question is on agreeing to the amendment proposed by the Senator from South Dakota [Mr. CRAWFORD].

Mr. CRAWFORD. I ask leave to perfect the amendment which I offered last evening, by striking out, in line 9, the words "a majority" and inserting "any part" in lieu thereof; and on page 2, in line 6, by striking out the words "a majority" and inserting "any part," so that the prohibition will run against corporations in which the railway company is the owner legally or equitably of the capital stock or any part thereof, instead of as it read, "the capital stock or a majority thereof."

The VICE-PRESIDENT. The modification will be made as suggested by the Senator from South Dakota.

Mr. CRAWFORD. Mr. President, a very interesting debate occurred yesterday with reference to the effect of the decision of the Supreme Court in the Commodities case, and it is entirely unnecessary for me in any way to travel over that ground. The grave constitutional question that was suggested then the Senator from Texas [Mr. BAILEY] purposely intended to go squarely up against and have presented to the Supreme Court in a second case. I have not attempted to do that, but I have attempted to so frame the amendment that it would cover to the fullest extent the ground the Supreme Court, in its decision, recognized as being beyond question: My amendment is drawn with that in view.

I think the Senator from Kansas [Mr. BRISTOW] desires to suggest a change in my amendment, and before the question is finally put I should like to give him the opportunity to do so.

Mr. SUTHERLAND. Mr. President, I wish to ask the Senator from South Dakota a question about his proposed amendment. On page 2, beginning in line 3, the language is:

Or which within said period was owned in whole or in part by a corporation in which it is at the time of presentation for transportation the owner legally or equitably of the capital stock or any part thereof.

If I understand the amendment, it means that if a corporation in which the railroad company is not in any manner interested has during the period of ninety days mined coal and sold it to an innocent purchaser, and thereafter—after the title to the coal has been parted with, after the coal has passed into the hands of an innocent purchaser—the railroad company becomes interested in the corporation, and the innocent purchaser having acquired it from the corporation at the time the railroad company was not in any manner interested in it tenders it for shipment, this proposed amendment would forbid it from being shipped. Am I correct about that?

Mr. CRAWFORD. I think it is broad enough to go to that extent. The idea is to make it so complete that it will enforce a dissociation of the business of the common carrier from that of being a dealer or an owner in the commodities which it transports.

Mr. SUTHERLAND. Yes; but let me again call the Senator's attention to the language, and analyze it for a moment. His amendment forbids the shipment of a commodity—

Which within said period—

Of ninety days—

was owned in whole or in part by a corporation in which it is at the time of presentation for transportation the owner legally or equitably—

And so on.

That is, the Senator's amendment prevents the shipment if at the time of tender for transportation the railroad company is an owner in the corporation which has owned the commodity or extracted it during that period of ninety days.

Mr. CRAWFORD. I think that particular clause goes that far.

Mr. SUTHERLAND. Does the Senator think it ought to apply to a case of that kind? Let me put it again.

Mr. CRAWFORD. I understand the proposition which the Senator from Utah makes. That one sentence is drastic. In some cases it might work a hardship, but I doubt if you can make this statute effective unless it is a stringent statute.

Mr. BROWN. I desire to inquire of the Senator if the people of the State of Idaho have ever had any experience in suffering the penalties of an injunction brought in the federal courts the effect of which was to nullify a statute of the State. Has that ever happened in the State of Idaho?

Mr. HEYBURN. I do not think there is any phase of this class of litigation which has not repeatedly arisen in the State of Idaho.

Mr. BROWN. Idaho has had the experience of having her statutes assailed in the federal courts by injunction?

Mr. HEYBURN. The statutes of Idaho have been assailed in the federal courts in Idaho many times.

Mr. BROWN. I want to know of the Senator if his State has ever defended in the federal courts in a proceeding where it was sought by injunction to set aside a state statute.

Mr. HEYBURN. The State has defended in cases the titles of which I could give to the Senator, except that it is not very wise to drag individual cases into this body, wherein the constitutionality of the act of the legislature has been called into question in direct proceedings commenced in the supreme court of the State, as under our procedure, and have been defended or otherwise by the attorney-general of the state. I have been counsel in such cases, but I do not care to make this a personal matter.

Mr. BROWN. That was a suit brought in the state courts?

Mr. HEYBURN. Brought in the supreme court of the State.

Mr. BROWN. Exactly. The people of Idaho are very fortunate and very well satisfied, I suppose, to have the laws of the State interpreted originally by its own court, namely, the supreme court of the state, as suggested by the Senator in the case he refers to.

Will the Senator permit me to suggest that it is a very serious matter to the people of a State, who, following constitutional procedure and lines, enact legislation which affects all the people of the State to have a law set aside by a nonresident appearing in the federal court on a writ of injunction, and holding the State and the people of the State up in the air indefinitely?

Mr. HEYBURN. Mr. President, these orders are not made on the responsibility of the nonresident litigant at all. The courts hold the balance as true between nonresidents and residents.

Mr. BROWN. That is true, but the jurisdiction of these cases is obtained by reason of the fact that the complainant or the plaintiff in the suit is a nonresident. That is a matter of fact.

Mr. HEYBURN. Only some times.

Mr. BROWN. Just a moment. As a matter of fact, the suit amounts to a suit against the State, because it is to set aside the action of the State; the state statute. It has seemed to me that the courts finally will hold that it is in effect, and in fact, an action against the State, and therefore does not lie under the eleventh amendment of the Constitution, but up to the present time the courts, by a majority of opinion, have held the contrary.

Mr. HEYBURN. The fact is, that it is always the interest of an individual claiming under the protection of his State the act of the legislature authorizing the issuance of bonds that are sold outside of the State; and, of course, the nonresident of party comes in to test the validity of it. These cases are of such frequent occurrence that it would be useless to stand here to enumerate them. I think that one of the primary objects of the establishment of United States courts was that they might pass upon the acts of the State. I think that is one of the primary objects, because the jurisdiction of the Supreme Court of the United States specifically rests upon the right of the State, the violation of the law of the State.

Mr. SUTHERLAND. Mr. President, this entire discussion to my mind has illustrated the unwisdom of our attempting to deal with an amendment of this general application upon a bill of this character. I therefore move that the substitute offered by the Senator from North Carolina be laid on the table.

Mr. OVERMAN. On that I call for the yeas and nays. The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLAY (when his name was called). I am paired with the junior Senator from New York [Mr. Root]. If he were present, I should vote "nay."

Mr. FLINT (when his name was called). I have a general pair with the senior Senator from Texas [Mr. Culberson]. I transfer that pair to the senior Senator from Pennsylvania [Mr. Penrose], and vote "yea."

Mr. JOHNSTON (when his name was called). I have a general pair with the junior Senator from Michigan [Mr. Smith], which I transfer to my colleague [Mr. Bankhead]. I vote "nay."

Mr. PERCY (when his name was called). I am paired with the junior Senator from Kentucky [Mr. Bradley]. If he were present, I should vote "nay."

Mr. SCOTT (when his name was called). I have a general pair with the senior Senator from Florida [Mr. Taliaferro]. I will transfer that pair to the junior Senator from New York.

Mr. OVERMAN. Mr. President, I offer the substitute which I send to the desk, and I ask that the Secretary read it.

The PRESIDING OFFICER. The Senator from North Carolina proposes an amendment in the nature of a substitute for the amendment proposed by the Senator from South Dakota, which the Secretary will read for the information of the Senate.

The SECRETARY. In lieu of the amendment proposed by Mr. CRAWFORD it is proposed to insert the following:

SEC. 10a. That the act to regulate commerce approved February 4, 1887, as amended, is hereby amended by adding thereto a new section, to be known as section 19a, and to read as follows:

"SEC. 19a. That no interlocutory injunction suspending or restraining the enforcement, operation, or execution of any statute of a State by or execution of such statute shall be issued or granted by any justice of the supreme court, or by any circuit court of the United States, or by any judge thereof, or by any district judge acting as circuit judge, upon the ground of the unconstitutionality of such statute, unless the application for the same shall be presented to a justice of the Supreme Court of the United States, or to a circuit judge, or to a district judge, and shall be heard and determined by three of the United States or a circuit judge, and the other two may be either circuit or district judges, and unless a majority of said three judges shall concur in granting such application. Whenever such application as aforesaid is presented to a justice of the Supreme Court assistance to hear and determine the application two other judges: Provided, however, That one of such three judges shall be a justice of the Supreme Court of the United States or a circuit judge. Said notice of the hearing has been given to the governor and to the attorney-general of the State, and to such other persons as may be defendants in the suit: Provided, That if of opinion that irreparable loss or damage would result to the complainant unless a temporary restraining order is granted, any justice of the Supreme Court of the United States, or any circuit or district judge, may grant such temporary restraining order at any time before such hearing and determination of the application for an interlocutory injunction, but such temporary restraining order shall only remain in force until the hearing and determination of the application for an interlocutory injunction upon notice as aforesaid. The hearing upon such application for an interlocutory injunction shall be given precedence and shall be in every way expedited and be assigned for a hearing at the earliest practical day after the expiration of the notice hereinbefore provided for. An appeal may be taken directly to the Supreme Court of the United States from the order granting or denying, after notice and hearing, an interlocutory injunction in such case; and the hearing of such appeals shall take precedence over all other cases except those of a similar character and criminal cases."

The result was announced—yeas 28, nays 31, as follows:

| | | | |
|----------------|------------|-------------|--------------|
| YEAS—28. | | | |
| Brandegee | Crane | Flint | Page |
| Briggs | Cullom | Frye | Perkins |
| Bulkeley | Curtis | Gallinger | Scott |
| Burnham | Depew | Heyburn | Smoot |
| Burrows | Dick | Lodge | Stephenson |
| Carter | du Pont | Nelson | Sutherland |
| Clark, Wyo. | Elkins | Nixon | Warren |
| NAYS—31. | | | |
| Balley | Clapp | Gore | Purcell |
| Beveridge | Clay | Johnston | Rayner |
| Borah | Crawford | Jones | Shively |
| Bourne | Dixon | La Follette | Shimmers |
| Bristow | Dolliver | Martin | Smith, S. C. |
| Brown | Fletcher | Money | Stone |
| Burton | Frazier | Overman | Warner |
| Chamberlain | Gamble | Piles | |
| NOT VOTING—33. | | | |
| Aldrich | Davis | McEnery | Smith, Md. |
| Bacon | Dillingham | Newlands | Smith, Mich. |
| Bankhead | Foster | Oliver | Taliaferro |
| Bradley | Guggenheim | Owen | Taylor |
| Burkett | Hale | Paynter | Tillman |
| Clarke, Ark. | Hughes | Penrose | Wetmore |
| Culberson | Kean | Percy | |
| Cummins | Lorimer | Richardson | |
| Daniel | McCumber | Root | |

So the Senate refused to lay Mr. OVERMAN's amendment to the amendment on the table.

The VICE-PRESIDENT. The question is on agreeing to the amendment offered by the Senator from North Carolina [Mr. OVERMAN] to the amendment offered by the Senator from South Dakota [Mr. CRAWFORD]. [Putting the question.] The yeas appear to have it.

Mr. OVERMAN. I call for the yeas and nays. The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I am paired with the junior Senator from Pennsylvania [Mr. Oliver]. I transfer that pair to the junior Senator from Iowa [Mr. Cummins]. I vote "yea."

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

and the transfer of that pair to the senior Senator from Florida [Mr. TALLAFERRO]. I vote "yea."

Mr. DILLINGHAM (when his name was called). I again announce my pair with the senior Senator from South Carolina [Mr. TILLMAN].

Mr. FLINT (when his name was called). I am paired with the senior Senator from Texas [Mr. CULBERSON]. I transfer my pair to the senior Senator from Pennsylvania [Mr. PENROSE], and vote "nay."

Mr. FOSTER (when his name was called). I again announce my pair. If I were at liberty to vote, I would vote "yea."

Mr. JOHNSTON (when his name was called). I have a general pair with the junior Senator from Michigan [Mr. SMITH] which I transfer to my colleague [Mr. BANKHEAD], and I vote "yea."

Mr. PERCY (when his name was called). I again announce my pair. If permitted to vote, I would vote "yea."

Mr. SCOTT (when his name was called). I make the same announcement as to the transfer of my pair, and vote "nay."

Mr. SMITH of South Carolina (when his name was called). I again announce my pair with the Senator from Rhode Island [Mr. WETMORE]. Were he present, I should vote "yea."

Mr. TAYLOR (when his name was called). I announce my pair with the senior Senator from New Jersey [Mr. KEAN].

The roll call was concluded.
Mr. PAYNTER (after having voted in the affirmative). Has the senior Senator from Colorado [Mr. GUGGENHEIM] voted?

The VICE-PRESIDENT. He has not voted.
Mr. PAYNTER. In view of the fact that I have a general pair with that Senator, I will withdraw my vote.

Mr. BACON (after having voted in the affirmative). I observe that the senior Senator from Maine [Mr. HALE] has not voted, and as I have a pair with him, I withdraw my vote.

Mr. PAYNTER. I will transfer my pair to the Senator from Oklahoma [Mr. OWEN], and vote "yea."

Mr. RAYNER. I announce the transfer of my pair with the junior Senator from Delaware [Mr. RICHARDSON] to the senior Senator from Virginia [Mr. DANIEL], and I vote "yea."

The result was announced—yeas 33, nays 28, as follows:

YEAS—33.

| | | | |
|-------------|----------|-------------|---------|
| Bailey | Clay | Johnston | Purcell |
| Beveridge | Crawford | Jones | Rayner |
| Borah | Dixon | La Follette | Shively |
| Bourne | Dolliver | Martin | Simmons |
| Bristow | Fletcher | Money | Stone |
| Brown | Frazier | Newlands | Warner |
| Burton | Gamble | Overman | |
| Chamberlain | Gore | Paynter | |
| Clapp | Hughes | Piles | |

NAYS—28.

| | | | |
|-------------|---------|-----------|------------|
| Brandegge | Crane | Flint | Page |
| Briggs | Cullom | Frye | Perkins |
| Bulkeley | Curtis | Gallinger | Scott |
| Burnham | Depew | Heyburn | Smoot |
| Burrows | Dick | Lodge | Stephenson |
| Carter | du Pont | Nelson | Sutherland |
| Clark, Wyo. | Elkins | Nixon | Warren |

NOT VOTING—31.

| | | | |
|--------------|------------|------------|--------------|
| Aldrich | Daniel | McCumber | Smith, Md. |
| Bacon | Davis | McEnery | Smith, Mich. |
| Bankhead | Dillingham | Oliver | Smith, S. C. |
| Bradley | Foster | Owen | Tallaferro |
| Burkett | Guggenheim | Penrose | Taylor |
| Clarke, Ark. | Hale | Percy | Tillman |
| Culbertson | Kean | Richardson | Wetmore |
| Cummins | Lorimer | Root | |

So Mr. OVERMAN's amendment to Mr. CRAWFORD's amendment was agreed to.

The VICE-PRESIDENT. The question is on agreeing to the amendment as amended. [Putting the question.] The noes appear to have it.

Mr. OVERMAN. I ask for the yeas and nays.

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

Mr. CHAMBERLAIN (when his name was called). I am paired with the junior Senator from Pennsylvania [Mr. OLIVER]. I transfer that pair to the junior Senator from Iowa [Mr. CUMMINS], and I vote "yea."

Mr. CLAY (when his name was called). I am paired with the junior Senator from New York [Mr. ROOT]. I transfer my pair to the senior Senator from Florida [Mr. TALLAFERRO] and vote. I vote "yea."

Mr. DILLINGHAM (when his name was called). Owing to my general pair with the senior Senator from South Carolina [Mr. TILLMAN], who is absent, I withhold my vote.

Mr. FLINT (when his name was called). I announce the transfer of my pair with the senior Senator from Texas [Mr. CULBERSON] to the senior Senator from Pennsylvania [Mr. PENROSE]. I vote "nay."

Mr. JOHNSTON (when his name was called). I announce my general pair with the junior Senator from Michigan [Mr. SMITH], which I transfer to my colleague [Mr. BANKHEAD] and vote. I vote "yea."

Mr. PERCY (when his name was called). I have a pair with the junior Senator from Kentucky [Mr. BRADLEY]. I transfer that pair to the senior Senator from Virginia [Mr. DANIEL] and vote. I vote "yea."

Mr. PAYNTER (when his name was called). I have a general pair with the senior Senator from Colorado [Mr. GUGGENHEIM]. I transfer that pair to the Senator from Oklahoma [Mr. OWEN] and vote. I vote "yea."

Mr. RAYNER (when his name was called). I am paired with the junior Senator from Delaware [Mr. RICHARDSON]. If he were present, I should vote "yea."

Mr. SMITH of South Carolina (when his name was called). I have a pair with the junior Senator from Rhode Island [Mr. WETMORE]. If he were present, I should vote "yea."

Mr. TAYLOR (when his name was called). I am paired with the senior Senator from New Jersey [Mr. KEAN].

The roll call was concluded.

Mr. BACON (after having voted in the affirmative). I am informed that the Senator from Maine [Mr. HALE], with whom I have a pair, has not voted. I will, therefore, withdraw my vote.

Mr. BACON subsequently said: Being informed that the junior Senator from Texas [Mr. BAILEY] has not voted, I transfer the pair which I have with the Senator from Maine [Mr. HALE] to the Senator from Texas, and shall permit my vote to stand.

Mr. PAYNTER (after having voted in the affirmative). In view of the fact that the Senator from Oklahoma [Mr. OWEN] has appeared and voted, I withdraw my vote and stand paired with the senior Senator from Colorado [Mr. GUGGENHEIM].

The result was announced—yeas 33, nays 28, as follows:

YEAS—33.

| | | | |
|-------------|----------|-------------|---------|
| Bacon | Clay | Johnston | Piles |
| Beveridge | Crawford | Jones | Purcell |
| Borah | Dixon | La Follette | Shively |
| Bourne | Dolliver | Martin | Simmons |
| Bristow | Fletcher | Money | Stone |
| Brown | Frazier | Newlands | Warner |
| Burton | Gamble | Overman | |
| Chamberlain | Gore | Owen | |
| Clapp | Hughes | Percy | |

NAYS—28.

| | | | |
|-------------|---------|-----------|------------|
| Brandegge | Crane | Flint | Page |
| Briggs | Cullom | Frye | Perkins |
| Bulkeley | Curtis | Gallinger | Scott |
| Burnham | Depew | Heyburn | Smoot |
| Burrows | Dick | Lodge | Stephenson |
| Carter | du Pont | Nelson | Sutherland |
| Clark, Wyo. | Elkins | Nixon | Warren |

NOT VOTING—31.

| | | | |
|--------------|------------|------------|--------------|
| Aldrich | Daniel | McCumber | Smith, Md. |
| Bailey | Davis | McEnery | Smith, Mich. |
| Bankhead | Dillingham | Oliver | Smith, S. C. |
| Bradley | Foster | Paynter | Tallaferro |
| Burkett | Guggenheim | Penrose | Taylor |
| Clarke, Ark. | Hale | Rayner | Tillman |
| Culbertson | Kean | Richardson | Wetmore |
| Cummins | Lorimer | Root | |

So the amendment as amended was agreed to.

Mr. BURTON. I offer the amendment which I send to the desk.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The amendment proposed by the Senator from Ohio will be stated.

The SECRETARY. On page 21, line 15, after the word "section," at the end of the line, it is proposed to insert:

Said commission is hereby directed to investigate and report with a view to securing a uniform classification of articles of commerce carried upon the railroads of the United States.

Mr. BURTON. Mr. President, the Interstate Commerce Commission is asked to investigate and report. I hesitated somewhat whether it was not best to introduce a provision fixing a time when a uniform classification should be secured. As, however, in all changes of this kind where an existing condition has continued for a long time we must move slowly and with due conservatism, I feel that the amendment which I have proposed is sufficient. I hope in a short time it will lead to uniformity of classifications. I think the evil is sufficiently obvious.

There are three classifications corresponding in general to three territorial divisions of the United States. These are the official, the southern, and the western. Each classification in these three areas or territories includes a great diversity of articles. For example, an article shipped from Philadelphia through the Southern States to a point in Texas would be sub-

"pending a final determination." Now, the Senator wants the carrier enjoined from doing what? From advancing rates? Suppose an application is made by the carrier to advance the rate. The commission upon complaint of the shipper opposes the advance and takes one hundred and twenty days in which to determine the question, and if it has not reached a conclusion in the meantime, then under this bill the commission may take six months more, making eleven months in which to determine it. A suit to enjoin could not be maintained and follow this amendment. It is impossible. It says:

Pending a final determination by said commission as to the reasonableness of such rate or rates in a then pending proceeding before said commission.

The court can not enjoin a tribunal having the power and discretion to decide a case before it is decided. It is impossible. I submit that a court could not be asked to enjoin the commission, because no one can tell which way the commission will decide until it does decide. Nobody knows. This amendment says "pending a final determination." The rate does not go into effect until the final determination.

We will take the case of an application on the part of the carrier to advance a given rate 10 cents a hundred. The shipper objects to it, and says it is unjust. The commission, under this bill, suspends the rate pending final determination. There is no court in the world that can reach the commission pending this final determination. You could not bring a suit to set aside, suspend, or enjoin. The court could not get jurisdiction of it, because it is not a determined question. I doubt if it could after the commission has decided against the shipper, because the commission is the legislative agent of the Government. The railroad can enjoin if the order is confiscatory. But you can not work it out under this amendment at all that the shipper can enjoin pending the hearing. There is no legal machinery to do it.

If anyone deprives a citizen or any common carrier or anybody else of property without due process of law or without compensation, in violation of the fifth amendment, the aggrieved party has a right to go into any of the courts of the United States and seek relief. The same is true in the case of any irreparable injury. Anyone can go into a court in a case where irreparable injury is about to be perpetrated and get an injunction. I submit it is impossible to carry out in the courts what is in the Senator's mind through the wording of this amendment.

The amendment says further:

And that the said Interstate Commerce Commission has not suspended, or has not the power to suspend, the enforcement of such rate or rates before the final determination as to the reasonableness of such rates in such pending proceeding before said commission.

But the commission under this bill has this express power. The right is given broadly to suspend on its own motion all rates pending investigation. I do not think it is possible, under this amendment, to work out what the Senator wishes.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Wisconsin.

Mr. BEVERIDGE. Let the amendment be again reported.

The PRESIDING OFFICER. The amendment will be again reported.

Mr. LA FOLLETTE. Before the amendment is reported I wish to suggest the absence of a quorum, because the amendment will otherwise have to be again reported before it is voted upon.

The PRESIDING OFFICER. The Senator from Wisconsin suggests the absence of a quorum. The Secretary will call the roll.

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

| | | | |
|-------------|------------|-------------|------------|
| Bacon | Clay | Gore | Perkins |
| Bailey | Crane | Guggenheim | Purcell |
| Beveridge | Crawford | Hughes | Rayner |
| Borah | Cullom | Johnston | Scott |
| Bourne | Curtis | Jones | Shively |
| Brandegee | Depew | La Follette | Simmons |
| Briggs | Dick | Lodge | Smith, Md. |
| Bristow | Dillingham | Martin | Smoot |
| Brown | Dixon | Money | Stephenson |
| Bulkeley | Dolliver | Nelson | Stone |
| Burnham | du Pont | Newlands | Sutherland |
| Burrows | Elkins | Nixon | Taylor |
| Burton | Flint | Overman | Warner |
| Carter | Frazier | Owen | Warren |
| Chamberlain | Frye | Page | Wetmore |
| Clapp | Gallinger | Paynter | |
| Clark, Wyo. | Gamble | Percy | |

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

The question is on agreeing to the amendment submitted by the Senator from Wisconsin.

Mr. LA FOLLETTE. I ask to have the amendment again reported.

The PRESIDING OFFICER. The amendment will be again reported.

Mr. MONEY. Mr. President, I desire to suggest to the Senator in charge of the bill that a reprint of it be ordered. There have been so many elisions and interlineations that I do not believe the Clerk himself can keep up with the copy he has at his desk. I should like to have a clean bill before us, showing exactly what is before us when it comes up for a last vote.

I make that suggestion to the Senator in charge of the bill, or I will make the motion, if you please, or I will ask for consent, or put it in any other parliamentary way to accomplish the purpose.

The PRESIDING OFFICER. Does the Senator from Mississippi ask that the bill be reprinted as it stands at the present moment?

Mr. MONEY. Yes, sir; or as it will stand when we adjourn this evening.

Mr. CLAY. I understand the Senator from Mississippi asks that the bill as it now stands with the amendments which have been adopted be reprinted. I ask that the bill as it came from the Interstate Commerce Committee be printed along with it in parallel columns in order that we may be able to compare the two.

Mr. BEVERIDGE. Would it not be better to take it as it will stand at the end of the day?

Mr. CLAY. And that it be printed in the RECORD.

Mr. BEVERIDGE. As it stands at the end of the day.

Mr. CLAY. I think that is better—that at the end of this day's session, if we shall have voted upon the bill, and whether or not we shall have voted upon it, the bill as it then stands, with the amendments adopted, be printed, and that the bill as it came from the Committee on Interstate Commerce be printed in parallel columns, that we may understand the two—the original bill and the bill as it may be agreed upon by the Senate at the end of the session to-day.

My colleague makes a suggestion to me which might be better, but I am satisfied simply to have the bill with the amendments which have been adopted printed and the original bill printed in parallel columns. I think it would be better if it could be printed showing what sections have been stricken out, but those are comparisons which we can make anyway regardless of a print in that form. I am willing simply to have the original bill printed in parallel columns with the bill as amended.

The PRESIDING OFFICER. Does the Senator from Mississippi accept the suggestion of the Senator from Georgia in addition to his suggestion?

Mr. MONEY. The idea I had in my mind was to have printed for the use of the Senate the bill as it will go to a final vote, supposing that a final vote will come some time in the near future. I understand the disappointment of the Senate in a vote upon the bill. It is like the mirage of the desert which is constantly receding before the traveler. I do not know when the end will be, but I presume that we will vote on it tomorrow or at some time, and I want a clean draft of the bill with all its interlineations and all its elisions and everything else taken out, and then the bill just as we are to vote on it finally. I have no objection to the suggestion offered by my friend from Georgia.

Mr. CLAY. The Senator accepts it.

Mr. MONEY. I accept it.

The PRESIDING OFFICER. The Senator from Mississippi asks unanimous consent that at the conclusion of the proceedings of to-day's session the bill shall be reprinted showing the original bill as it came from the committee and also the bill as it stands at present with the amendments which have been made to it.

Mr. CLAY. I suggest that the amendments that have been adopted be printed in italics.

The PRESIDING OFFICER. Exactly. Is there objection? The Chair hears none.

Mr. CLAY. I ask that the original bill and the bill now pending be printed both in the RECORD and printed for the use of the Senate.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Georgia? The Chair hears none, and it is so ordered.

The question is on agreeing to the amendment submitted by the Senator from Wisconsin [Mr. LA FOLLETTE].

Mr. BEVERIDGE. Let it be read.

The PRESIDING OFFICER. It will be again read.

The SECRETARY. Amend section 1 by inserting after line 16, on page 2, the following paragraph:

Fifth. All suits brought by any shipper or other interested person to suspend or enjoin any rate or rates, or advance in rates filed by any common carrier with the Interstate Commerce Commission, pending a final determination by said commission as to the reasonableness of such rate or rates in a then pending proceeding before said commission, where it shall be made to appear to such commerce court that the enforcement of such rate or rates will result in a deprivation of the com-

plaintant's property without due process of law, or without compensation, in violation of the fifth amendment to the Constitution of the United States; or wherein it may be made to appear that the enforcement of such rate or rates will result in irreparable injury to the complainant, and that the said Interstate Commerce Commission has not suspended, or has not the power to suspend, the enforcement of such rate or rates before the final determination as to the reasonableness of such rates in such pending proceeding before said commission.

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

Mr. LA FOLLETTE. Upon that I ask for the yeas and nays. The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I transfer my pair with the junior Senator from Pennsylvania [Mr. OLIVER] to the junior Senator from Iowa [Mr. CUMMINS], and vote "yea."

Mr. CLAY (when his name was called). I announce my pair with the junior Senator from New York [Mr. ROOR]. If he were present, I would vote "yea."

Mr. DILLINGHAM (when his name was called). I transfer my pair with the senior Senator from South Carolina [Mr. TILLMAN] to the senior Senator from Pennsylvania [Mr. PENROSE], and vote. I vote "nay."

Mr. FLINT (when his name was called). I am paired with the senior Senator from Texas [Mr. CULBERSON]. He being absent, I will withhold my vote. If he were present, I would vote "yea."

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

Mr. PERCY (when his name was called). I am paired with the junior Senator from Kentucky [Mr. BRADLEY]. I transfer that pair to the senior Senator from Virginia [Mr. DANIEL], and vote "yea."

Mr. RAYNER (when his name was called). I am paired with the junior Senator from Delaware [Mr. RICHARDSON]. If he were present, I should vote "yea."

Mr. SMITH of South Carolina (when his name was called). I am paired with the junior Senator from Rhode Island [Mr. WETMORE]. Were he present, I should vote "yea."

The roll call was concluded.
Mr. CLAY. Since announcing my pair with the junior Senator from New York [Mr. ROOR] the junior Senator from West Virginia has returned to the Chamber and voted. The junior Senator from New York [Mr. ROOR] stands paired with the senior Senator from Florida [Mr. TALLAFERRO]. I therefore can vote. I vote "yea."

The result was announced—yeas 29, nays 33, as follows:

| | | | |
|----------------|------------|--------------|--------------|
| YEAS—29. | | | |
| Bacon | Clapp | Gore | Percy |
| Bailey | Clay | La Follette | Perkins |
| Beveridge | Crawford | Martin | Purcell |
| Borah | Dixon | Money | Shively |
| Bourne | Dolliver | Newlands | Simmons |
| Bristow | Fletcher | Overman | |
| Brown | Frazier | Owen | |
| Chamberlain | Gamble | Paynter | |
| NAYS—33. | | | |
| Brandegee | Cullom | Guggenheim | Scott |
| Briggs | Curtis | Hale | Smoot |
| Bulkeley | Devev | Heyburn | Stephenson |
| Burnham | Dick | Jones | Sutherland |
| Burrows | Dillingham | Lodge | Warner |
| Burton | du Pont | Nelson | Warren |
| Carter | Elkins | Nixon | |
| Clark, Wyo. | Eyre | Page | |
| Crane | Gallinger | Piles | |
| NOT VOTING—30. | | | |
| Aldrich | Davis | McEnery | Smith, S. C. |
| Bankhead | Flint | Oliver | Stone |
| Bradley | Foster | Penrose | Tallaferro |
| Burkett | Hughes | Rayner | Taylor |
| Clarke, Ark. | Johnston | Richardson | Tillman |
| Culberson | Kean | Root | Wetmore |
| Cummins | Lorimer | Smith, Md. | |
| Daniel | McCumber | Smith, Mich. | |

So Mr. LA FOLLETTE'S amendment was rejected.
Mr. LA FOLLETTE. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. In lieu of the provision inserted on page 26, after line 16, insert the following—

Mr. LA FOLLETTE. The provision does not appear in my print of the bill.

The PRESIDING OFFICER. Under the rule it would not be proper to amend an amendment agreed to; but in the absence of objection, the Senator's amendment will be entertained.

Mr. LA FOLLETTE. I think there will be no objection to the offering of it as a substitute.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. In lieu of the proviso inserted in the bill on page 26, after line 15, insert—

Mr. LA FOLLETTE. I ask that the proviso be first read for which I now offer a substitute.

The SECRETARY. The proviso in the bill reads as follows:

Provided, That telegraph and telephone companies, except wireless, transacting interstate business, are hereby placed under the supervision and control of the Interstate Commerce Commission, subject to all of the provisions of an act to regulate commerce, approved February 4, 1887, as amended, applicable thereto.

And in lieu of those words insert the following proviso:

Provided, That the provisions of the act entitled "An act to regulate commerce," approved February 4, 1887, as heretofore amended, shall apply to any corporation or any person or persons engaged in the transmission of messages by telegraph, telephone, and cable (except wireless) from one State, Territory, or District of the United States to any other State, Territory, or District of the United States, or to any foreign country. All charges for any service rendered or to be rendered in the transmission of messages by telegraph, telephone, or cable and as aforesaid in connection therewith shall be just and reasonable, and every unjust and unreasonable charge for such service or any part thereof is prohibited and declared to be unlawful: Provided further, That the Interstate Commerce Commission in determining what are just and reasonable charges for the transmission of messages by telegraph and telephone lines may classify such rates and permit a less rate for night than for day messages and for what is known as "press rate for night than for day messages and for ordinary service: And dispatches" and for newspaper service than for ordinary service: And provided further, That no person, association, copartnership, or corporation subject to the provisions of this act shall promise, offer, or give for any purpose to any political committee or employee thereof, or to any candidate for or incumbent of any office or position under the Constitution or laws of the United States, any free pass or frank or any privilege withheld from any person for the transmission of any message or communication, and no person, association, copartnership, or corporation shall ask for or accept from any person, association, copartnership, or corporation, or use in any manner or for any purpose any free pass or frank or any privilege withheld from any person, association, copartnership, or corporation for the transmission of any message or communication. And any person, association, copartnership, or corporation violating this provision shall be deemed guilty of a misdemeanor, and for each offense, on conviction, shall pay to the United States a penalty of not less than \$100 nor more than \$2,000. And any person, association, copartnership, or corporation who shall use any such free pass or frank shall be subject to a like penalty. Jurisdiction of offenses under this provision shall be the same as that provided in an act entitled "An act to regulate commerce with foreign nations and among the States," approved February 19, 1903, and any amendment thereof.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from Wisconsin [Mr. LA FOLLETTE].

Mr. LA FOLLETTE. Mr. President—
Mr. ELKINS. Inasmuch as the House has passed on this matter and this is an enlargement of what we have already adopted, I will accept the amendment.

Mr. CARTER. I ask the Senator who presents the amendment whether the amendment is so framed as to prevent the enforcement of the section of the statute which now places in the power of the Postmaster-General the regulation of telegraphic rates for the Government of the United States in its official business, or whether the Government would be required under the provisions of the amendment to pay the customary commercial toll?

Mr. LA FOLLETTE. I will say I have made no provision for special rates for any of the departments of the Government.

Mr. CARTER. I submit that such an exception should be made.

Mr. LA FOLLETTE. I think that can be easily added, Mr. President, and I will not object to such a provision being incorporated.

Mr. CARTER. I suggest that the amendment be to the effect that the provisions of this section shall not apply to the business of the Government of the United States.

Mr. LA FOLLETTE. I think that is a very proper amendment, and I accept it.

The proposition which I have now offered is in effect the same as that adopted by the Senate last week, excepting that it provides for a newspaper rate and also prohibits free franks and passes for telephone and telegraph messages.

The PRESIDING OFFICER. The proposed modification of the amendment will be read.

The SECRETARY. It is proposed to insert:

The provisions of this section shall not apply to the telegraph or telephone business of the Government of the United States or any of the departments thereof.

Mr. BAILEY. Mr. President, just exactly why the Government should claim for itself a privilege which it denies to its citizens is not plain to me, unless, indeed, it be upon the theory that to reduce the expenses of the Government is in some measure to relieve all taxpayers; but I rather incline to the opinion that a discrimination is unjust, no matter in whose favor it is proposed, and I do not think that the Government ought to ask for a special favor. I think the amendment suggested by the Senator from Montana contradicts the theory of the amendment proposed by the Senator from Wisconsin.

I want to say, furthermore, while I am on my feet, that I utterly reject the idea that telephone companies should be subjected to the jurisdiction of the Interstate Commerce Commis-

sion. I believe I am safe in saying that not one man in five hundred in this country uses the telephone for an interstate conversation once a month, and I can not consent to impose an additional work on the commission to cover a case so rare as that.

The telegraph is used frequently, although used by a small per cent of our people. Its charges do not fall generally upon the people. I think I might safely say that you can take the average county of 25,000 people in the United States, and, except the people in the towns and villages, not one in a hundred visits the telegraph office once a year.

If we continue to multiply the duties and increase the labor of this commission we must understand that we impair its efficiency for that work which all admit to be very important.

Mr. CARTER. Mr. President—

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

Mr. BAILEY. I had completed my statement.

Mr. CARTER. I do not at this moment pretend to go at length into the considerations which impelled Congress to provide by law that the rates to be paid by the Government of the United States for telegraph services should be fixed by the Postmaster-General.

In the first place, Mr. President, it is of very great importance to the Government that these rates should be uniform throughout the entire country. The system of accounting would become very greatly confused and the system of auditing greatly involved if such were not the case. Telegrams are sent at government expense from points all over the country. The business is not confined to the departments at Washington, as the Senator well knows. In consequence of the widespread use of the telegraph by the agents of the Government it evidently appeared to Congress as important that some uniform rate should be established, and that some officer of the Government should be empowered to determine on principles of equity and justice what that rate should be.

I have no doubt that Congress was impelled by proper motives and considerations for the public service and the interests of the Government in arranging it in that manner, and I do not think that upon the spur of the moment, without more consideration than can be given to the subject here this afternoon, we should attempt to reverse a policy which has been in operation for many, many years.

I have never heard anyone complain of the extension to the Government or of the demand by the Government, if you please, for a special rate for the enormous telegraph business it is constantly transacting on the wires of the country. No citizen can be in competition with his Government. The character of the public business is not that of the commercial agency or institution.

Mr. BAILEY. In the case of the postal savings bank, however, it might happen.

Mr. CARTER. Mr. President, the postal savings-bank principle is founded upon such a solid foundation that it needs no further discussion here.

I think the amendment should go through unless we desire to enter largely and properly upon the consideration of the Government's right to this privilege.

Mr. BAILEY. Mr. President, I have no desire to detain the Senate for that purpose or to detain the Senate longer now than to say, in reply to the Senator from Montana, that when the discrimination in favor of the Government was established we had not learned the evils of discrimination by these public-service corporations.

Besides that, we all know that the Government, when these telegraph lines were in their incipiency, aided them.

The truth is that the first telegraph line ever established in the United States was established with an appropriation from the Federal Treasury and procured through the generous impulse of a Tennessean.

It was in the closing hours of a session when the appropriation of \$40,000 had passed the Senate, and it seemed that the adjournment of Congress would occur before it could be considered in the House. Under a tension which few men in the world have ever experienced Mr. Morse went to a doorkeeper of the House and asked him who was the best-hearted man among all of the Representatives. The doorkeeper told him that it was Robert L. Carruthers, of Tennessee, who, strange to say, was a bachelor. He sent for Mr. Carruthers and made his last appeal. He took Carruthers to the basement of the Capitol, where he had established his instrument, and taking a message from Carruthers as he sat at one desk transmitted it to an associate, who received it at the other desk and read it to Carruthers exactly as he had written it.

Upon that demonstration Carruthers went back into the House of Representatives and secured the passage of that item, and it is one of the ironies of politics that the first message ever transmitted over an established line came from Baltimore to Washington announcing the nomination of Carruthers's great political rival for the Presidency of the United States.

Under those circumstances it was not remarkable that the Government should have felt privileged to demand at the hands of the telegraph company concessions which were not generally accorded its customers.

And then, too, as I said a moment ago, we had not in that day reached the conclusion that everybody who uses a public utility is entitled to use it on the same terms.

The circumstance that the Government is an extensive and profitable patron of the telegraph company does not entitle it to reduced rates. That is precisely the argument which we met and combated so often when we were struggling against the special favors which the railroads sought to justify in consequence of the immense patronage of particular shippers.

Mr. LA FOLLETTE. Mr. President, I will not detain the Senate a moment to further discuss the amendment. There is one economic reason which applies to the railroads that would not apply to these messages, and that is that the car is the unit of shipment. I accept the amendment offered by the Senator from Montana as perfecting my amendment, and ask for a vote upon it.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Wisconsin.

Mr. STONE. Let it be read.

Mr. HEYBURN. I should like to have the amendment of the Senator from Montana read.

Mr. STONE. I should like to have the whole amendment read with the amendment of the Senator from Montana.

The VICE-PRESIDENT. Without objection, the entire amendment will be restated by the Secretary.

The Secretary read the amendment as modified.

Mr. HEYBURN. Mr. President, I hardly think the last portion of the amendment is sufficiently definite. We must take into consideration the manner in which the government business is transacted. At present the government telegraph business is transacted by its representatives in Congress and in the departments through the medium of an annual official pass; that is, a card is issued to the officer of the Government or the Member of Congress, which authorizes the telegraph company to transmit messages signed by the person holding the card. Now they are charged "Government." On the back of that card there are instructions to the operators as to the manner of keeping accounts. They are instructed to charge this message to the Government.

There might be some question as to whether or not the amendment is broad enough to continue that system, or is it that intention of the Senator offering it, or accepting it, that there should be a change in that system? It is a convenient system. The determination of what is government business is left to the officer of the Government. Is it under this amendment proposed that only messages sent by the Government or to the Government shall be within the exception, or are the agencies now authorized to use the Government's credit for sending messages to be recognized? It seems to me the amendment might be made more definite.

Mr. CARTER. Mr. President—

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

Mr. HEYBURN. I do.

Mr. CARTER. Mr. President, I doubt not the amendment might be made more liberal in its application. I do not pretend that the amendment, as offered from the floor on the spur of the moment, covers all the various avenues or agencies through which the Government transacts business over the telegraph lines. The amendment, however, is quite sufficient to charge the conference committee, which will deal with the subject, with the framing of an amendment which will cover the case. If the matter goes over, I shall endeavor to frame an amendment in accurate language, which will cover the various and varied lines of business transacted by the Government; but, for the present, I think the basis is laid for such an amendment as will supply the demands made.

Mr. HEYBURN. Mr. President, having called attention to the question, upon the suggestion of the Senator from Montana [Mr. CARTER], that this amendment is to be treated as a tentative measure or suggestion, I shall not further discuss the question, although I am quite satisfied that it will be necessary to elaborate the amendment in order to preserve existing conditions. I was prompted to make the suggestion by reason of the fact

that this amendment makes it a criminal offense for any person to use a pass, reserving only the exception in favor of government business. Is this going to transfer the determination of what is government business to the law department of the Government of the United States, or is it going to leave the determination, as it now is, to the Government's trusted agents, to whom these passes are delivered? There would be some jeopardy in sending messages which, in the judgment of a Senator, pertain to public business, if it was to be revised and subjected to the interpretation of some special agent of the Department of Justice.

Mr. BAILEY. Mr. President, a closer attention to the reading of the amendment develops another objection to it on my part. I observe that it not only permits a discrimination in favor of the Government, but it also authorizes a discrimination in favor of the newspapers. I understand as well as anybody the useful service which they render in distributing the news, but I doubt if any Senator in the body would be willing to amend the interstate-commerce law, expressly authorizing the railroads to carry the white paper on which they print news for less than other people are charged for a similar service. I doubt if anybody would be willing to authorize the railroads to make special and favorable rates to newspapers upon their machinery, type, and the other paraphernalia of their offices. If that can not be done, I can not understand any reason for discriminating in their behalf in reference to the telegraph service.

I believe that everybody in this country ought to pay the same price for the same service under the same conditions. As for my part, I shall not vote to authorize a discrimination in favor of any class; and I have a grave doubt about authorizing a discrimination in behalf of the Government itself. The only theory upon which I could reconcile myself to that would be that a discrimination in the Government's favor would pro tanto be a discrimination in favor of everybody in the country, and therefore no discrimination at all.

The VICE-PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Wisconsin [Mr. LA FOLLETTE].

Mr. LA FOLLETTE. I ask for the yeas and nays on the amendment.

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

Mr. CHAMBERLAIN (when his name was called). I have a pair with the junior Senator from Pennsylvania [Mr. OLIVER]. I transfer that pair to the junior Senator from Iowa [Mr. CUMMINS], and vote. I vote "yea."

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

Mr. DILLINGHAM (when his name was called). I transfer my general pair with the senior Senator from South Carolina [Mr. TILLMAN], who is absent, to the Senator from Pennsylvania [Mr. PENROSE], and vote. I vote "nay."

Mr. FLINT (when his name was called). I again announce my pair with the senior Senator from Texas [Mr. CULBERSON].

Mr. JOHNSTON (when his name was called). I announce my pair with the junior Senator from Michigan [Mr. SMITH].

Mr. PERCY (when his name was called). I again announce my pair with the junior Senator from Kentucky [Mr. BRADLEY].

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

Mr. SCOTT (when his name was called). I wish to make a statement now, in order that I shall not have to make it again on future roll calls. I have a general pair with the senior Senator from Florida [Mr. TALIAFERRO]. That pair, by agreement with the Senator from Georgia [Mr. CLAY] and myself, has been transferred, so that hereafter I shall vote when my name is called. I vote "nay."

The roll call was concluded.

Mr. CLAY. In addition to the statement made by the junior Senator from West Virginia [Mr. SCOTT], I wish to state now, that for the remainder of the week the junior Senator from New York [Mr. ROOT] will stand paired with the senior Senator from Florida [Mr. TALIAFERRO]. I therefore desire to vote on this question as well as on future roll calls without making the announcement again. I vote "yea."

Mr. FLINT. I transfer my pair with the senior Senator from Texas [Mr. CULBERSON] to the junior Senator from Massachusetts [Mr. CRANE] and vote. I vote "nay."

Mr. SMITH of South Carolina. I desire to announce my pair with the junior Senator from Rhode Island [Mr. WETMORE]. If he were present, I should vote "yea."

The result was announced—yeas 34, nays 28, as follows:

| YEAS—34. | | | |
|----------------|-------------|-------------|--------------|
| Bacon | Clay | Hughes | Perkins |
| Beveridge | Crawford | Jones | Purcell |
| Borah | Curtis | La Follette | Rayner |
| Bourne | Dixon | Martin | Shively |
| Bristow | Dolliver | Money | Simmons |
| Brown | Fletcher | Newlands | Smith, Md. |
| Burton | Frazier | Oberman | Stone |
| Chamberlain | Gamble | Owen | |
| Clapp | Gore | Page | |
| NAYS—28. | | | |
| Bailey | Clark, Wyo. | Gallinger | Piles |
| Brandegge | Cullom | Guggenheim | Scott |
| Briggs | Dick | Hale | Smoot |
| Bulkeley | Dillingham | Heyburn | Stephenson |
| Burnham | Elkins | Lodge | Sutherland |
| Burrows | Flint | Nelson | Warner |
| Carter | Frye | Nixon | Warren |
| NOT VOTING—30. | | | |
| Aldrich | Daniel | McCumber | Smith, Mich. |
| Bankhead | Davis | McEnery | Smith, S. C. |
| Bradley | Depew | Oliver | Taliaferro |
| Burkett | du Pont | Paynter | Taylor |
| Clarke, Ark. | Foster | Penrose | Tillman |
| Crane | Johnston | Percy | Wetmore |
| Culbertson | Kean | Richardson | |
| Cummins | Lorimer | Root | |

So Mr. LA FOLLETTE's amendment as modified was agreed to. Mr. LA FOLLETTE. I offer the amendment which I send to the Secretary's desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 23, line 3, after the word "complaint," it is proposed to insert the following:

Or to appear for and represent the commission in any case pending in the commerce court.

Mr. ELKINS. I accept that amendment.

The VICE-PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Wisconsin.

The amendment was agreed to.

Mr. SIMMONS. I present in modified form the amendment which I offered yesterday.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After line 7, on page 24, it is proposed to insert a new section, to be known as section 10a, and to read as follows:

SEC. 10a. That the act to regulate commerce approved February 4, 1887, as amended, is hereby amended by adding thereto a new section, to be known as section 19a, and to read as follows:

"SEC. 19a. That when, in any proceeding before the Interstate Commerce Commission, whether begun upon application or upon its own initiative, involving the determination of the reasonableness of a rate, charge, or classification, or the reasonableness of a proposed increase of a rate or charge or change of classification, the value of the property of any transportation company subject to this act is material to the determination of such question, the commission, when in its judgment said findings of fact are necessary for a just decision of the matter in controversy, shall be authorized to ascertain and determine, after full hearing, the value of the physical property of such corporation, the amount of stocks and bonds issued and outstanding by it, the amount of money or property value actually paid to and received by it for the stocks and bonds so issued, and what part of the moneys and property so received was actually invested and used in the construction, equipment, and improvement of its property. In determining the value of the property of such corporation the commission shall take into consideration all elements of value that may render the decision fair and just; and said determination and findings shall be prima facie evidence of the facts so found in said proceeding or any subsequent proceedings against such corporation involving the reasonableness of a rate, charge, or classification, or the reasonableness of an increase of a rate or charge or change of classification. For the purpose of making the foregoing investigations and determination the commission shall have power to employ expert engineers and accountants to examine the property and statements and reports of such corporation, and for this purpose it shall be the duty of such corporation to furnish such engineers or the commission full access to any of its property."

Mr. SIMMONS. Mr. President, it will be seen from the reading of the amendment that I have materially modified it since it was offered yesterday. I hope the Senator from West Virginia may see his way clear to accept the amendment in its modified form. I know as a fact that some Senators who voted against the amendment yesterday are very much in favor of it to-day. I have so modified it as to require or rather to authorize—it does not require the commission to do anything—but I have so modified it as to authorize the commission, when, in its judgment, such findings of fact are deemed necessary to a just and fair decision of the controversy, to make a valuation of the physical property of the railroads, also the value of the stocks and bonds, and I have added that, in determining this question, the commission shall consider all the elements of value necessary to a fair and just valuation.

With these amendments, Mr. President, it is apparent that the whole matter is left in the hands of the commission. The commission is not required to make any valuation at all, unless, in its judgment, it is necessary that it should make such valuation in order that there may be a just and reasonable decision upon the question of the reasonableness of a rate; in other

Mr. CHAMBERLAIN (when his name was called). I am paired with the junior Senator from Pennsylvania [Mr. OLIVER]. I transfer that pair to the junior Senator from Iowa [Mr. CUMMINS] and vote. I vote "yea."

Mr. DILLINGHAM (when his name was called). I have a general pair with the Senator from South Carolina [Mr. TILLMAN], and withhold my vote. If permitted to vote, I would vote "nay."

Mr. FLINT (when his name was called). I am paired with the senior Senator from Texas [Mr. CULBERSON]. I transfer that pair to the senior Senator from Pennsylvania [Mr. PENROSE], and vote "nay."

Mr. FOSTER (when his name was called). I announce my pair with the senior Senator from North Dakota [Mr. McCUMBER]. If permitted to vote, I would vote "yea."

Mr. JOHNSTON (when his name was called). I am paired with the junior Senator from Michigan [Mr. SMITH], but my pair is transferred to the senior Senator from Virginia [Mr. DANIEL], and I vote "yea."

Mr. PERCY (when his name was called). I am paired with the junior Senator from Kentucky [Mr. BRADLEY]. If he were present, I should vote "yea."

Mr. OVERMAN (when Mr. RAYNER's name was called). I was requested to announce that the senior Senator from Maryland [Mr. RAYNER], who has been called from the Chamber, is paired with the junior Senator from Delaware [Mr. RICHARDSON].

Mr. CLAY (when Mr. Root's name was called). I was requested to announce that the junior Senator from New York [Mr. ROOT] is paired with the senior Senator from Florida [Mr. TALLAFERRO].

Mr. SMITH of South Carolina (when his name was called). I am paired with the junior Senator from Rhode Island [Mr. WETMORE]. If he were here, I would vote "yea."

The roll call was concluded.

Mr. RAYNER. I am paired with the junior Senator from Delaware [Mr. RICHARDSON], and I withhold my vote.

Mr. JOHNSTON. I wish to announce that the junior Senator from Tennessee [Mr. TAYLOR] is paired with the senior Senator from New Jersey [Mr. KEAN].

Mr. BAILEY. On this question I am paired with the Senator from Massachusetts [Mr. LODGE], and therefore withhold my vote. The result was announced—yeas 29, nays 31, as follows:

YEAS—29.

| | | | |
|-------------|----------|-------------|---------|
| Bacon | Clay | Johnston | Paynter |
| Beveridge | Crawford | La Follette | Purcell |
| Borah | Dixon | Martin | Shively |
| Bourne | Dolliver | Money | Simmons |
| Bristow | Fletcher | Nelson | Stone |
| Brown | Frazier | Newlands | |
| Chamberlain | Gore | Overman | |
| Clapp | Hughes | Owen | |

NAYS—31.

| | | | |
|-------------|---------|------------|------------|
| Brandeggee | Crane | Gallinger | Piles |
| Briggs | Cullom | Guggenheim | Scott |
| Bulkeley | Curtis | Hale | Smoot |
| Burnham | Depew | Heyburn | Stephenson |
| Burrows | Dick | Jones | Sutherland |
| Burton | du Pont | Nixon | Warner |
| Carter | Elkins | Page | Warren |
| Clark, Wyo. | Flint | Perkins | |

NOT VOTING—32.

| | | | |
|--------------|------------|------------|--------------|
| Aldrich | Daniel | Lorimer | Root |
| Bailey | Davis | McCumber | Smith, Md. |
| Bankhead | Dillingham | McEnery | Smith, Mich. |
| Bradley | Foster | Oliver | Smith, S. C. |
| Burkett | Frye | Penrose | Tallafarro |
| Clarke, Ark. | Gamble | Percy | Taylor |
| Culberson | Kean | Rayner | Tillman |
| Cummins | Lodge | Richardson | Wetmore |

So Mr. SIMMONS's amendment was rejected.

Mr. HUGHES. I offer an amendment, which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 21, after the word "section," in line 15, insert:

Provided, however, That the shipper shall in all instances have the right to determine, where competing lines of railway constitute portions of a through line or route, over which of said competing lines so constituting a portion of said through line or route his freight shall be transported: *Provided further,* That where the shipper selects a line beyond the line of the initial carrier over which there is no through route or joint rate established, the carrier receiving said goods for transportation shall not be responsible for loss or injury to the same beyond its own line.

Mr. ELKINS. Mr. President, I have been in consultation with the Senator from Colorado on this amendment, and I accept it.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Colorado.

Mr. BURTON. I suggest as to the order that an amendment has already been adopted on page 21, after line 15, and the amendment of the Senator from Colorado should either follow that or precede it. I ask unanimous consent that the amendment of the Senator from Colorado take its place at the end of

line 15, and that the other amendment adopted this morning at that point may follow.

Mr. HUGHES. That is satisfactory, Mr. President.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Colorado.

The amendment was agreed to.

Mr. HUGHES. I offer another amendment.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 8, line 14, after the word "thereof," strike out beginning with the word "an" to and including the word "filed," in line 23, page 8, and insert in lieu thereof the words:

And the defendants named therein shall enter their appearances therein, and the pleadings, proceedings, practice, and methods of taking testimony shall, save when otherwise herein specially provided for, be in accordance with the practice, procedure and pleading, and taking of testimony, under the rules and statutes applicable and in force with reference thereto in the circuit court of the United States in similar cases, suits, and proceedings.

Mr. ELKINS. I also accept that amendment for the committee.

The VICE-PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Colorado.

The amendment was agreed to.

Mr. ELKINS. I wish to offer an amendment to come in as the last section of the bill:

SEC.— That this act shall take effect and be in force from and after the expiration of sixty days after its passage.

That is precisely the usual provision.

The VICE-PRESIDENT. The amendment proposed by the Senator from West Virginia will be stated.

The SECRETARY. It is proposed to add a new section at the end of the bill, as follows:

SEC.— That this act shall take effect and be in force from and after the expiration of sixty days after its passage.

Mr. ELKINS. That is a committee amendment.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from West Virginia.

Mr. DOLLIVER. What is the occasion of postponing the taking effect of this act?

Mr. ELKINS. I think that a notice of sixty days is due to the shippers, to the carriers, and to everybody concerned, so that they may make their arrangements to comply with the law. That is precisely the House provision.

Mr. DOLLIVER. It seems to me that the more time the railroads get to look into this matter the worse it will be for the shippers. It strikes me, with the rates of freight filed and going into effect in every part of the country, that if the limitations of this bill are not to take effect for sixty days the shipper will be in very much worse shape than he now is.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

Mr. LA FOLLETTE. I ask for the yeas and nays on the amendment.

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

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. I desire to transfer that pair to the junior Senator from Iowa [Mr. CUMMINS] and vote. I vote "nay."

Mr. FLINT (when his name was called). I transfer my pair with the senior Senator from Texas [Mr. CULBERSON] to the senior Senator from Pennsylvania [Mr. PENROSE] and vote. I vote "yea."

Mr. JOHNSTON (when his name was called). I transfer my pair with the junior Senator from Michigan [Mr. SMITH] to the senior Senator from Virginia [Mr. DANIEL], and vote. I vote "nay."

Mr. CLAY (when Mr. Root's name was called). I again announce that the junior Senator from New York [Mr. ROOT] is paired with the senior Senator from Florida [Mr. TALLAFERRO].

Mr. SMITH of South Carolina (when his name was called). I again announce my pair with the junior Senator from Rhode Island [Mr. WETMORE].

Mr. WARREN (when his name was called). I am paired with the Senator from Mississippi [Mr. MONEY], and I therefore withhold my vote.

The roll call was concluded.

Mr. DILLINGHAM. I am paired with the senior Senator from South Carolina [Mr. TILLMAN]. If he were present, I would vote "yea."

Mr. BAILEY. The Senator from Massachusetts [Mr. LODGE] was called from the Chamber a few moments ago, and I agreed to keep him paired for the afternoon. I therefore withhold my vote.

The result was announced—yeas 32, nays 25, as follows:

YEAS—32.

| | | | |
|------------|-------------|--------|---------|
| Brandeggee | Burrows | Cullom | du Pont |
| Briggs | Burton | Curtis | Elkins |
| Bulkeley | Clark, Wyo. | Depew | Flint |
| Burnham | Crane | Dick | Frye |

| | | | |
|--------------|------------|----------------|--------------|
| Gallinger | Hughes | Page | Smoot |
| Guggenheim | Jones | Perkins | Stephenson |
| Hale | Nelson | Piles | Sutherland |
| Heyburn | Nixon | Scott | Warner |
| | | NAYS—25. | |
| Bacon | Clay | Johnston | Purcell |
| Borah | Crawford | La Follette | Shively |
| Bourne | Dolliver | Martin | Simmons |
| Bristow | Fletcher | Newlands | Stone |
| Brown | Frazier | Overman | |
| Chamberlain | Gamble | Owen | |
| Clapp | Gore | Paynter | |
| | | NOT VOTING—35. | |
| Aldrich | Cummins | McCumber | Smith, Md. |
| Bailey | Daniel | McEnery | Smith, Mich. |
| Bankhead | Davis | Money | Smith, S. C. |
| Beveridge | Dillingham | Oliver | Taliaferro |
| Bradley | Dixon | Penrose | Taylor |
| Burkett | Foster | Percy | Tillman |
| Carter | Kean | Rayner | Warren |
| Clarke, Ark. | Lodge | Richardson | Wetmore |
| Culberson | Lorimer | Root | |

So Mr. ELKINS's amendment was agreed to.

Mr. SUTHERLAND. I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Utah will be stated.

The SECRETARY. It is proposed, after the words "water competition," at the end of section 7, to insert:

Provided, That such determination is made within one year after the passage of this act.

Mr. SUTHERLAND. Section 7 has been amended since I proposed this amendment. The amendment should come in—

Mr. NELSON. Allow me to inquire of the Senator from Utah whether the old section 7 is not the section that was stricken out in the original bill?

Mr. SUTHERLAND. No; the new section 7. The amendment should come in after the following words:

In any case where application shall have been filed before the commission, in accordance with the provisions of this section, until a determination of such application by the commission.

The VICE-PRESIDENT. Does the Senator wish his amendment to follow the amendment which was agreed to at that point or to precede it?

Mr. SUTHERLAND. It follows the so-called long-and-short-haul amendment.

The VICE-PRESIDENT. It will be so noted.

Mr. BURTON. I should like to hear that amendment again stated.

The VICE-PRESIDENT. The amendment proposed by the Senator from Utah will be again stated.

The SECRETARY. In section 7, after the words "application by the commission," it is proposed to insert the following proviso:

Provided, That such determination is made within one year after the passage of this act.

Mr. BURTON. May I ask the Senator from Utah what is the object of the amendment?

Mr. SUTHERLAND. The purpose is this: The so-called long-and-short-haul provision contains a proviso:

That no rates or charges lawfully existing at the time of the passage of this amendatory act shall be required to be changed by reason of the provisions of this section prior to the expiration of six months after the passage of this act, nor in any case where application shall have been filed before the commission, in accordance with the provisions of this section, until a determination of such application by the commission.

The effect of that amendment, as I understand, will be that at the expiration of the six months, or a day before the six months expires, the railroad companies could file their application to continue these discriminations in the long-and-short-haul rates, and they might be continued in effect indefinitely pending an inquiry. They might continue in effect for a year or two or three or four years. The object of this amendment is to compel a determination of the question within a year, or if it is not determined within that time, then the substantive part of the long-and-short-haul clause shall go into operation.

Mr. BURTON. That is, the charge shall not be more for the intermediate than for the long haul?

Mr. SUTHERLAND. The point of it is that the substantive provision of the long-and-short-haul clause shall not be held up under any circumstances for longer than a year. That is the point of it.

Mr. BURTON. Otherwise the provision for a higher intermediate rate is not effective.

Mr. SUTHERLAND. If nothing is done under the application at the end of the year, then the long-and-short-haul provision goes into operation; but the commission may continue their investigation, and, when they have concluded the matter, may grant the railroad company applying permission, if they find it is warranted, to charge more for the short haul than they do for the long. But they shall not continue for longer than a year the present rate where they are charging more for the short haul than they are for the long haul.

Mr. BURTON. Then, in the opinion of the Senator from Utah, it would strengthen the clause forbidding the railroads to charge more for the intermediate haul than for the longer haul? That would be the general effect?

Mr. SUTHERLAND. It would strengthen that part of the law.

Mr. PAYNTER. Mr. President—

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

Mr. SUTHERLAND. Certainly.

Mr. PAYNTER. I should like to suggest to the Senator from Utah that, instead of offering this amendment limiting the time to twelve months, he offer an amendment, as a substitute for the provision that is already in the bill, that the long-and-short-haul clause shall not take effect for six months, as originally provided in the amendment which I offered. Then nothing will be dependent upon the question of litigation at all. The same period of time is mentioned as in the long-and-short-haul amendment which was adopted, except under that provision the time of its taking effect can be postponed indefinitely by reason of the fact that there was no limitation placed in it.

Mr. SUTHERLAND. I will say to the Senator from Kentucky that I had considered that, and the only reason I did not put it in that way was that under this provision the substantive part of the clause will go into operation at the end of six months unless application has been filed. There is no reason why—

Mr. PAYNTER. I would eliminate, if I had the power, that clause entirely which provides that it shall be continued. The railroads can prevent it from going into operation by filing the application. I recognize the fact that where you change the conditions and the question has to be determined as to whether they should be permitted to charge less for the longer than for the shorter distance, it will take time, and, therefore, I mention six months as a reasonable time in which it might be done. I think the amendment would be very much improved if the Senator would eliminate that whole clause and substitute the provision that was in the amendment which I originally offered, which was that the section should take effect at the end of six months without any right of the railroad company to prolong or in effect postpone the going into operation of the provision beyond that time.

Mr. PILES. Mr. President—

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Washington?

Mr. SUTHERLAND. Yes.

Mr. PILES. I should like to ask the Senator if the purpose of his amendment is to take the present terminal or water rate out of existence at the expiration of one year?

Mr. SUTHERLAND. Unless the commission in the meantime has made an order permitting the railroads in a given case to charge more for a short haul than for a long haul.

Mr. PILES. Mr. President, I do not think that the amendment should be adopted. The water rate is presumptively a fair rate. The commission, on several occasions where the question has been litigated, have held the rate to be fair and reasonable. Under the circumstances and with all of the work that this act imposes upon the commission, it seems to me that it would be altogether unjust to the coast country to require an advance in their rates at the expiration of one year, if the commission shall be unable within that time to decide the question.

So far as I am concerned, I hope to see the interior country have fair and reasonable rates, and if it shall be found upon final hearing that by reason of the lowness of rates to water points the interior of the country is not having that fair rate to which it is justly entitled, then I am willing that the water rate should be raised; but I do not think it would be fair to adopt this amendment. If the commission shall be unable within the period of twelve months to determine the matter, then under the terms of the proposed amendment we may look to an increase in rates at all terminal points.

Mr. SUTHERLAND. Mr. President, the Senate has already declared by the amendment which we have adopted that it shall be unlawful for any common carrier to charge or receive any greater compensation in the aggregate, and so on, for a shorter than for a longer distance over the same line or route. That is the substantive provision which we have put into this bill, and the Senate has thereby declared that that should be the rule and everything else should be the exception.

We make an exception to that by saying:

That no rate now in existence shall be changed prior to the expiration of six months.

That is one exception. The object of that is to enable the railroad companies to adjust themselves to this new rule in that time.

Then it provides for another exception, and under the language of that exception, if the railroad company files its appli-

The PRESIDING OFFICER. Sixty-seven Senators have answered to their names. A quorum is present.

Mr. FLETCHER. I am satisfied that Senators did not understand the question before the Senate at the time the vote was taken on the amendment offered by the Senator from Utah. I am quite satisfied that the Senate did not understand that the question was on the adoption of that amendment as modified by the amendment offered by the Senator from Kentucky; and I am furthermore satisfied that there was not a quorum of the Senate present at the time that vote was taken. I ask, Mr. President, as a matter of fairness—whether it is a matter of right or not—

The PRESIDING OFFICER. The Chair will again put the request. Is there a second to the demand for the yeas and nays?

The yeas and nays were ordered.

Mr. CLAY. What is the amendment we are voting on now?

The PRESIDING OFFICER. The Secretary will report the amendment.

The SECRETARY. At the end of section 7 insert the words—

Provided, That such determination is made within one year after the passage of this act: *Provided further*, That if more than one year, in the opinion of the Interstate Commerce Commission, is needed to consider the questions and make such determination of them, the Interstate Commerce Commission may extend the time beyond one year.

The PRESIDING OFFICER. The Secretary will call the roll.

Mr. CLAY. Then we are first to vote on the amendment of the Senator from Kentucky. Is that correct?

The PRESIDING OFFICER. The amendment of the Senator from Kentucky has been incorporated in the amendment of the Senator from Utah.

Mr. CLAY. By a vote of the Senate?

The PRESIDING OFFICER. No; by a modification of the amendment of the Senator from Utah. The question is on agreeing to the amendment as modified.

Mr. HEYBURN. Mr. President, can a Senator accept an amendment?

Mr. BEVERIDGE. No; but he can modify his own amendment. He can perfect his own amendment.

The PRESIDING OFFICER. He can perfect his own amendment.

Mr. BEVERIDGE. And he has perfected it by the modification.

Mr. HEYBURN. I should like to have voted for the amendment of the Senator from Utah before it was spoiled.

Mr. BEVERIDGE. You can not do it, now that it is perfected.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I am paired with the junior Senator from Pennsylvania [Mr. OLIVER]. If he were present, I should vote "nay."

Mr. DILLINGHAM (when his name was called). Owing to my general pair with the senior Senator from South Carolina [Mr. TILLMAN] I withhold my vote.

Mr. FLINT (when his name was called). I am paired with the senior Senator from Texas [Mr. CULBERSON]. I transfer that pair to the senior Senator from Pennsylvania [Mr. PENROSE], and vote "nay."

Mr. OVERMAN (when Mr. FOSTER's name was called). I was requested to announce that the junior Senator from Louisiana [Mr. FOSTER] is unavoidably absent. He is paired with the senior Senator from North Dakota [Mr. McCUMBER].

Mr. JOHNSTON (when his name was called). I have a general pair with the junior Senator from Michigan [Mr. SMITH].

Mr. MONEY (when his name was called). I am paired with the Senator from Wyoming [Mr. WARREN]. He is not here, and I withhold my vote.

Mr. OVERMAN (when his name was called). I will announce that I am paired with the junior Senator from New Jersey [Mr. BRIGGS], who is unavoidably absent.

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

Mr. SCOTT (when his name was called). I have a general pair with the senior Senator from Florida [Mr. TALLAFERRO], but I will take the liberty of voting because I believe he would vote the same way that I shall vote. I am not authorized to make this statement positively, but I will take the risk of voting. I vote "nay."

Mr. SMITH of South Carolina (when his name was called). I am paired with the junior Senator from Rhode Island [Mr. WETMORE], and withhold my vote.

The roll call was concluded.

Mr. CLAY. I am paired with the junior Senator from New York [Mr. ROOT].

Mr. GALLINGER. I wish to announce that the senior Senator from Michigan [Mr. BURROWS] is paired with the senior Senator from Virginia [Mr. DANIEL].

Mr. BACON. I desire to announce that the junior Senator from Virginia [Mr. MARTIN] has been called from the Chamber by illness in his family.

The result was announced—yeas 31, nays 27, as follows:

YEAS—31.

| | | | |
|-----------|-------------|-------------|------------|
| Bacon | Clapp | Gore | Paynter |
| Beveridge | Clark, Wyo. | Jones | Percy |
| Borah | Crawford | La Follette | Rayner |
| Bristow | Curtis | Nelson | Smoot |
| Brown | Dixon | Newlands | Stephenson |
| Burkett | Dolliver | Nixon | Stone |
| Burton | Frazier | Owen | Sutherland |
| Carter | Gamble | Page | |

NAYS—27.

| | | | |
|-----------|----------|------------|------------|
| Aldrich | Depew | Gallinger | Perkins |
| Bourne | Dick | Guggenheim | Piles |
| Brandegee | du Pont | Hale | Scott |
| Bulkeley | Elkins | Heyburn | Shively |
| Burnham | Fletcher | Hughes | Smith, Md. |
| Crane | Flint | Kean | Warner |
| Cullom | Frye | Lodge | |

NOT VOTING—34.

| | | | |
|--------------|------------|------------|--------------|
| Bailey | Cummins | Martin | Smith, Mich. |
| Bankhead | Daniel | Money | Smith, S. C. |
| Bradley | Davis | Oliver | Tallafarro |
| Briggs | Dillingham | Overman | Taylor |
| Burrows | Foster | Penrose | Tillman |
| Chamberlain | Johnston | Parcell | Warren |
| Clarke, Ark. | Lorimer | Richardson | Wetmore |
| Clay | McCumber | Root | |
| Culbertson | McEnery | Simmons | |

So Mr. SUTHERLAND's amendment as modified was agreed to.

Mr. BEVERIDGE. I desire to offer an amendment, which I think was omitted by inadvertence and which I am sure will commend itself to all Senators. I call particularly the attention of the Senator from Wisconsin [Mr. LA FOLLETTE] to it.

Yesterday, or the day before, when the amendment of the Senator from Wisconsin was agreed to by the Senate, with reference to telegraph and telephone companies, the provision prohibiting passes to be given excluded the agents, officers, and employees of telegraph and telephone companies. In the case of the railroads, of course all the employees of railroad companies are permitted to have passes. I merely call this matter to the attention of the Senator and the Senate, and I suggest an amendment.

The VICE-PRESIDENT. The Senator from Indiana offers an amendment, which will be stated.

The SECRETARY. On page 56, line 16, after the word "communication," strike out the period and insert the following:

And provided further, That this provision shall not be construed to prohibit the privilege of passes or franks for the officers, agents, and employees of such telegraph, telephone, and cable lines and their families.

Mr. ELKINS. So far as I can I will accept the amendment for the committee.

The amendment was agreed to.

Mr. LA FOLLETTE. By some error or oversight, on page 55 of the bill, as reprinted this morning, there were printed at the end of section 11, on page 55, two amendments run together. They have no relation, and were adopted by the Senate at different times. I think on an inspection of the bill it will be much better to adopt the amendment on page 55, from line 4 to and including the word "analysis," on line 9, with the word "that" stricken out, as an additional paragraph at the bottom of page 33, and I ask that it be incorporated in the bill at that point.

The VICE-PRESIDENT. The Senator from Wisconsin asks unanimous consent that that portion of the amendment on page 55 included within lines 4 to 9, inclusive, save the word "Provided," in line 9, and striking out the word "That," in line 4, be stricken from the bill on page 55, and inserted as an additional paragraph of section 10 at the end of page 33.

Mr. LA FOLLETTE. That is right, Mr. President.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and that modification will be made.

Mr. HEYBURN. I would suggest that in the bill as printed this morning, on page 3, in the twenty-fourth line, the word "circuit" should be stricken out. The character of the judge had already been fixed in the sentence preceding. It is merely a correction of the form. It is not necessary, because it is dealing with that class of judges.

The VICE-PRESIDENT. Is there objection to the modification asked by the Senator from Idaho?

Mr. BACON. I understand the request of the Senator to be for unanimous consent to strike out the word "circuit," in line 23, on page 2.

Mr. HEYBURN. I can offer it as an amendment. It is obviously incorrect. We just before have defined the character of judges who may sit. It is not necessary to repeat it every time that you refer to the order.

Mr. BACON. As I understand it, the provisions which precede that relate to the proposed commerce court, whereas the word "circuit," in line 23, is in a paragraph which relates to the circuit court and all other United States courts, and is not limited to the commerce court.

Mr. HEYBURN. We have already, on the same page, in two cases defined the character of the judge who may be assigned. Now, that having been done, it is quite sufficient to say "said judge."

Mr. BACON. Possibly I have not the same print of the bill. The sentence is as follows:

Nothing hereinbefore contained shall be construed as enlarging the jurisdiction now possessed by the circuit courts of the United States or the judges thereof.

Mr. HEYBURN. No; the Senator has the wrong page.

Mr. BACON. It is page 2.

Mr. HEYBURN. It is opposite that in the print of this morning. This is the language:

After the year 1914 no circuit judge shall be redesignated to serve on the court of commerce.

Mr. BACON. On what page does the Senator read?

Mr. HEYBURN. I am reading from page 3 of this morning's print.

Mr. CULLOM. In what line?

Mr. HEYBURN. Line 24. It is a mere matter of form.

Mr. BACON. I was mistaken altogether as to what the Senator alluded to.

Mr. HEYBURN. It is merely in the interest of a better form of expression; that is all.

Mr. BACON. The Senator will see if his motion had related to page 2, line 23, it was a different matter.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Idaho that the word "circuit," before the word "judge," in line 24, on page 3, be stricken out? The Chair hears none.

Mr. HEYBURN. These suggestions are as to form. Here is one that is as to form and substance. On page 9, line 15, the words "and taking of testimony" occur. The manner of the taking of testimony is prescribed in the next paragraph, and we have prescribed two different rules for taking testimony. First it says:

And methods of taking testimony shall, save when otherwise herein specially provided, be in accordance with the practice, procedure, and pleading, and taking of testimony under the rules and statutes applicable and in force with reference thereto in the circuit court of the United States in similar cases, suits, and proceedings.

We certainly do not want to adopt the method of taking testimony in the circuit court of the United States in this class of cases, because it is exceptionally burdensome and expensive. The committee have evidently taken that into consideration and have provided a very much simpler way of disposing of it. Only eight lines below it is provided that—

The court may by rule prescribe the method of taking evidence in cases pending in said court.

That is as it should be. If we are to take testimony under *dedimus*, as in the circuit court of the United States, where everything that is spoken is taken down and where no ruling is made upon the propriety of a question or its answer, we are going to have records here that will constitute a library. With the power given to the court or the judge who may hear it, as specifically provided for later in the bill, the court will pass upon the admissibility of testimony, and the record will contain only the offer of testimony and the ruling of the court thereon, while otherwise it would contain volumes of testimony.

Every lawyer who has had occasion to practice under the equity rules of the United States courts realizes the enormous expense in these modern days of taking testimony. Some time you may put on a dozen pages what will be found in that many volumes, if the court or the officer before whom the testimony is taken is authorized to sift it and determine as to its admissibility.

I like very much the provision that the committee has incorporated, that it may be taken under rules prescribed by the court and that it may, if they so order, be taken before a single judge of the court, with power to rule upon the admission of evidence. That is as it should be. But if we leave in this expression, that it shall be taken as under the rules of equity of

the United States circuit court, then you encumber the proceeding with the present practice, where everything must be taken down and brought into court for determination under an order for a rule to purge the record.

Mr. ELKINS. Let me ask the Senator if he proposes to strike out the words "and taking of testimony?"

Mr. HEYBURN. Yes; in line 15, the words "and taking of testimony," so that you proceed under the rules of the circuit court as to matters of pleading, practice, and issue and proceed in the taking of testimony under the very much better rule stated a few lines after that.

Mr. ELKINS. Beginning in line 21:

The court may, by rule, prescribe the method of taking evidence.

Mr. HEYBURN. It runs over the page. I would leave that in. That is right.

Mr. ELKINS. If the clause in line 15 stayed in, there would be conflict?

Mr. HEYBURN. If it stayed in, there would be confusion, because there would be two rules under which testimony could be taken. One of them would be an appropriate rule and the other would not.

Mr. ELKINS. I do not see any objection to the Senator's suggestion.

The VICE-PRESIDENT. Is there objection to the suggestion of the Senator from Idaho?

Mr. HUGHES. I object.

The VICE-PRESIDENT. The Senator from Colorado objects.

Mr. HUGHES. It was only yesterday we voted this in and then was the time, it seems to me, if the Senator had objection to it, when he should have presented it. The objection made is without force because in the very amendment it says: "Save when otherwise herein specially provided," which takes care of the other portions of the statute. If there is no provision made by rule or otherwise, then there should be some method of taking testimony. I do not agree that the present rules of the federal court tend to pile up volumes in the taking of depositions or otherwise. They are abused, as these rules will be abused, as the rules of debate are abused, by a vast accumulation of words which are not very helpful; but if you leave that out, you will have instances unprovided for by the rules adopted by the new court, with nothing to comply with them whatever. If you leave it in, it only applies where under the provisions of this act no provision has been made.

Mr. HEYBURN. Mr. President, I think if the Senator will reverse those provisions and place the one providing that the testimony shall be taken under rules to be established by the court in which the testimony is to be used and put it before the other one, he will see that the suggestion is not borne out. It first provides for the taking of testimony under the rules of the United States circuit court. We are all familiar with them; we know what they are. The Senator from Colorado will concede that under that practice the testimony in many cases covers many volumes. I have in my mind one of twelve volumes of testimony now on file, and the court, in dealing with it, candidly expressed the opinion that it all should have been in one volume. But there was no power in the officer before whom the testimony was being taken to purge the record; so it all had to go up to the court. That is what I want to avoid.

I think the Senator probably has suffered the same inconvenience as many other practitioners, of having a record piled up for the purpose of making expense. I can readily understand that in a case of this kind the railroad company might inject into the testimony in a case the reports for years for the purpose of comparison, and they might make a record so burdensome that no ordinary litigant could stand it.

I have in mind a case that is reported in the volumes of the Supreme Court, where the parties, for the purpose of crushing out a litigant, who had the right on his side but did not have much money, interjected into the record 1,400 pages in just about three words as a part of the record, and the other side was compelled to print it and take it up to the appellate court. But upon the appellate court's attention being called to it, it purged the record and made the party pay about \$1,400 before it would allow them to argue the case. Now, that is entirely possible if this provision remains in.

The railroad company's business covers a vast amount of records, and in the trial of an ordinary case, involving perhaps a very small sum of money, they might make the record so expensive that no litigant could stand it; but if the court is permitted to purge the record as it goes along of matters that are not necessary or pertinent, it will keep down the expense, and the court will always have supervision over it, while, on the other hand, if the suit is brought and an issue framed, a party might sue out a *dedimus* and go roving around the coun-

The VICE-PRESIDENT. If there is no objection the amendment will again be reported.

The SECRETARY. Add, at the end of section 1, the following proviso:

Provided, That no person holding any official relation to any common carrier subject to the provisions of this act, or owning stock or bonds thereof, or who is in any manner pecuniarily interested therein, shall be appointed or designated and assigned as a judge of the court of commerce, or enter upon the duties of or hold such judicial office.

The result was announced—yeas 29, nays 32, as follows:

YEAS—29.

| | | | |
|-----------|----------|-------------|--------------|
| Bacon | Clapp | Hughes | Rayner |
| Beveridge | Clay | Jones | Shively |
| Borah | Crawford | La Follette | Simmons |
| Bourne | Dixon | Newlands | Smith, S. C. |
| Bristow | Dolliver | Owen | Stone |
| Brown | Fletcher | Paynter | |
| Burkett | Frazier | Percy | |
| Burton | Gore | Purcell | |

NAYS—32.

| | | | |
|-------------|-----------|------------|------------|
| Aldrich | Curtis | Gamble | Page |
| Brandegge | Depew | Guggenheim | Perkins |
| Bulkeley | Dick | Hale | Piles |
| Burnham | du Pont | Heyburn | Scott |
| Carter | Elkins | Kean | Smoot |
| Clark, Wyo. | Flint | Lodge | Stephenson |
| Crane | Frye | Nelson | Sutherland |
| Cullom | Gallinger | Nixon | Warner |

NOT VOTING—31.

| | | | |
|--------------|------------|------------|--------------|
| Bailey | Cummins | McEnery | Smith, Md. |
| Bankhead | Daniel | Martin | Smith, Mich. |
| Bradley | Davis | Money | Taliaferro |
| Briggs | Dillingham | Oliver | Taylor |
| Burrows | Foster | Overman | Tillman |
| Chamberlain | Johnston | Penrose | Warren |
| Clarke, Ark. | Lorimer | Richardson | Wetmore |
| Culberson | McCumber | Root | |

So Mr. LA FOLLETTE's amendment was rejected.

Mr. LA FOLLETTE obtained the floor.

Mr. BEVERIDGE. Mr. President—

Mr. LA FOLLETTE. I yield to the Senator from Indiana.

Mr. BEVERIDGE. I propose the amendment I send to the desk.

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

The SECRETARY. Add at the end of the bill a new section, as follows:

SEC. — That no Senator, Representative in Congress, and no secretary or other employee of such a Congressman or Senator, and no judge or employee of any court, and no officer, employee, or agent of the Government of the United States, and no officer, agent, or employee of any state government shall, directly or indirectly, accept any fee, reward, gift, or any other matter of any value whatever from any corporation or person engaged in interstate commerce, or from any officer, agent, or employee thereof. Any violation of this provision, either by the person, corporation, agent, or employee, or any person or corporation engaged in interstate commerce, or by anyone accepting any fee, gift, or reward, directly or indirectly, shall be considered guilty of a misdemeanor, and on conviction thereof shall be fined not less than \$500 or be imprisoned for not less than one year, or both.

The VICE-PRESIDENT. The question is on agreeing to the amendment presented by the Senator from Indiana. [Putting the question.] The yeas seem to have it.

Mr. BEVERIDGE. I ask for the yeas and nays.

The yeas and nays were not ordered.

The amendment was rejected.

Mr. LA FOLLETTE. I propose the amendment I send to the desk.

Mr. BEVERIDGE. Before the amendment of the Senator from Wisconsin is offered, I ask a division.

Mr. LA FOLLETTE. I withdraw the amendment.

Mr. BEVERIDGE. I serve notice I will offer it in the Senate.

The VICE-PRESIDENT. The Senator from Indiana asks for a division on what?

Mr. BEVERIDGE. A division on my amendment.

The VICE-PRESIDENT. The Senator from Indiana asks for a division on his amendment.

The question being put, there were on a division—yeas 14, nays 39.

So Mr. BEVERIDGE's amendment was rejected.

The VICE-PRESIDENT. The Senator from Wisconsin [Mr. LA FOLLETTE] again presents his amendment, which the Secretary will state.

The SECRETARY. On page 10 of the last reprint of the bill, line 7, strike out the words "by the Chief Justice of the United States" and in lieu thereof insert:

And assigned thereto by the justices of the Supreme Court of the United States, a majority of its members concurring therein.

Mr. LA FOLLETTE. Mr. President, I wish to say just a word. It seems to me too important a matter to leave the designation of the members of this court to one man, the Chief Justice of the Supreme Court of the United States. I believe there are reasons which will commend themselves to the Members of this body why, after the President has made the designation of the judges for this commerce court, the vacancies which

come in the future, the designations to be made hereafter, should be made by the entire membership of the Supreme Court instead of by a single member of that body.

The amendment which I have offered commended itself to the House of Representatives and was adopted there by an overwhelming vote. I submit it, Mr. President.

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Wisconsin.

Mr. CARTER. Mr. President, before the question is put on the pending amendment—an amendment to which I am opposed and against which my vote shall be recorded—I deem it appropriate to refer to an amendment passed upon some moments ago. A Senator presented to this bill an amendment the purport of which was that no judge of a court of the United States should preside in a cause in which he was directly or indirectly interested as a director or stockholder of a railroad or transportation company.

I regarded that amendment as offensive to the intelligence of every lawyer in this Chamber. The votes of the Members of the Senate on that identical question have heretofore been paraded over this country as indicating the desire of those who voted against it to have judges preside in their own cause.

It is well that the fact should be understood that the action of a judge in presiding in his own cause has been reversal error from the crudest days of our system of jurisprudence. Never in any country, never under any form of government, has the right of any man been recognized to pass upon his own cause in a court of justice. The juror who conceals his interest and surreptitiously pollutes the fountain of justice by acting as a juror in a case in which he is interested gives occasion for a reversal of the judgment. The judge who willfully and deliberately conceals his interest in a pending cause, and concealing criminally, ventures to pass upon the merits in his own behalf, not only presents a case of reversal error, but renders himself subject to impeachment, and he would be impeached at the bar of the Senate and driven in disgrace from the high place he holds. In the light of the state of the law and the history of the law and the courts of the world, is it not astonishing that anyone would present an amendment providing that a judge should not preside in a case in which he was financially or otherwise interested?

I think that this much should be said in order that the state of the law may be understood; that the dignity of the courts may be justified in this presence; that the intelligence of those who have stood behind our system of jurisprudence may be vindicated. I am sorry the amendment was presented, because I know that there is not a lawyer in this presence who will not agree with every sentiment I have uttered and every statement I have made.

Mr. BORAH. Mr. President, in view of the fact that I voted for this amendment, I desire to say only a word in justification of my vote.

It is quite true, as the Senator from Montana has stated, that no judge is permitted to sit in judgment in a matter wherein he is interested. It is fundamental in our jurisprudence, and I presume that no one would offer an amendment here for the purpose of covering that principle, which is so well embodied in our system of jurisprudence.

I was not of the impression at the time I voted for this amendment that I was voting for an amendment which covered that general principle, and I am not so informed at present. I supposed I was extending the principle where it may not be considered to go without legislative aid. The fact is that this is an amendment which is found in many of the statutes of the different States. It covers the principle which the Senator from Montana says is a general principle. In other words, it is designed to extend that principle so that there may no question arise. For instance, in the Commodities case, decided by the Supreme Court of the United States, it was held that a stockholder was not a party in interest under the clause there designating a party in interest. So, in this instance, if that rule were applied, it would not exclude a judge who had such an interest. It was designed to cover that which the general principle does not cover, but based upon the same general proposition and designed to protect the courts of justice from the influence of any possible selfish interest.

Mr. President, I am one of those who believe that the judiciary system of the United States is the greatest judiciary system in the world to-day. I am one of those who believe that it is the most remarkable monument to the inspired genius of the fathers, the most remarkable intellectual achievement, standing single and alone in the whole history of government and governmental institutions.

But, Mr. President, this amendment which has been offered for the purpose of protecting the great fundamental principle

which lies at the basis of our great judiciary system is insignificant indeed compared with that which we are engrafting upon our judiciary, creating a court of commerce, which is in contradiction and in fundamental violation of every principle upon which the great judiciary system of the United States is founded. If we are going to engraft upon our great judiciary system an extraneous proposition, there is every reason why we should throw around it every safeguard and every protection that will protect the system as it exists to-day; and no man should be permitted to sit upon that court or any other court who has any interest in the subject-matter, either direct or indirect.

If the general principles of law do not cover it, then it should be covered by statute, and I voted for it not as casting a reflection upon our judiciary; I voted for it for the purpose of extending the principle and incorporating it into the statute, so that there might be no mistake about it, and that we would know that the bill had, even in this extraneous proposition that is engrafted as a matter of political expediency, the same protection which surrounds the great judiciary system itself.

Mr. LA FOLLETTE. Mr. President, I just want to say a word in reply to the criticism of the amendment upon which action was taken during the temporary absence from the Chamber of the Senator from Montana [Mr. CARTER]. If it is such an offense to incorporate in this statute this provision as applicable to the judges of the court of commerce, as suggested by the Senator from Montana [Mr. CARTER], why should it have been put into the original law with respect to the Interstate Commerce Commissioners? I have copied the provisions of that statute making the matter applicable here.

It does seem to me that when we are creating a special court here under circumstances which raise doubts in the minds of many of the Senators as to its wisdom we are taking only a wise precaution, one which we owe to the court itself, that we shall throw around it all of the safeguards possible to rob criticism of its edge and of its point.

Mr. HEYBURN. Mr. President, to send out to the world the idea that because a Senator voted against this amendment he was in favor of men occupying the judicial position contemplated under this bill or under any other law, sitting in cases in which they had any interest, directly or indirectly, would be an infamous suggestion. To send out such a suggestion to the world, based upon the fact that a man voted against this amendment, I repeat, would be an infamous performance.

Mr. CARTER. Mr. President, the analogy presented by the Senator from Wisconsin between the court of commerce here proposed and the Interstate Commerce Commission does not, I submit to the Senate, find warrant in the case. The Interstate Commerce Commission is an administrative body, created by the Congress to carry out its will in a case where the Congress can not in the nature of things administer the details directly. The Interstate Commerce Commission is but exercising a legislative function under certain rules and regulations prescribed by the Congress.

On the other hand, Mr. President, the court of commerce here proposed is in truth and fact a court presided over by members of the circuit court of appeals of the United States designated in orderly fashion under the terms of the law to serve for the time being as members of this important court. Every principle of law, every rule of procedure applicable to the highest court in the land, will, of course, apply to this court of commerce and the judges presiding over it.

The VICE-PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Wisconsin [Mr. LA FOLLETTE].

Mr. LA FOLLETTE. On that I ask for the yeas and nays. The yeas and nays were ordered.

Mr. LODGE. I should like to have the amendment read.

The VICE-PRESIDENT. Without objection, the Secretary will again read the amendment.

The Secretary again read Mr. LA FOLLETTE'S amendment.

Mr. CARTER. Mr. President, John Jay, John Marshall, and all the great departed Chief Justices of the Supreme Court of the United States might well turn in their graves in contemplation of this the first reflection proposed to be cast in the legislative halls of the United States upon the Chief Justices of this and succeeding times.

Mr. BAILEY. Mr. President, I would not have it understood that I intend any reflection upon the Chief Justice by voting for this amendment. But the Senator overlooks the fact that from time to time a vacancy might exist in the office of the Chief Justice; and if it did, under the bill as drawn, there could be no designation, no matter how important it might be.

Mr. CARTER. The Senator from Texas will readily understand that even in the case of a vacancy in the office of the

Chief Justice an associate justice acts for the time being in that position.

Mr. BAILEY. No associate justice can be Chief Justice ex officio or Chief Justice pro tempore. The Chief Justice is appointed by the President of the United States and confirmed by the Senate. I doubt, if the Senate should be in adjournment, whether the President would be willing to appoint a Chief Justice during the interim. That happened once, and the Chief Justice failed of confirmation. I need not go into the reason why that confirmation failed, but it did, and the court was without, as it might be again, a Chief Justice. I think it would be better if the matter should pass this way as one covering all contingencies rather than as a reflection upon the Chief Justice.

Mr. CARTER. This amendment proposes to make this action the action of a majority of the members of the court.

Mr. BAILEY. The court could only act through a majority.

Mr. CARTER. This is not court action here proposed, it is an action of a member of the court. In vacation, for instance, it might be extremely difficult to secure the concurrence of a majority of the members of the Supreme Court.

Mr. BAILEY. It might in the vacation of the court, but the vacation of the court might not be identical with the vacation of the Senate.

Mr. CARTER. In the event of a vacancy in the office of the Chief Justice it might be well to have provision made that the senior associate justice should make the designation. But this theory of making a sort of town meeting of the Supreme Court seems to me rather obnoxious. That great court represents the judicial power of the United States, and it is entitled to the highest possible respect in the legislative chamber, as I know the Senator from Texas readily agrees.

I suggest that some other amendment might be better. If it is the purpose merely to provide against a contingency which might arise in case of a vacancy in the Chief Justiceship, then the amendment could well provide that in such an event the senior presiding associate justice should designate the person.

Mr. BAILEY. Mr. President, I feel that profound respect which every lawyer is taught to feel for the judiciary, and I think it is one of the glories of this Government that in all the more than a hundred years of its existence we have had no scandal in that great tribunal.

I have no apprehension, sir, that any man occupying that position will ever demean himself in a way unworthy of his great office. None of them have done it and, in my judgment, none of them will do it. Indeed, I believe that a man drawn from the profession and elevated to that great eminence, if he were not good when he was appointed to it, would become good in the sight of all his countrymen.

It does not enter my mind that either the Chief Justice or any Associate Justice will act unworthily, and for that reason I would as soon trust them all as to trust any single one of them. I think it no reflection that we would ask for the judgment of the court as against the judgment of a single member.

I venture to say, Mr. President, it does not always happen that the Chief Justice is more familiar with the qualifications of the various circuit judges of the United States than his associates are. It will often happen that many of his associates on the bench are of longer service than the Chief Justice himself, because, unfortunately, in the course of nature, vacancies and appointments occur in that as well as in every other position on that bench. If we are seeking to procure the best men for this particular service, then I think we might well afford to take the judgment of the entire bench.

I venture to say that no Chief Justice would make the appointment without consulting his associates, and if any Chief Justice would do it he is the very Chief Justice with whom I would not want to lodge the power.

After all, the amendment does no more in the law than what would be done in practice. I think it would be much better for us to vote on it without any suggestion that we can not trust the judges, either one of them, or all of them.

While I am on my feet, Mr. President, I want to say that I do not think the amendment of the Senator from Wisconsin about the interest of the judges any reflection on the judiciary, unless, indeed, the present law is a reflection on them.

I did not vote for the amendment, being called out of the Chamber for a moment, and I would not have voted for it, because I believe it is now the law, and I think that to repeat the law might possibly imply some reflection. But certainly it is no reflection on a judge to insist that he shall have no interest in a case which he is called upon to decide, for, as the Senator from Montana has well said, that has been the rule in every enlightened jurisprudence under the sun. Indeed, Lord Coke once said that the only law the British Parliament could not

appoint these judges. That being decided to the contrary, I would be perfectly willing that the Chief Justice should do so; but I am now perfectly willing that the whole court should do so. It does not involve any reflection on the President of the United States that the Senate has determined that he should not make the appointments. It certainly does not involve any reflection upon the Chief Justice of the Supreme Court that the whole court should act. My own view is that the President, the Chief Justice, or the court itself, all told, would act patriotically and honestly. I do not see that there is any great difference or any great reflection on anyone. Certainly we would not reflect upon the President if we should determine that the Chief Justice should make these appointments, nor do we reflect upon the Chief Justice when we determine that the court shall make them.

So I do not think, Mr. President, that a reflection upon anything or anybody enters into this discussion. There certainly can not be any harm that the whole court shall determine this question. There is no reflection upon the Chief Justice, any more than there would be on the President, who usually, and for a hundred years, has determined these questions and made these appointments, that it is taken out of his hands and put into the hands of the Chief Justice. Therefore I shall vote for this amendment without in the least intending to reflect upon anybody; and I seriously regret that that question has been introduced into this discussion.

Mr. GORE. Mr. President, I wish to say that I appreciate the splendid and sublimated eloquence which has centralized this discussion. I also appreciate the overwrought sentimentality which has characterized the speeches of certain Senators; but I see no reason to "put on airs" about this business.

This is a practical matter of government and should be dealt with in a practical way. The Chief Executive of this Republic, who is charged with the selection of judges, does not possess infallibility; he is not exempt from the universal liability of human nature to err. He might possibly make a bad selection. I am sure that no one would insist that infallibility is an attribute of every President of the United States.

Mr. President, for my part, I agree with Thomas Jefferson when he said that judges are as honest as other men, and not more so. Sir, that is the beginning and the end of the true estimate of judges. There is no process by which you can metamorphose a dishonest man into an honest judge. I know of no ointment that will consecrate a bad man off the bench into a good man upon the bench. Sir, I wish that there were such an ointment and such a consecration.

Thomas Jefferson went even further. He said, sir, that if the liberty of the American people ever perished it would be through the instrumentality of the federal judiciary, with their life tenure.

Mr. President, I agree with Abraham Lincoln when he said:

The people of these United States are the rightful masters of both Congresses and courts, not to overthrow the Constitution, but to overthrow the men who pervert the Constitution.

If I remember correctly, Mr. Lincoln, in his inaugural address, indicated that he did not possess unlimited faith in the sanctity or infallibility either of the federal judges or the federal courts. I apprehend that if a select court had been provided to try cases arising under the fugitive slave law, Senators here would have objected to the Chief Justice then presiding designating the judges to serve upon that court.

I make these observations with no intention to disparage the memory of any man; but I doubt if the Senator from Maine [Mr. HALE], if the Senator from Idaho [Mr. HEYBURN], if the Senator from Montana [Mr. CARTER], would then have contended that the Chief Justice should have designated the special court. I doubt if the fathers of the Republican party would have consented to intrust that power to Chief Justice Taney, the author of the Dred Scott decision. I remember that this charge was prevalent at the time, that the Chief Justice in that decision had poured out the pent-up villainies of a lifetime. Mr. President, I quote from the literature of the time that the Chief Justice had poured out the pent-up villainies of a lifetime.

Now, sir, there is no reason why we should affect such a sentimentality to-day. I hope that there never was a judge, and I hope that there never will be a judge, who would prostitute the powers of his exalted station. I trust that no other official of this Republic will so deviate from the path of duty. But, sir, we require these judges to take an oath to support the Constitution and the laws of the United States. Why impeach their integrity? Why reflect upon their patriotism? Why require an oath? Why compel a judge to compromise his self-respect by consenting to support the Constitution and laws of the United States? We have, indeed, had a long and illustrious

line of Chief Justices, and I trust that line will continue with undimmed and undiminished luster. But, sir, the doctrine that the court can do no wrong is as fatuous as the doctrine that the king can do no wrong. Judges are possessed, I take it, of the ordinary virtues and the ordinary frailties that "flesh is heir to." I hope that judges, Senators, Representatives, and all other officials will prove equally faithful to their trust, yet we should omit the erection of no safeguard that contributes to the wise and just administration of the law.

The VICE-PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Wisconsin [Mr. LA FOLLETTE], and upon that the Secretary will call the roll.

The Secretary proceeded to call the roll.

The VICE-PRESIDENT. Without objection, the amendment will be again read.

Mr. LA FOLLETTE. I understand the yeas and nays have been ordered.

The VICE-PRESIDENT. They have.

The SECRETARY. On page 10, line 7, strike out the words "by the Chief Justice of the United States" and insert the words "and assigned thereto by the justice of the Supreme Court of the United States, a majority of its members concurring therein."

Mr. BEVERIDGE. So as to read—

The SECRETARY. So that, if amended, it will read:

The judges of the court of commerce shall be designated and assigned thereto by the justice of the Supreme Court of the United States, a majority of its members concurring therein, within ninety days after the passage of this act.

and therefore withhold my vote.

Mr. OVERMAN (when his name was called). I again announce my pair with the junior Senator from New Jersey [Mr. BRIGGS] for to-day.

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

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

Mr. SCOTT (when his name was called). The announcement I made on a former roll call will stand for this one. I vote "nay."

Mr. SMITH of South Carolina (when his name was called). I again announce my pair with the junior Senator from Rhode Island [Mr. WETMORE].

Mr. WARREN (when his name was called). I have a general pair with the Senator from Mississippi [Mr. MONEY]. I therefore withhold my vote.

The roll call was concluded.

Mr. GORE. I wish to announce that my colleague [Mr. OWEN] is paired with the junior Senator from Nevada [Mr. NIXON].

Mr. KEAN. I desire to announce that my colleague [Mr. BRIGGS] is paired with the Senator from North Carolina [Mr. OVERMAN]. My colleague is necessarily absent.

The result was announced—yeas 18, nays 39, as follows:

YEAS—18.

| | | | |
|-----------|----------|-------------|---------|
| Bacon | Clapp | La Follette | Rayner |
| Bailey | Dolliver | Newlands | Shively |
| Beveridge | Fletcher | Paynter | Simmons |
| Bourne | Frazier | Percy | |
| Bristow | Gore | Purcell | |

NAYS—39.

| | | | |
|-------------|------------|------------|------------|
| Aldrich | Crane | Frye | Nelson |
| Borah | Cullom | Gallinger | Page |
| Brandeggee | Curtis | Gamble | Perkins |
| Brown | Depew | Guggenheim | Phelan |
| Bulkeley | Dick | Hale | Scott |
| Burkett | Dillingham | Heyburn | Stephenson |
| Burnham | Dixon | Hughes | Stone |
| Burton | du Pont | Jones | Sutherland |
| Carter | Elkins | Kean | Warner |
| Clark, Wyo. | Flint | Lodge | |

NOT VOTING—35.

| | | | |
|--------------|----------|------------|--------------|
| Bankhead | Cummins | Money | Smith, Mich. |
| Bradley | Daniel | Nixon | Smith, S. C. |
| Briggs | Davis | Oliver | Smoot |
| Burrows | Foster | Overman | Taliaferro |
| Chamberlain | Johnston | Owen | Taylor |
| Clarke, Ark. | Lorimer | Penrose | Tillman |
| Clay | McCumber | Richardson | Warren |
| Crawford | McEnery | Root | Wetmore |
| Culberson | Martin | Smith, Md. | |

So Mr. LA FOLLETTE's amendment was rejected.

Mr. LA FOLLETTE. I offer the amendment I send to the desk.

The VICE-PRESIDENT. The Senator from Wisconsin offers an amendment, which the Secretary will report.

Mr. LA FOLLETTE. I ask to have this amendment read and request the attention of the Senate to the reading, in the hope that I may not feel it necessary to say anything in explanation after it is read.

I count it an amendment of supreme importance. If I may be permitted to say so, after valuation, it is the most important amendment which can be submitted to the interstate-commerce act. It provides for a full equipment of the commission to deal with the 240,000 miles of railroads committed to it under the interstate-commerce law. It is not giving the commission any additional power over the railroads, but is simply equipping it to meet the responsibilities imposed by the present law. I ask the attention of the Senate to the reading of the amendment in order that we may save the time of any further explanation with respect to it.

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

The SECRETARY. Add to the bill a new section as follows:

SEC. — That within ninety days after the passage of this act, the Interstate Commerce Commission shall divide the United States into four districts, to be known and designated as transportation districts Nos. 1, 2, 3, and 4, following in so far as practicable the lines of transportation which naturally divide the country and have formed the basis of the several classifications in effect over the carriers.

The President of the United States, by and with the advice and consent of the Senate, shall appoint for each transportation district three district commissioners. Prior to such appointment the Interstate Commerce Commission shall file with the President recommendations of persons for such appointment, but the President shall not be confined to the persons so recommended in appointing such commissioners. The district commissioners for each transportation district first appointed under the provisions hereof shall continue in office for the terms of five, six, and seven years, respectively, from the date of their appointment. And thereafter the term of each district commissioner appointed shall be for seven years. Any person appointed to fill a vacancy shall be appointed only for the unexpired term of the commissioner whom he shall succeed. Any such commissioner may be removed by the President for inefficiency, neglect of duty, or malfeasance in office. No person in the employ of or holding any official relation to any common carrier, or owning any stock or bonds thereof, or who is in any manner peculiarly interested therein, shall enter upon the duties of or hold such office. Said commissioners shall not engage in any other business vocation or employment.

Each commissioner shall receive an annual salary of \$6,000, payable in the same manner as the judges of the courts of the United States. The commissioners for each transportation district shall, with the advice and consent of the commission, appoint a secretary, who shall receive an annual salary of \$3,000, payable in like manner. The Interstate Commerce Commission shall have authority to employ and fix the compensation of such other employees and attorneys in each transportation district as it may find necessary to the proper performance of the duties imposed by this act. Until otherwise provided by law, the district commissioners for each transportation district may hire suitable offices for their own use, and shall have authority to procure all necessary office supplies. All of the expenses of the district commissioners, including the necessary expenses for transportation incurred by them or by the employees under them under their orders in making any investigations or upon official business in any other place than in the city in which their offices shall be located, shall be allowed and paid on presentation of itemized vouchers therefor, approved by the district commissioners of the particular district, except vouchers of expenses of district commissioners shall be approved by the chairman of the Interstate Commerce Commission. Witnesses summoned before district commissioners shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

The Interstate Commerce Commission shall designate some city in each of the transportation districts in which the office of the district commissioners shall be located.

A majority of the commissioners of each district shall constitute a quorum for the transaction of business.

All of the powers which are now exercised by the Interstate Commerce Commission are hereby extended to the several district commissioners in their respective districts, so far as such powers relate to the hearing of complaints filed with the commission on investigations ordered by the commission and orders thereon, including the administering of oaths to witnesses and the issuing of subpoenas over the signature of any one of said district commissioners.

The complaints arising in the several districts as designated by the commission shall be heard before the district commissioners of that district, except such complaints or investigations as the Interstate Commerce Commission may order not to be so heard. The Interstate Commerce Commission shall have authority to either hear any complaint filed with it or direct that such complaint be heard by the district commissioners of some other district at such point as it may designate. Such complaints as are heard before the district commissioners shall be at such place and at such time as the said district commissioners shall direct, unless otherwise ordered by the Interstate Commerce Commission.

After full hearing, the district commissioners hearing the complaint shall enter an order thereon, with the same effect as though the complaint had been heard and decision rendered by the Interstate Commerce Commission.

Any party feeling aggrieved by an order of the district commissioners of any transportation district may appeal therefrom to the Interstate Commerce Commission. When such appeal is taken the appellant shall give notice thereof to the secretary of the commission and file in its office within sixty days from the date of the order appealed from his reasons for appeal specifically set forth in writing.

The Interstate Commerce Commission shall, before hearing such appeal, give notice to the district commissioners from whom the appeal is taken of the time and place of hearing, and on receiving such notice the district commissioners shall give notice of such time and place, in such manner as the Interstate Commerce Commission may prescribe, to all parties who appear to be interested therein. The party appealing shall lay before the commission certified copies of all the

original papers and evidence in the cause and the order and decision of the district commissioners.

The Interstate Commerce Commission shall hear and determine such appeal upon the record before it, and shall modify, set aside, or confirm the order appealed from. It shall return to the district commissioners from whom the appeal was taken a certificate of its proceedings and decision, which shall be entered of record in the office of the district commissioners of the district affected thereby, and shall govern the further proceedings in the matter. If the Interstate Commerce Commission shall modify the order appealed from, such modified order shall take the place of the original order and be governed by the same rules as to time of taking effect as if made originally by the Interstate Commerce Commission: *Provided*, That nothing herein contained shall be so construed as to prevent a common carrier from instituting an action in the commerce court to set aside, annul, or restrain any order of the district commissioners in the same manner and to the same extent as if no appeal to the Interstate Commerce Commission was herein provided for.

The commission is also authorized and directed to employ a sufficient number of traffic and trade experts to keep it informed of all changes in rates and classifications, and it shall be the duty of the commission to include in its annual report a summary of such changes and their effect upon the transportation rates of the country.

Mr. LA FOLLETTE. If I can be accorded a roll call upon the amendment, I shall not care to take the time of the Senate further.

The VICE-PRESIDENT. The Senator from Wisconsin asks for the yeas and nays on his amendment.

Mr. BACON. Mr. President, I wish to say just one word in regard to this matter. I shall not detain the Senate more than a minute.

I have no doubt there is a good deal that is very valuable in the amendment as suggested by the Senator from Wisconsin, who has given the subject very close study. But it would be impossible for me—I do not know how it may be with other Senators—to now digest all the provisions of the amendment to such an extent as would justify me in voting for it. One must, in voting for an amendment, be satisfied of its desirability. If he does not know about it, the only vote he can cast is in the negative.

I myself am very much impressed with the view that a reconstruction of the Interstate Commerce Commission is desirable, so far as concerns greatly enlarging its membership and its equipment. So to that extent I am in sympathy with the amendment offered by the Senator from Wisconsin. But this amendment, evidently, from the hearing of it read, without the opportunity to study it, is radical in its nature. It goes to what is an absolute reorganization of the commission, and, in fact, in effect prescribes a new law and a new process of procedure and administration.

I want to say this much, Mr. President, because I do not wish to vote in the negative without stating that I think there is the foundation in the present conditions which calls for some such legislation, but it is a matter of extreme gravity, and I would not feel justified in voting for such an entire reorganization as the amendment calls for without the opportunity, which I have not had, to digest and study it.

I think, Mr. President, it would be infinitely better that the money which is proposed to be devoted to the creation of this unnecessary, objectionable, and revolutionary court should be devoted to the enlargement of the commission and its proper equipment for the discharge of the multitudinous and great—the almost unlimited—duties which the law now imposes upon them, and which must increase as time progresses and business develops.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Wisconsin, on which he demands the yeas and nays.

The yeas and nays were ordered.

Mr. NEWLANDS. Mr. President, I share the view of the Senator from Georgia as to this amendment. I have no doubt it will be necessary to accomplish a reorganization of the Interstate Commerce Commission and enlarge its numbers, probably to appoint subcommissions; but I am not prepared now to vote on a measure of that kind. I should very much prefer to get the judgment of the Interstate Commerce Commission itself as to the particulars in which the act under which it proceeds should be amended and the powers enlarged, and the number of its officials enlarged. I should much prefer that the Senator from Wisconsin would offer an instruction to the Interstate Commerce Commission to report to Congress its recommendations as to the reorganization and enlargement of the Interstate Commerce Commission.

Mr. HEYBURN. Mr. President, there has been for a long time a demand in that part of the United States which lies west of the Allegheny Mountains for a division of this tribunal, and if this were an original proposition I would unhesitatingly support the division of this commission, putting it on the basis of United States circuit courts, which would sit conveniently for the purposes for which it was appointed. But to adopt this amend-

I have presented, the signed statement of the secretary of the Interstate Commerce Commission, it is a common thing for the train men to be continued upon these trains from eighteen to thirty hours.

Mr. President, not only are their own lives placed in jeopardy by reason of the long hours they are compelled to labor, but the lives of all the people who are dependent upon the men who move the trains across the country are likewise endangered by it.

Mr. LA FOLLETTE. Mr. President, I hope the Senate will be in good enough temper with me to give consideration to an amendment of importance which I now wish to offer.

The VICE-PRESIDENT. The Senator from Wisconsin offers an amendment, which will be stated.

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

Add as a new section the following:

"Sec. —. That it shall hereafter be unlawful for any common carrier by railroad engaged in interstate commerce and subject to the act to regulate commerce (24 Stat. L., 379), as amended, or for any of its officers or agents, to require or permit any employee engaged in interstate commerce whose duties are connected with the movement or control of any train, specifically including conductors, engineers, firemen, brakemen, flagmen, switchmen, car inspectors, and employees whose duties include service similar in nature and character to that performed by those herein specified, to be or remain on duty or to attend or perform any work or service, for or in behalf of said railroad, in any day or twenty-four-hour period, unless such being or remaining on duty, or such attendance, or work or service, shall be wholly within the limits of a shift or period of fourteen hours; and when fourteen hours shall have elapsed from the time any such employee shall have been required to begin work, attendance, service, or duty, it shall be unlawful to require or permit such employee to further continue or again to enter upon his work, attendance, service, or duty until the expiration of ten hours of permitted rest or cessation from work, attendance, or service: *Provided*, That the foregoing provisions of this act shall not apply to cases of excess service arising solely and wholly because of grave and unforeseen casualties or exigencies against the occurrence of which the exercise of the highest degree of care and diligence on the part of such carrier, its officers and managing agents, could not have provided; and delays occasioned by overloading engines with excess tonnage, engine failures, defective drawbars, hot boxes, or bursted air hose shall not be held to suspend the operation of the law under the foregoing proviso, and the excess service permitted by the terms of this proviso shall in no case continue longer than the period of actual delay caused by such unforeseen casualty or exigency.

"That in all prosecutions under this act the defendant common carrier shall be deemed to have knowledge of all acts of all its officers and agents and shall be deemed to have authorized such acts.

"That any such common carrier subject to this act which shall require or permit any employee to be or remain on duty in violation of the first section hereof shall be liable to a penalty of \$200 for each and every violation, to be recovered in a civil suit or suits to be brought on information filed by the Interstate Commerce Commission with the United States district attorney in the district court of the United States having jurisdiction in the locality where such violation shall have been committed; and it shall be the duty of such district attorney to bring such suits under the direction of the Attorney-General, but no such suit shall be brought after the expiration of one year from the date of such violation; and it shall also be the duty of the Interstate Commerce Commission to lodge with the proper district attorneys information of any such violations as may come to its knowledge.

"That so much of an act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon, approved March 4, 1907 (34 Stat. L., p. 1415), as conflicts herewith is hereby repealed, but in respect of the subject-matter herein enacted then, unless the contrary intention appears, the operation or effect of this act shall not (a) affect the previous operation of any enactment so repealed; or (b) affect any right, privilege, obligation, or liability acquired, accrued, or incurred under any enactment so repealed; or (c) affect any penalty incurred in violation of any enactment so repealed or any suit for collection of such penalty; or (d) affect, impair, or diminish the power of the Interstate Commerce Commission to require any common carrier engaged in interstate commerce by railroad to make, verify, and forward monthly special or periodic reports of the matters committed to it by the said act hereby in part repealed, which power to require such reports is hereby expressly conferred on said commission.

"That it shall be the duty of the Interstate Commerce Commission to execute and enforce the provisions of this act, and all powers granted by existing law to the Interstate Commerce Commission are hereby extended to it in the execution and enforcement of this act.

"That nothing herein contained shall make it obligatory upon any carrier to require service of fourteen hours in any twenty-four period of any employee within the scope of this act or make unlawful any agreement between such carrier and any employee within the scope of this act for a period of service of less than fourteen hours in any twenty-four period."

The result was announced—yeas 24, nays 31, as follows:

YEAS—24.

| | | | |
|-----------|-------------|-------------|----------|
| Bacon | Burkett | Dolliver | Newlands |
| Beveridge | Chamberlain | Fletcher | Paynter |
| Borah | Clapp | Frazier | Percy |
| Bourne | Clay | Gamble | Rayner |
| Bristow | Crawford | Gore | Shively |
| Brown | Dixon | La Follette | Simmons |

NAYS—31.

| | | | |
|-------------|------------|------------|------------|
| Aldrich | Cullom | Guggenheim | Page |
| Brandege | Curtis | Hale | Perkins |
| Bulkeley | Dick | Heyburn | Piles |
| Burnham | Dillingham | Hughes | Scott |
| Burton | Elkins | Jones | Stephenson |
| Carter | Flint | Kean | Sutherland |
| Clark, Wyo. | Frye | Lodge | Warner |
| Crane | Gallinger | Nelson | |

NOT VOTING—37.

| | | | |
|--------------|----------|--------------|------------|
| Bailey | Depew | Oliver | Smoot |
| Bankhead | du Pont | Overman | Stone |
| Bradley | Foster | Owen | Taliaferro |
| Briggs | Johnston | Penrose | Taylor |
| Burrows | Lorimer | Purcell | Tillman |
| Clarke, Ark. | McCumber | Richardson | Warren |
| Culberson | McEnery | Root | Wetmore |
| Cummins | Martin | Smith, Md. | |
| Daniel | Money | Smith, Mich. | |
| Davis | Nixon | Smith, S. C. | |

So Mr. LA FOLLETTE's amendment was rejected.

Mr. LA FOLLETTE. Mr. President, I offer an amendment, which, for identification, I will designate as the amendment on page 7285 of the CONGRESSIONAL RECORD, in the second column.

The VICE-PRESIDENT. Beginning halfway down the column?

Mr. LA FOLLETTE. Beginning halfway down the column, I will say, Mr. President, if I am permitted, that this amendment provides for boiler inspection and is in line with the safety-appliance legislation which has been urged in Congress for some years. This amendment is exactly in agreement with a bill that is now pending, as I understand, in the Committee on Interstate Commerce of the Senate.

Mr. ELKINS. Mr. President, if the Senator will allow me, I will state that the amendment suggested by the Senator in the form of a bill is in the hands of a subcommittee of the Interstate Commerce Committee and about ready for report. I am assured by the subcommittee that it will be reported next week on the return of the Senator from Iowa [Mr. CUMMINS]. A majority of the committee, as I understand, will report the bill favorably to the Senate.

Mr. BURKETT. Mr. President—

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

Mr. LA FOLLETTE. Just a moment. Well, Mr. President, with the assurance of the Senator from West Virginia that his committee, in charge of the bill, will favorably report that bill in the course of the next few days, I will withdraw the amendment. I realize that it ought to be enacted in a separate statute rather than as a part of this bill; but the difficulty which I have encountered for the last four years in trying to secure legislation of this character has made me feel like availing myself of this opportunity, when a bill was pending here, to offer the amendment. I therefore, Mr. President, withdraw the amendment.

The VICE-PRESIDENT. The Senator from Wisconsin withdraws the amendment.

Mr. LA FOLLETTE. Upon the assurance of the Senator from West Virginia.

The VICE-PRESIDENT. Are there further amendments?

Mr. BURKETT. Mr. President, I want to say in connection with this amendment that so far as I have had time to read it here it is in exact form the bill which I have pending, and which I think is a very good bill. I want to say that I have a good deal of interest in that bill and have been working very hard to get it reported. I think it is perhaps well that the Senator has withdrawn the amendment, for I have been advised by those most interested in the bill that there are one or two minor changes perhaps that ought to be made. We have been trying to get the bill perfected, but I understand there are one or two amendments yet to be suggested. I think in view of the assurance also that I have had that the bill will be reported out very soon, perhaps with those changes that could not now be made, it is a good plan not to have the matter acted upon now, otherwise I would feel like insisting that it be put on as an amendment to this bill.

It is a matter that is very important, and I feel sure it will be reported out of the committee very soon. With the assurance in this particular that I have had to-day and heretofore I feel that we shall soon have an opportunity to consider the bill in regular order.

Mr. LA FOLLETTE. Mr. President, I wish to offer one more amendment, which I send to the Secretary's desk.

The VICE-PRESIDENT. The amendment will be stated.

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

Also the widows during widowhood and children during minority of persons who die while in the service of such common carriers.

Mr. LA FOLLETTE. The purpose of that amendment is to exempt from the pass restrictions of the existing law the widows and children of employees who lose their lives in the service.

The VICE-PRESIDENT. In the opinion of the Chair there ought to be some place where the amendment should be inserted, and not simply be designated to come in at the proper place.

Mr. LA FOLLETTE. I found it impossible, with the reference which I had here, Mr. President, on the moment to make the proper reference, and at the suggestion of the chairman I made it exactly—

Mr. ELKINS. Mr. President, if the Senator will strike out the word "persons" and insert "employees," I see no objection to the amendment, and will accept it. I see he has stricken out the words "the families of persons killed and the." If he will modify it so as to read:

Also the widows during widowhood and children during minority of employees who die while in the service of such common carriers—

I will accept the amendment with this change or modification.

Mr. LA FOLLETTE. I accept the change, Mr. President.

The VICE-PRESIDENT. The Secretary will state the amendment as modified.

Mr. GALLINGER. Mr. President, exactly what does this mean—that a child 1 year old shall be given a free pass for fifteen years or thereabouts? Is that what it means?

Mr. ELKINS. It is to place within the discretion of the railroad or the common carrier the granting of a pass, if they wish to do so, to the widow during widowhood and the children during minority of an employee who dies in the service of the railroad.

The VICE-PRESIDENT. The Secretary will state the amendment as modified.

The SECRETARY. It is proposed to insert the following:

Also the widows during widowhood and the children during minority of employees who die while in the service of such common carriers.

The VICE-PRESIDENT. When the Chair understands where that amendment is to be inserted he can put the question upon it. It is impossible, in the opinion of the Chair, to put the question on an amendment which is to be inserted merely "in the proper place."

Mr. STONE. What part of the bill, Mr. President, does that come in?

The VICE-PRESIDENT. It will take a higher power than the Chair to determine. It seemingly refers to a paragraph which has been stricken from the bill.

Mr. STONE. There ought to be some connection between the bill and the amendment.

The VICE-PRESIDENT. That is precisely what the Chair has just held.

Mr. LA FOLLETTE. Mr. President, to relieve the matter of any doubt, I think I have found the page—

The VICE-PRESIDENT. Very good.

Mr. LA FOLLETTE. And the line of the existing law where the amendment should be inserted.

The VICE-PRESIDENT. Will the Senator indicate where that is, so that the Secretary can apply the amendment to the proper place in the bill?

Mr. LA FOLLETTE. I will as soon as I can read it.

The VICE-PRESIDENT. Is not the Senator referring to the existing law rather than this bill?

Mr. LA FOLLETTE. I am, because it is necessary to reenact a part of the existing law in this bill, as there is no provision in the bill relating to this subject. That was the difficulty I had.

The VICE-PRESIDENT. If the Chair may make a suggestion, why not add an additional section to cover it, if it does not fit any provision of the bill?

Mr. LA FOLLETTE. Simply because it would be necessary to frame it into a complete section.

The VICE-PRESIDENT. The Chair understands that.

Mr. LA FOLLETTE. If I could have the time to do that, which I have not had—

The VICE-PRESIDENT. It seems to the Chair that—

Mr. LA FOLLETTE. Perhaps I can perfect it by the time it is reached in the Senate.

The VICE-PRESIDENT. Very good. Then does the Senator propose now to withdraw the amendment?

Mr. LA FOLLETTE. I will withdraw it for the time being.

The VICE-PRESIDENT. The Senator for the present withdraws the amendment.

Mr. NEWLANDS. Mr. President, I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to add at the end of the bill as an additional section the following:

That the Interstate Commerce Commission is hereby directed to investigate the incorporate holdings of common carriers subject to the provisions of this act, and to ascertain whether such incorporate holdings are in violation of the act to protect trade and commerce against unlawful restraints and monopolies, approved July 2, 1890, and to report to Congress its recommendation as to what incorporate holdings, if any, should be permitted with a view to the union of continuous and noncompetitive lines of railroad for the promotion of interstate commerce, and particularly to report upon the existing method of

uniting the control of railroads incorporated under the laws of different States through the ownership of the stock of such corporations by a holding company organized under the laws of a single State, and also to consider and report upon the advisability of authorizing under national legislation the creation of such holding companies for the purpose of uniting the control of continuous lines of state railroads as instrumentalities of interstate commerce.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Nevada.

Mr. NEWLANDS. Mr. President, I wish to say a few words regarding the amendment. The existing interstate-commerce act, section 21, provides for reports by the Interstate Commerce Commission, and states:

This report shall contain such information and data collected by the commission as may be considered of value in the determination of questions connected with the regulation of commerce, together with such recommendations as to additional legislation relating thereto as the commission may deem necessary.

Under this power the Interstate Commerce Commission has from time to time made recommendations to Congress, a part of which have been enacted into law. The purpose of this amendment is to call the attention of the commission to the intercorporate holdings of railroad stocks, with a view to ascertaining whether or not such intercorporate holdings constitute a violation of the antitrust act, and also with the view of ascertaining the opinion of the commission as to whether it is advisable that under any circumstances one common carrier should be empowered to hold the shares of another common carrier, and, if so, under what circumstances, and also to call the attention of the Interstate Commerce Commission to the comparatively new creation of a holding company organized under the laws of a single State, with a view to unionizing the control of state corporations organized under the laws of many States in the interest of interstate commerce, and of calling further attention to the question as to whether or not it is advisable to substitute for these state holding companies national holding companies organized under a national law for the promotion of interstate and foreign commerce.

Mr. CRAWFORD. Mr. President—

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from South Dakota?

Mr. NEWLANDS. Certainly.

Mr. CRAWFORD. Why would it not be as effective, and, in fact, better, as long as it is information the Senator wants, to offer a Senate resolution or a joint resolution calling for it rather than to have that matter incorporated as a permanent provision of this act? Would it not answer the purpose of the Senator equally as well and be better than to make it a matter of legislation as a part of this bill?

Mr. NEWLANDS. Mr. President, it will take some time to get such a resolution through because of the pressure of business at this Congress, and I regard this as entirely germane to this bill, because the act of which this bill is amendatory specially provides for investigations, reports, and recommendations by the Interstate Commerce Commission. It seems to me that this is a question of such vast importance that the investigation ought to be immediately entered into, so that we may have the advantage of the recommendations of the Interstate Commerce Commission upon this subject.

I imagine that the recommendations of the commission will be of more value to us in practical legislation than will be the recommendations of the President or of the Attorney-General, simply because for many years the commission has been engaged in the study of all of the problems relating to interstate commerce; they are familiar with all these railroads; they understand the complexity of their organization. They have doubtless already formed opinions as to what legislation is necessary upon this subject, and we could not possibly refer this whole question to a body of men better organized and better equipped for a work of this kind than the Interstate Commerce Commission.

What is the extent of the intercorporate holdings of common carriers? We find from the statistics that the operating railroads are capitalized to the extent of about \$12,000,000,000, about one half of that being represented by bonds and the other half by stock, and we find that these very carriers hold three billion and a half of the securities of other railroads. Thus nearly one-fourth of the total securities issued by the common carriers is controlled by railroad companies or holding companies, and about one-half of the total stock.

What is the purpose of these intercorporate holdings? The main purpose has been to perfect the organization of these companies as efficient instrumentalities of commerce. Whilst we object to certain features of these organizations which have developed overcapitalization, there is a general acquiescence in the view that the consolidation of these great railway lines has perfected service, has accomplished economy of operation, and has tended to the comfort and the convenience of the public,

as suggested by my colleague [Mr. HEYBURN] to-day, all the more anxious to protect it as it stands and permit its functions to be performed as they have been performed.

While I say I am going to vote for the bill, I thought that I could not do so without putting into this RECORD my unalterable opposition to this court of commerce. What influence I have here will be exerted against it, and it will be exerted everywhere that I can exercise it, until we come back to the system which has proved and justified itself in these one hundred years.

Mr. SHIVELY. Mr. President, the observations just submitted by the Senator from Idaho [Mr. BORAH] are conclusive against the policy of the court features of this bill. The argument submitted by the Senator from Georgia [Mr. BACON] was a most thoughtful, erudite, and persuasive presentation of the unconstitutionality of these court features. The fact is the origin of this bill from the first has been involved in mystery. It manifestly has been with much reluctance that any Senator would stand sponsor for the bill as it came into the Senate. The bill apparently came in out of the darkness. Since then sections 7 and 12 have gone back to the darkness from which they came. Later sections 13, 14, 15, and 17 dropped into that darkness. Meanwhile some improving amendments have been ingrafted on the bill. Capital vices still remain. Among these is the creation of a special commerce court. The cases justifying the creation of special courts are rare, and this is not one of them. A special court is apt to become the subject of special distrust, whatever may be the character of the judges. The wide variety of subject-matter passing through the court of general jurisdiction in itself assures public confidence in the court and tends to correct any possible special bias in the court itself. The mighty tide of human interests involved in railway, interstate commerce should never be separated and set apart from other interstate interests and made the subject of special jurisdiction. The amendment of the Senator from Georgia, which leaves jurisdiction over all matters to which the bill relates in the present courts of general jurisdiction, would vitally improve the bill. With the court feature and certain other provisions of the bill still present the question still remains, What was the real purpose intended by the bill as it was brought into the Senate? With these features in the bill, I can not support it.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Georgia [Mr. BACON].

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

Mr. BEVERIDGE. Let the amendment be again stated.

The VICE-PRESIDENT. The Chair did not understand the Senator from Georgia. He thought the Senator from Georgia made some request.

Mr. BACON. I was about to call for the yeas and nays, and I think I did. The Senator from Indiana asked that the amendment be read. I simply desire to say that the amendment was not in writing. I simply moved to strike out sections 1 and 2, which are the sections which organize the commerce court.

The PRESIDING OFFICER. Upon that question the Senator from Georgia asks for the yeas and nays.

The yeas and nays were ordered.

Mr. BACON. I desire to say, before the vote is taken, that of course if this vote carries, which would be an indication of the mind of the Senate, then some further amendment would be needed as to the succeeding sections, so that the entire matter may be completed. This vote will be the test as to whether or not it is designed to organize the commerce court in this way.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Georgia. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CLAY (when his name was called). I announce my pair with the junior Senator from New York [Mr. ROOT]. If he were present, I should vote "yea."

Mr. JOHNSTON (when his name was called). I am paired with the junior Senator from Michigan [Mr. SMITH]. I transfer that pair to my colleague [Mr. BANKHEAD], and vote. I vote "yea."

Mr. OVERMAN (when his name was called). I am paired with the junior Senator from New Jersey [Mr. BRIGGS]. If he were present, I should vote "yea."

Mr. RAYNER (when his name was called). I transfer my pair with the junior Senator from Delaware [Mr. RICHARDSON] to the junior Senator from Virginia [Mr. MARTIN], and vote. I vote "yea."

Mr. SMITH of South Carolina (when his name was called). I am paired with the junior Senator from Rhode Island [Mr. WETMORE]. Were he present, I should vote "yea."

The roll call was concluded.

Mr. CLAY. I announced that I was paired with the junior Senator from New York [Mr. ROOT]. I now transfer that pair to the senior Senator from Florida [Mr. TALLAFERRO] and vote. I vote "yea."

Mr. CHAMBERLAIN. I am paired with the junior Senator from Pennsylvania [Mr. OLIVER]. I transfer that pair to the junior Senator from Tennessee [Mr. TAYLOR] and vote. I vote "yea."

Mr. JOHNSTON. I desire to announce the pairs of the following Senators:

The senior Senator from Arkansas [Mr. CLARKE] with the junior Senator from Kentucky [Mr. BRADLEY].

The senior Senator from Virginia [Mr. DANIEL] with the senior Senator from Michigan [Mr. BURROWS].

The junior Senator from Arkansas [Mr. DAVIS] with the junior Senator from Illinois [Mr. LORIMER].

The junior Senator from Louisiana [Mr. FOSTER] with the senior Senator from North Dakota [Mr. MCCUMBER].

The senior Senator from Florida [Mr. TALLAFERRO] with the junior Senator from New York [Mr. ROOT].

The senior Senator from South Carolina [Mr. TILLMAN] with the senior Senator from Utah [Mr. SMOOT].

Mr. GORE. I desire to announce that my colleague [Mr. OWEN] is paired with the junior Senator from Nevada [Mr. NIXON].

Mr. DU PONT. My colleague [Mr. RICHARDSON] is neces-

Mr. BACON. Mr. President, I desire to submit a motion, in the nature of an amendment, to strike out the first and second sections of this bill, and I desire to speak very briefly upon it.

The result was announced—yeas 25, nays 38, as follows:

YEAS—25.

| | | | |
|-------------|----------|-------------|------------|
| Bacon | Clay | La Follette | Shively |
| Bailey | Dolliver | Money | Simmons |
| Beveridge | Fletcher | Newlands | Smith, Md. |
| Borah | Frazier | Paynter | Stone |
| Bristow | Gore | Percy | |
| Chamberlain | Hughes | Purcell | |
| Clapp | Johnston | Rayner | |

NAYS—38.

| | | | |
|-------------|------------|------------|------------|
| Aldrich | Crane | Flint | Page |
| Bourne | Crawford | Frye | Perkins |
| Brandegge | Cullom | Gallinger | Piles |
| Brown | Curtis | Gamble | Scott |
| Bulkeley | Depew | Guggenheim | Stephenson |
| Burkett | Dick | Heyburn | Sutherland |
| Burnham | Dillingham | Jones | Warner |
| Burton | Dixon | Kean | Warren |
| Carter | du Pont | Lodge | |
| Clark, Wyo. | Elkins | Nelson | |

NOT VOTING—29.

| | | | |
|--------------|----------|--------------|------------|
| Bankhead | Davis | Oliver | Smoot |
| Bradley | Foster | Overman | Taliaferro |
| Briggs | Hale | Owen | Taylor |
| Burrows | Lorimer | Penrose | Tillman |
| Clarke, Ark. | McCumber | Richardson | Wetmore |
| Culberson | McEnery | Root | |
| Cummins | Martin | Smith, Mich. | |
| Daniel | Nixon | Smith, S. C. | |

So Mr. BACON'S amendment was rejected.

Mr. GORE. Mr. President, the Senator from Indiana [Mr. SHIVELY] has very appropriately inquired whence this bill came, and he also very appropriately observed that this measure came into the Senate out of the dark, and that sections 7 and 12 went out of the Senate into the darkness whence they came.

It is true, Mr. President, that this measure came as a mysterious stranger. It was laid upon our doorsteps by night as a legislative waif. This, sir, was a bantling bill, and we have charitably converted the Senate into a foundling hospital and have nurtured this foundling. I do not know the paternity of this measure; I do not know who is responsible for its existence. I know this, that no member of this Senate and no Member of the other House has stood sponsor for this measure. It came to us from some other quarter. I think that we have a right to inquire as to the origin of the bill; for, like the source of the Nile, the source of this measure is difficult to discover.

This bill does not bear the lineaments of the genial chairman of the Interstate Commerce Committee. It is supposed that the Attorney-General created this measure in his own image, but there is reason to suspect that the Attorney-General was the stepfather, or the foster father, rather than the actual progenitor of this bill.

Mr. President, the vitals of this bill as originally introduced were section 7, authorizing agreements between interstate carriers without the previous approval of the commission, and section 12, authorizing mergers and consolidations between competing carriers.

Sir, I do not know whence came this measure, but I do know whence came a similar measure in the Sixtieth Congress, which contained the principles embodied in section 7 and in section 12.

During the Sixtieth Congress House bill No. 19745 was presented to the other branch of Congress. It was entitled "A bill to regulate commerce," and so forth. Senate bill No. 6440 was presented to the Senate. It was entitled "A bill to regulate commerce," and so forth. Those measures were identical, section for section and word for word, which indicates that they had a common origin. Section 10 of that measure authorized the registration of industrial concerns with the Commissioner of Corporations. Section 11 of that measure authorized the registration of interstate carriers with the Interstate Commerce Commission; and those two sections authorized and legalized contracts, agreements, and combinations between industrial concerns, and also between common carriers in this country, and provided for the filing of those agreements and combinations, and unless disapproved, in the one case by the Commissioner of Corporations and in the other case by the Interstate Commerce Commission, within thirty days, they became effective and operative.

The object and the purpose of those measures were to change the principles of the common law, to change the principles of the Sherman antitrust law, and to change the principles of the interstate-commerce act. The object and the effect of that measure were to reverse the entire policy of this Government, to legalize combinations in restraint of trade rather than to penalize those combinations.

Now, sir, I know who prepared that measure. It was approved by Judge Gary, president of the United States Steel Corporation, and that measure—Senate bill 6440, Sixtieth Congress—was written by Victor Morawetz and by Francis Lynde Stetson. The measure was drafted by those two men and was presented to this Congress, it having practically the same objects in view as the original sections 7 and 12 of the pending bill.

I desire to call the Senate's attention to the corporations, the railway companies, and industrial concerns with which Mr. Stetson is or has been connected. I send the list to the desk. It is a splendid array.

The PRESIDING OFFICER. Does the Senator from Oklahoma desire to have it read?

Mr. GORE. Yes, sir; I desire to have it read.

The PRESIDING OFFICER. Without objection, it will be read.

The Secretary read as follows:

Francis Lynde Stetson; General counsel Southern Railway Company; president and director Northern Pacific Railway Company; director Erie Railroad Company, Alabama Great Southern Railroad Company, Cincinnati, New Orleans and Texas Pacific Railway Company, Niagara Development Company, Southern Railway Company in Kentucky, New York, Susquehanna and Western Railroad Company; director United States Express Company; general counsel and director United States Rubber Company; general counsel United States Steel Corporation, International Mercantile Marine Company, Northern Pacific Railway Company; office, 15 Broad street, New York.

Mr. GORE. Mr. Morawetz and Mr. Stetson, I may say, are attorneys of the highest talents, and, it may be allowed, of the highest character. I do not know, however, why those gentlemen should have been selected to prepare for Congress legislation reversing the entire policy of this Government, and authorizing combinations between industrial companies and authorizing combinations and consolidations between railroads. I do not know why the Senate or the House should have abdicated their constitutional duty and authority, either to initiate or to enact legislation demanded by the public welfare.

But, sir, I presume they were selected to draft legislation repealing the Sherman antitrust law and repealing the interstate-commerce act because they were qualified for the task. Mr. President, I send to the desk the testimony of Hon. Seth Low, before a subcommittee of the House Judiciary Committee, touching House bill 19745, which is identical with Senate bill 6440 of the Sixtieth Congress. I ask that the marked passage on page 11 be read to the Senate.

The PRESIDING OFFICER. Without objection, it will be read.

The Secretary read as follows:

The CHAIRMAN. Right there, Mr. Low, if there is no objection, who are the people that actually participated in the preparation of the bill? Who are the men who actually drew it?

Mr. Low. We conferred with Mr. Gary, of the United States Steel Corporation.

The CHAIRMAN. E. H. Gary, president of their board of directors?

Mr. Low. E. H. Gary, who is likely to be here this morning. He is in Washington, and I think he came on on purpose for this meeting. The lawyers actually engaged in the drafting of the bill were Mr. Stetson—

The CHAIRMAN. That is, Francis Lynde Stetson?

Mr. Low. Francis Lynde Stetson and Mr. Morawetz.

The CHAIRMAN. Victor Morawetz?

Mr. Low. Victor Morawetz. Professor Jenks, of the federation, was in constant collaboration upon the subject. We also kept in close touch with the administrative departments of the Government through the Bureau of Corporations.

The CHAIRMAN. That is, Mr. Herbert Knox Smith?
Mr. Low. Mr. Herbert Knox Smith; yes.

Mr. GORE. That statement on the part of Mr. Low identifies the parentage of Senate bill 6440, sections 10 and 11 of which were designed in a general way to accomplish the same objects as sections 7 and 12 of the pending measure, as originally introduced. That circumstance ought to give us pause, and here let me say that I have called attention to this fact in order that in the future when estrays of this character come prowling around our premises we should always examine them to see whether they have wool in their teeth.

Mr. President, I desire to say in closing that it is to the honor of the Senate and to the honor of the House that neither measure passed either body. I refer to the Sixtieth Congress. I desire to say that it is to the honor of the two Houses that the pending bill passed neither House as originally introduced. It was infinitely better when it passed the House than when it was presented to the House. It will be infinitely better when it passes the Senate than when presented to the Senate. It has been chastened and corrected at every stage of its progress through this body.

The measure has been improved by every addition and has been improved by every omission, and, sir, it has come to be a fairly respectable bill. Its vices have been eliminated and virtues have been substituted. It has been regenerated and born again. It is disowned by a parent whom it now disowns. It is better than the existing law. This is to me and to the country a hopeful indication. It must come like a bow of promise. Congress sometimes enacts laws that it ought not to enact; it sometimes defeats measures that it ought not to defeat; but I rejoice that Congress has shown a disposition not to accept these ready-made bills, not to accept these "hand-me-down" measures, without inquiring whence they come, without insisting upon the correction of their evils and iniquities.

Let the executive department of the Government discharge the executive duties of the Government, but let Congress deserve the credit for wise legislation and bear the responsibility for unwise and pernicious legislation.

Mr. SIMMONS. Mr. President, I have made up my mind to vote for this bill, and I wish, as briefly as I can, to state my reasons for that action.

I could not have voted for the bill with section 7 in it. This provision proposed to exempt traffic agreements between railroads from the Sherman antitrust law. If it had prevailed these traffic agreements between the railroads would have stood as the one solitary exemption from that great statute. This section, as is well known, was greatly desired by the railroads, because, while habitually resorting to these traffic agreements for the purpose of suppressing competition between themselves, they are known to be illegal, and the railroads have always feared that sooner or later the Government would feel itself compelled, under the pressure of public sentiment, to enforce the law against them, and they would be forced to return to the old system of competition.

I had occasion a week or so ago to discuss the failure of the Department of Justice to enforce the decisions of the Supreme Court declaring these traffic agreements illegal, and I have no doubt that the recent discussions in this Chamber of the dereliction of the Government in this regard has had much to do with the recent action of the Attorney-General in proceeding against the 24 great western railroads that recently filed identical schedules for the increase of rates. This proceeding of the Attorney-General is based upon the ground, as contended in this Chamber, that these agreements are the result of a common understanding between the railroads concerned, and therefore a conspiracy in restraint of trade.

Against the protest of the railroads, this section has been stricken from the bill, and by that action this insuperable obstacle to my support of the bill has been removed.

I could not have voted for the bill with section 12 in it, because that section authorized railroad mergers and consolidations. In my judgment, if that section had become a law, it would have been but a short time before all of the railroads in this country, little and big, would have been under the control of the great through lines and trunk lines now controlled by a score or so of great capitalists. Greatly to the chagrin of the railroads, we have stricken this section from the bill also. The railroads were very anxious for the adoption of section 7, but not more so than for the adoption of section 12. In these two sections the railroads of the country were especially interested. Through the opposition of the Democrats and insurgents in their vigorous denunciation against these propositions to exempt traffic agreements between the railroads and railroad mergers and consolidation from the provisions of the Sherman antitrust law a sentiment was created in this body and in the country which has forced the regular Republicans to agree to their

tion all elements of value that may render the decision fair and just; and said determination and findings shall be prima facie evidence of the facts so found in said proceeding or any subsequent proceedings against such corporation involving the reasonableness of a rate, charge, or classification, or the reasonableness of an increase of a rate or charge or change of classification. For the purpose of making the foregoing investigations and determination the commission shall have power to employ expert engineers and accountants to examine the property and statements and reports of such corporation, and for this purpose it shall be the duty of such corporation to furnish such engineers or the commission full access to any of its property."

The VICE-PRESIDENT. The question is on agreeing to the amendment offered by the Senator from North Carolina [Mr. SIMMONS].

Mr. SIMMONS. I ask for the yeas and nays on that question, and as we are about to get a vote on the bill and everybody seems to be in good humor, I hope that our friends on the other side will not oppose letting this amendment go into the bill.

The VICE-PRESIDENT. Is the demand for the yeas and nays seconded? Not a sufficient number have responded, and the yeas and nays are not ordered.

Mr. SIMMONS. Mr. President, I think several Senators back here did not exactly understand the question. I ask the Chair to put it again.

The VICE-PRESIDENT. The Chair will put it again. Is there a second to the demand of the Senator from North Carolina for the yeas and nays on his amendment? Not a sufficient number have seconded the demand, and the yeas and nays are refused. The question is on agreeing to the amendment of the Senator from North Carolina.

The amendment was rejected.

The VICE-PRESIDENT. Is there a separate vote demanded on any amendment other than that asked for by the Senator from Idaho [Mr. HEYBURN]? If not, the question is on concurring in the other amendments made as in Committee of the Whole. Without objection, the other amendments, save the one excepted by the Senator from Idaho, are concurred in. No objection is heard, and they are concurred in. The question now is on concurring in section 7.

Mr. HEYBURN. Mr. President, I move to strike out section 7, as reported to the Senate from the Committee of the Whole, and to insert in lieu thereof the amendment I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In lieu of section 7, as agreed to as in Committee of the Whole, it is proposed to insert the following:

Sec. 7. That section 4 of the act entitled "An act to regulate commerce," approved February 4, 1887, be amended by striking out the words "under substantially similar circumstances and conditions," where the same appear in said section 4, and further amend said section 4 of said act by striking out all of said section 4 beginning with the words "Provided, however," said section 4 when so amended to read as follows:

"Sec. 4. That it shall be unlawful for any common carrier, subject to the provisions of this act, to charge or receive any greater compensation for the transportation of passengers or of like kinds of property for a shorter than for a longer distance over the same line in the same direction, the shorter being principally included within the longer distance; but this shall not be construed as authorizing any common carrier within the terms of this act to charge or receive as great compensation for a shorter than a longer distance."

The VICE-PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Idaho.

Mr. HEYBURN. Mr. President, I have no intention at this hour or upon this occasion of opening up the general discussion of this question. It was pretty thoroughly discussed when it was under consideration in Committee of the Whole, but there are Senators who desire an opportunity to vote upon the square, straight question of a long-and-short-haul clause.

This amendment provides that a transportation company shall not be permitted to charge more for a short than for a long haul where the short is included within the long. The interpretation of that provision will require the assistance of no court; there will be no question of hearings, and no question of weighing rights and privileges one against another. It will be a simple question of whether or not the distance for which the greater charge is made is included within the other and is less. I hope that I may receive a yea-and-nay vote upon this question.

The VICE-PRESIDENT. The Senator from Idaho asks for the yeas and nays.

Mr. GALLINGER. Mr. President, I trust that the yeas and nays will be taken because I want the privilege of voting against this amendment.

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

Mr. CHAMBERLAIN (when his name was called). I am paired with the junior Senator from Pennsylvania [Mr. OLIVER]. If he were present, I should vote "nay."

Mr. CLAY (when his name was called). I announce my pair with the junior Senator from New York [Mr. ROOT]. If he were present, I should vote "nay."

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

Mr. OVERMAN (when his name was called). I again announce my pair with the junior Senator from New Jersey [Mr. BRIGGS].

Mr. RAYNER (when his name was called). I am paired with the junior Senator from Delaware [Mr. RICHARDSON].

Mr. SCOTT (when his name was called). I am paired with the senior Senator from Florida [Mr. TALIAFERRO]. I transfer that pair to the senior Senator from Maine [Mr. HALE] and vote. I vote "nay."

The roll call was concluded.

Mr. CLAPP (after having voted in the negative). I observe the absence of my pair, the Senator from North Carolina [Mr. SIMMONS]. In his absence, I feel that I should withdraw my vote.

The result was announced—yeas 8, nays 47, as follows:

| | | | |
|----------------|------------|------------|--------------|
| YEAS—8. | | | |
| Borah | Brown | Dixon | La Follette |
| Bristow | Burkett | Heyburn | Purcell |
| NAYS—47. | | | |
| Aldrich | Crawford | Frye | Percy |
| Bacon | Cullom | Gallinger | Perkins |
| Bailey | Curtis | Gamble | Piles |
| Beveridge | DeWey | Guggenheim | Scott |
| Bourne | Dick | Hughes | Shively |
| Brandegee | Dillingham | Jones | Smith, Md. |
| Bulkeley | Dolliver | Kean | Stephenson |
| Burnham | du Pont | Lodge | Stone |
| Burton | Elkins | Money | Sutherland |
| Carter | Fletcher | Nelson | Warner |
| Clark, Wyo. | Flint | Page | Warren |
| Crane | Frazier | Paynter | |
| NOT VOTING—37. | | | |
| Bankhead | Daniel | Newlands | Smith, Mich. |
| Bradley | Davis | Nixon | Smith, S. C. |
| Briggs | Foster | Oliver | Smoot |
| Burrows | Gore | Overman | Taliaferro |
| Chamberlain | Hale | Owen | Taylor |
| Clapp | Johnston | Penrose | Tillman |
| Clarke, Ark. | Lorimer | Rayner | Wetmore |
| Clay | McCumber | Richardson | |
| Culberson | McEnery | Root | |
| Cummins | Martin | Simmons | |

So Mr. HEYBURN's amendment was rejected.

The VICE-PRESIDENT. Without objection, the committee amendment to section 7 is agreed to. The Chair hears no objection.

Mr. BACON. When the bill was in Committee of the Whole, section 5 had attached to it an amendment, offered by myself, with reference to the rights of persons in interest to be made parties. That section was afterwards changed by a substitute offered by the Senator from Michigan [Mr. SMITH], and an amendment offered by the Senator from Colorado [Mr. HUGHES]. Then the question was whether the amendment which I had previously offered and which had been accepted by the Senate had survived or whether it had gone out.

At the suggestion of the Senator from Colorado, who was active in the reformation of section 5, I again offer it. His view was that it was intended that the amendment should be retained at the time when the substitute of the Senator from Michigan—

The VICE-PRESIDENT. The Senator from Georgia offers an amendment, which the Secretary will report.

Mr. BACON. It is to come in at the end of section 5.

The SECRETARY. At the end of section 5 insert the following new paragraph:

Complainants before the Interstate Commerce Commission interested in a case shall have the right to appear and be made parties to the case and be represented before the courts by counsel under such regulations as are now permitted in similar circumstances under the rules and practice of equity courts of the United States.

Mr. BACON. It is suggested by some Senators that that is in the bill now. I simply desire to say, in reply, that I was in doubt whether the provisions of the substitute adopted applied, and I submitted the question to the Senator from Colorado, who was quite active in the preparation of that substitute, and he thinks it should be put in. It is in deference to his opinion that I offer it.

Mr. KEAN. The amendment is already in the bill, at the beginning of section 5.

Mr. HUGHES. The question was raised whether it was not stricken out by the amendment offered by the Senator from Michigan, and it is to avoid any uncertainty about it that it is now proposed that it shall be understood to be retained. That is the point. It is the same amendment identically.

Mr. KEAN. Put it in three or four times.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Georgia.

The amendment was agreed to.

Mr. PAYNTER. Mr. President, I know I owe an apology to the Senate for detaining it even for a very few minutes. Except for the fact that I am going to vote for this bill, I would not tax the patience of the Senate for a moment.

I desire to say that I do not arise to express the views of anyone except myself; neither do I address the Senate with a hope to influence the vote of any Senator. I simply desire to give the reasons which influence me in my vote upon this bill. My vote will not determine the question of the passage of the bill in the Senate, as we have reason to know that a large majority of the Senate have already decided to vote for the bill, therefore anything I may say will not have the slightest effect in producing the result that is to follow. Did I regard the interest of the political party with which I am identified of more importance than I do my country, then I would have hoped to see the bill passed as it was prepared by the Attorney-General of the United States and for which the President stood sponsor. As it was reported to the Senate it was a very indefensible measure, one that did not correct the evils which resulted from the practices of the railroads of the country, and to correct which the law in force was inadequate and inefficient. There was a demand in the country that a law be enacted that would protect shippers, communities, and the public generally against unjust and unreasonable rates.

The bill as reported, had it become a law, would not have afforded the measure of relief demanded. As a result a fierce and determined onslaught was made upon the bill by the so-called progressive Republicans and the Democrats. This contest continued until those in charge of the bill seemed willing that the bill should be amended and reformed, which has been done, until the author of it can find but little of his handiwork left in it. It is a case where the father could not recognize, as it were, his own child. A bill so important as this demands the earnest, patient, and patriotic consideration of all the members of this body. While the majority party is properly held responsible for the laws that are enacted, still the members of the minority party, on a great measure like the one under consideration, owe those whom they represent their best energy and ability in an effort to make it correct the evils which exist and afford a protection against their recurrence.

I will call attention to the distinct relief that I think is given by this bill as amended:

1. Under the law as it exists the carrier could charge less for the longer distances than for the shorter distances without the consent of the Interstate Commerce Commission. If this bill becomes a law as it passes the Senate, the carrier is not the judge of the circumstances and conditions which entitles it to charge less for the longer distances than for the shorter distances. Before it has the right to do so, it must obtain the consent of the railroad commission. In addition to that, before the consent of the railroad commission can be given to charge less for the longer distances than for the shorter distances, they must be satisfied that just and reasonable rates are charged for the shorter distances.

2. Under the existing law, when a rate is fixed by the railroad, whether as an original rate or an increased rate, it goes into effect without the consent of the railroad commission. Under the bill if a carrier desires to increase its rate, the time is given the commission to investigate the question of reasonableness of the rate, and if it goes into effect before the commission and courts have adjudicated the question, then the railroad company shall give a bill of lading or receipt, in which shall be stated the amount paid under the increased rate and the amount that would have been paid under the old rate. If it is finally determined that the carrier had no right to increase the rate, then upon presentation of the bill of lading or receipt at the office where it was paid, the difference between the old rate and the increased rate shall be refunded.

3. The shipper is given a protection under the bill that is not in the present law against a misstatement of the legal rate on the shipment proposed to be made.

4. The power of the Interstate Commerce Commission has been increased with reference to the classifications, and that insures a protection to the public that does not exist under the law.

5. The shipper is given the privilege in the matter of routing freight that he does not enjoy under the existing law.

6. There is another distinct improvement in this bill. It is provided in the bill that at any hearing involving a rate increased after January 1, 1910, or of a rate sought to be increased after the passage of this act, the burden of proof to show that the increased rate, or proposed increased rate is just and reasonable, shall be upon the common carrier.

7. The adoption of a provision to the effect that a railroad shall not reduce its rate so as to destroy water competition is

a very valuable clause for the protection of the rights of the people.

8. The clause that prohibits a railroad from increasing its rates after it has reduced them to affect water competition is a great safeguard to the public interests.

9. The bill provides that telephone and telegraph companies shall be under the supervision of the Interstate Commerce Commission, so that if any unreasonable rates now prevail, or may hereafter be put in force, the commission may protect the public against them.

10. An orderly and wise proceeding is provided by a clause which requires three judges to grant an interlocutory injunction (except in certain cases) suspending or restraining the enforcement of a state statute.

I have simply enumerated in this brief way the great benefits which I think will accrue to the people if this bill becomes a law.

So far as I am concerned, on two occasions I have voted against the provision in the bill creating a court of commerce. I do not agree with the distinguished Senator from Georgia [Mr. BACON] that the bill is unconstitutional. He admits that the court can be created.

He must admit that under the language of the bill the office of circuit judge is not taken from the circuit judges who are assigned to hold that court. He must admit that the jurisdiction to try the issues which that court will be called upon to try could be conferred by Congress upon five circuit judges. This being true, the fact that it is named the court of commerce, wherein these judges shall hear and determine these questions, does not render it unconstitutional. So I have not the slightest doubt upon the question of its constitutionality.

I desire to say that the provision with reference to the United States becoming a party to the proceeding is not objectionable to me. Whilst some members of this body and some people in this country may object to some one now in office, we must remember men come and men go, and the party against whom objection is made now may not be in office but a brief period. It is important, in my opinion, in order to give the people the relief to which they are entitled, the great influence and power of the Federal Government should stand back of this legislation in order to enforce laws which are made for the protection of the people.

In Kentucky under the constitution a railroad is not permitted to consolidate with a competing line. When it is attempted, the State of Kentucky becomes a party. She institutes a suit against the railroads attempting consolidation. When our railroad commission fixes rates and there is a controversy as to whether the action of the commission is valid, the State of Kentucky steps in and takes the place of the shipper and prosecutes the action with a view of sustaining the orders of the railroad commission. So it is in practice in Kentucky; and I see no good reason why the Federal Government should not be a party, especially when the chief law officer of the country has no right to dismiss the proceeding when the Interstate Commerce Commission and the complainants are parties, except with their consent. The Attorney-General simply represents the interest of the United States.

So the shippers are fully protected. And I want to say in this connection that I would make a poor answer to the people of Kentucky if I called attention to these valuable provisions of this law and said: "You were entitled to them, but because I could not select the forum in which your rights should be determined I will vote to deprive you of the rights which are secured to you by this measure." I would not like to face an audience in Kentucky and make a statement of the benefits the people of this country will derive from this measure and say: "Although I believe the law is constitutional, I will not let you enjoy it, because I preferred that the United States district courts should first try the cases, instead of the court of commerce." The United States district court is of no consequence to the people if they have not rights to maintain in it. Such a position would not even give a show of, much less the right.

Mr. BACON. Mr. President—
The VICE-PRESIDENT. Does the Senator from Kentucky yield to the Senator from Georgia?

Mr. PAYNTER. Yes.
Mr. BACON. I desire to say to the Senator from Kentucky that I hope I will never live to see the day when I am afraid to face any audience and say that I did not vote for a bill because I did not think it was constitutional.

Mr. PAYNTER. I am not criticising anybody at all as to his position upon this question. I am presenting my views of it. I have said that I believe this bill is constitutional, but I believe that the district courts should have first determined the question. But as a majority of this body is of the opinion that

this court should be created, I am not willing to deprive the people of Kentucky or of this country of these great benefits which they will derive from this bill because I could not select the forum in which their rights might be tried.

I do not intend to let any bogey man or men prevent me from doing what I believe is for the best interests of the people of this country.

[Mr. CLAY addressed the Senate. See Appendix.]

Mr. LA FOLLETTE. Mr. President, I rise to offer an amendment for the valuation of the railway properties used for the convenience of the public in interstate commerce. It is the same amendment which I offered in committee, excepting that I have added to it a provision taken from the Dolliver amendment offered two or three days ago, providing for the valuation of telephone and telegraph lines which have since that time been incorporated in the bill for the purpose of regulating their rates.

I make this statement, Mr. President, to save the reading of the amendment, if possible. I send it to the desk and ask for a vote upon it.

The VICE-PRESIDENT. The Senator from Wisconsin presents an amendment and asks unanimous consent to dispense with the reading of the amendment.

Mr. LA FOLLETTE. I will say to the Senate that it is identical the amendment which we voted upon in the committee in so far as it relates to the valuation of railroad property. It is the provision of the Dolliver amendment touching the capitalization proposition as a substitute for sections 13, 14, and 15, in so far as it relates to the valuation of the property of the telegraph and telephone companies.

Mr. BAILEY. I will ask the Senator from Wisconsin if it contains any provision about the issue of stocks or bonds?

Mr. LA FOLLETTE. It does not. It does not touch that question at all. It just provides for the valuation of the physical property of telephone and telegraph companies, the regulation of whose rates have been now incorporated in the bill.

Mr. BAILEY. Mr. President, a parliamentary inquiry.

The VICE-PRESIDENT. The Senator will state it.

Mr. BAILEY. It is whether the question is divisible. I am very anxious to vote for the valuation of the railroads, but I will not vote for a valuation of the telephone companies, because I think it would be a waste of money to require a valuation of the telephone companies in view of the fact that not one man in a thousand uses them for an interstate conversation a year.

Mr. LA FOLLETTE. If there is, on the part of any Senator here, a desire to segregate those questions, I will withdraw that portion of the amendment which I offered which relates to telephone and telegraph companies, and offer the amendment for the naked valuation of the railroad property used for the convenience of the public in interstate commerce.

The VICE-PRESIDENT. The Chair, then, understands that the amendment of the Senator now offered does not include—

Mr. LA FOLLETTE. It does not. I will offer that subsequently.

Mr. BAILEY. Is it the identical one?

Mr. LA FOLLETTE. It is the identical amendment which has been on the desks of the Senate for days, and upon which we voted in Committee of the Whole.

I want to say, Mr. President, in view of the lateness of the hour, that my reason for offering it at this time is that some members of the Senate were absent when it was presented before, and I feel it is just that on so important an amendment they be given an opportunity to go upon record.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Wisconsin to omit the reading of the amendment? The Chair hears none.

Mr. LA FOLLETTE's amendment was to insert a new section, to be known as section 12 and to read as follows:

SEC. 12. That the act to regulate commerce approved February 4, 1887, as amended, is hereby amended by adding thereto a new section, to be known as section 19b and to read as follows:

"SEC. 19b. That the commission shall investigate and ascertain the value of the property used for the convenience of the public by every common carrier subject to the provisions of this act. For the purpose of such an investigation and ascertainment of value, the commission is authorized to employ such engineers, experts, and other assistants as may be necessary, who shall have power to administer oaths, examine witnesses, and take testimony. The value shall be ascertained by means of an inventory, which shall list such property so used by every common carrier subject to the provisions of this act in detail, and shall classify the physical elements of such property in conformity with such classification as the commission may prescribe.

"The commission shall have power to prescribe the method of procedure to be followed in the conduct of the investigation, the form in which the results of the valuation shall be submitted, and the classification of the elements that constitute the ascertained value; and such investigation shall show the value of the property used by every common carrier as a whole and the value of such property in each of the several States and Territories and the District of Columbia.

"Such investigation shall be commenced not later than January 1, 1911, and shall be prosecuted with diligence and thoroughness, and the result thereof reported to Congress at the beginning of each regular session thereafter until completed.

"Every common carrier subject to the provisions of this act shall furnish to the commission, or its agents, from time to time and as the commission may require, maps, profiles, contracts, reports of engineers, and any other documents, records, and papers, or copies of any or all of the same, in aid of such investigation and determination of the value of the property used by said common carrier, and shall grant to all agents of the commission free access to such property, its right of way, and its accounts, records, and memoranda, whenever and wherever requested, by any such duly authorized agent, and every common carrier is hereby directed and required to cooperate with and aid the commission in the work of such valuation of property in such further particulars and to such extent as the commission may require and direct; and all rules and regulations made by the commission for the purposes of administering the provisions of this section and section 20 of this act shall have the full force and effect of law.

"Upon the completion of the work herein provided for the commission shall thereafter, in like manner, keep itself informed of all extensions and improvements or other changes in the condition and value of the property used for the convenience of the public by every common carrier subject to the provisions of this act, and shall ascertain the value thereof, and shall, from time to time as may be required for the proper regulation of such common carriers under the provisions of this act, revise and correct its valuation of property.

"To enable the commission to make such changes and corrections in its valuation, every common carrier subject to the provisions of this act shall report currently to the commission, and as the commission may require, all improvements and changes in the property used by it for the convenience of the public, and file with the commission copies of all contracts for such improvements and changes at the time the same are executed.

"Whenever the commission shall have completed the valuation of such property so used by any common carrier, and before said valuation shall become final, the commission shall give notice by registered letter to said carrier, stating the valuation placed upon the several classes of property used by said carrier, and shall allow the carrier thirty days in which to file a protest against the same with the commission. If no protest is filed within thirty days, said valuation shall become final.

"If notice of protest is filed by any common carrier, the commission shall fix a time for hearing the same, and shall proceed as promptly as may be to hear and consider any matter relative and material thereto which may be presented by such common carrier in support of its protest so filed as aforesaid. If after hearing any protest of such valuation under the provisions of this act the commission shall be of the opinion that its valuation is incorrect, it shall make such changes as may be necessary, and shall issue an order making such corrected valuation final. All final valuations by the commission, and the classifications thereof, shall be prima facie evidence relative to the value of the property in all proceedings under this act.

"The provisions of this section shall apply to receivers of carriers and operating trustees. In case of failure or refusal on the part of any carrier, receiver, or trustee to comply with any of the requirements of this act and in the manner prescribed by the commission such carrier, receiver, or trustee shall forfeit to the United States the sum of \$500 for each such offense and for each and every day of the continuation of such offense, such forfeitures to be recoverable in the same manner as other forfeitures provided for in this act.

"That the circuit and district courts of the United States shall have jurisdiction, upon the application of the Attorney-General of the United States at the request of the commission, alleging a failure to comply with or a violation of any of the provisions of this act by any common carrier, to issue a writ or writs of mandamus commanding such common carrier to comply with the provisions of this act."

Mr. LA FOLLETTE. I will ask for the yeas and nays upon the amendment.

The yeas and nays were ordered.

Mr. DOLLIVER. Mr. President, I do not intend to discuss the amendment which has been offered by the Senator from Wisconsin, because long experience enables me to anticipate that this amendment will be consigned, as many others have been consigned, to the list of defeated propositions. I do not exactly understand in what spirit or for what purpose the Senate takes that attitude toward this proposition, which, in my judgment, is elementary in the final solution of the railway problem of the United States.

I do not agree with some who, in my judgment, overestimate the importance of the railway valuation as a guide in the making of railway rates, but this valuation is certainly of vast importance to the American people in view of the consolidation of the railway systems, which is proceeding so rapidly in the United States.

It is also of vast importance, if we ever attain a scientific system of railway bookkeeping. We can never execute the act of 1906, relative to the uniform system of railway accounting, until we know by an inventory of the railway property its exact value. If for no other reason, it seems to me the Government of the United States, proceeding along conservative lines, ought to find this valuation in order that we may perfect the system of railway accounting for which the law already provides.

I have been disappointed by the failure of a good many amendments which have been offered by those with whose view I have sympathized in the course of this discussion. In fact, I have grown so accustomed to defeat that the vote has not even discouraged me, because we are to live, I hope, a long time and the future is full of opportunities to thoroughly explain and at length to secure universal approbation to propo-

sitions which have received very scant consideration in the course of this discussion.

I believe every day since this bill was introduced has seen some tangible improvement in the measure. Originally I do not think I could have brought myself even upon motives of party regularity and an anxiety to secure the harmony and unity of the party with which I am affiliated to have voted for it. But the Senate of the United States and the House of Representatives have both taken up this measure in a broad and generous spirit and have dealt with it as legislative proposals ought to be dealt with in these two great popular assemblies.

The bill as it comes out of this long discussion has many elements of value to the American people. I regret, as others have expressed regret, that we have found it necessary to mutilate the judiciary system of the United States in the course of the preparation of this measure, and yet those provisions of the bill which relate to the court of commerce have been so shaped and so improved by the action of the Senate and the House of Representatives that I shall find no obstruction in voting for this bill, arising from the fact that I have not sympathized with the proposition to create a new judicial tribunal to handle the business arising in the execution of the interstate-commerce laws.

A multitude of features have been added to the bill as the result of deliberation and of debate of substantial value to the American people, and I shall cast my vote for it with great pleasure, because though I fear it falls short of our duty or of our opportunity, nevertheless it presents substantial progress in our management of the railway problem in the United States.

I regard the session of Congress which for three months or more has given an uninterrupted attention to these questions as one of the most remarkable and most instructive in the whole history of our Government. The bill first came here under adverse circumstances. I desire to utter no word of criticism directed in any quarter, but I sincerely hope that the last experiment has been tried of preparing in advance bills for the consideration of the Senate and the House of Representatives. The Constitution of the United States confides that duty to the two Houses of Congress, and, subject to the recommendations of the executive department, I hold it to be the duty and the privilege of these two great assemblies to shape and frame and prepare and perfect measures of legislation.

The chairman of the Committee on Interstate Commerce has had the hardest task that has been presented to a member of the Senate within my service here, and I think you will agree with me the hardest task that has been upon any man's shoulders in the last thirty years in the legislative history of the United States. I believe I express the common judgment of all parties and of all factions, if there be factions among us, in saying that the Senator from West Virginia, the chairman of the committee, has won golden opinions in all quarters of the Senate in the management of this measure. His kindness, his forbearance, his patience, his good will toward all, his willingness that every man should be heard, his willingness that every proposition should be submitted to a vote of the Senate, have given great satisfaction to those of us who have been trying, amid a good many discouragements and difficulties, to perfect this measure. He has the thanks, I think, of the whole Senate in the discharge of the most difficult business that has fallen upon one man's shoulders in the recent history of the Congress of the United States.

I do not know whether the bill when it goes upon the statute books will fill the popular expectation or not. The history of these acts of legislation is often very disappointing. But I venture to express the hope, at least, that when this law is placed upon the statute books its effective enforcement and the exercise of the larger powers conferred upon the commission by the new statute will justify all the labors and all the sacrifices and all the losses of time and strength which have been incident to the present session of Congress.

Mr. ELKINS. Mr. President, I rise for a moment to thank the distinguished Senator from Iowa for his graceful and cordial expression of approval of my conduct during the consideration of this bill. Whatever I have had to do with it, and whatever success has come to me as chairman of the committee in the management of the bill, is due to the loyal support of both sides of the Chamber in trying to make it a good bill, as it is, and I hope will receive the unanimous vote on its passage.

Mr. ALDRICH. I move that when the Senate adjourns today it adjourn to meet on Monday next.

The motion was agreed to.

The VICE-PRESIDENT. The Secretary will call the roll upon agreeing to the amendment of the Senator from Wisconsin [Mr. LA FOLLETTE].

The Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I am paired with the junior Senator from Pennsylvania [Mr. OLIVER]. I transfer that pair to the junior Senator from Tennessee [Mr. TAYLOR], and vote "yea."

Mr. CLAY (when his name was called). I announce my pair with the junior Senator from New York [Mr. ROOR]. If he were present, I should vote "yea."

Mr. OVERMAN (when Mr. FOSTER's name was called). The Senator from Louisiana [Mr. FOSTER] is unavoidably absent. He is paired with the senior Senator from North Dakota [Mr. McCUMBER].

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

Mr. OVERMAN (when his name was called). I again announce my pair with the junior Senator from New Jersey [Mr. BRIGGS], who is unavoidably absent.

Mr. GORE (when Mr. OWEN's name was called). I wish to announce again that my colleague [Mr. OWEN] is paired with the junior Senator from Nevada [Mr. NIXON].

Mr. RAYNER (when his name was called). I am paired with the junior Senator from Delaware [Mr. RICHARDSON]. If he were present, I should vote "yea."

Mr. SCOTT (when his name was called). I transfer my pair with the junior Senator from Florida [Mr. TALIAFERRO] to the senior Senator from Maine [Mr. HALE] and vote "nay."

Mr. SMITH of South Carolina (when his name was called). I again announce my pair with the Senator from Rhode Island [Mr. WETMORE].

The roll call was concluded.

Mr. ALDRICH. On this vote and all the votes this afternoon my colleague [Mr. WETMORE] is paired with the Senator from South Carolina [Mr. SMITH], and on this vote and other votes on amendments the Senator from Arkansas [Mr. CLARKE] is paired with the Senator from Kentucky [Mr. BRADLEY].

The result was announced—yeas 24, nays 32, as follows:

| YEAS—24. | | | |
|----------------|-------------|-------------|--------------|
| Bacon | Brown | Dolliver | Money |
| Bailey | Burkett | Fletcher | Newlands |
| Beveridge | Chamberlain | Gamble | Percy |
| Borah | Clapp | Gore | Purcell |
| Bourne | Crawford | Jones | Shively |
| Bristow | Dixon | La Follette | Stone |
| NAYS—32. | | | |
| Aldrich | Cullom | Frye | Page |
| Brandeege | Curtis | Gallinger | Perkins |
| Bulkeley | Depew | Guggenheim | Piles |
| Burnham | Dick | Heyburn | Scott |
| Burton | Dillingham | Hughes | Stephenson |
| Carter | du Pont | Kean | Sutherland |
| Clark, Wyo. | Elkins | Lodge | Warner |
| Crane | Flint | Nelson | Warren |
| NOT VOTING—36. | | | |
| Bankhead | Davis | Nixon | Simmons |
| Bradley | Foster | Oliver | Smith, Md. |
| Briggs | Frazier | Overman | Smith, Mich. |
| Burrows | Hale | Owen | Smith, S. C. |
| Clarke, Ark. | Johnston | Paynter | Smoot |
| Clay | Lorimer | Penrose | Taliaferro |
| Cuberson | McCumber | Rayner | Taylor |
| Cummins | McEnery | Richardson | Tillman |
| Daniel | Martin | Root | Wetmore |

So Mr. LA FOLLETTE's amendment was rejected.

Mr. LA FOLLETTE. Mr. President, I present as a new section the provision which I send to the Secretary's desk. The amendment is very short, and I ask to have it read.

The VICE-PRESIDENT. The amendment proposed by the Senator from Wisconsin will be stated.

The SECRETARY. It is proposed to add as a new section, next to the last section, the following:

SEC. —. The Interstate Commerce Commission shall make a determination of the actual, tangible, and physical value of the property of any telegraph or telephone company used for the convenience of the public subject to this act; and for this purpose it shall have power to require from such company a report setting forth, in such detail as the commission may prescribe, the cost and value of its property; and the commission shall have the power to employ expert engineers, electricians, and accountants to examine the statements in such report and to examine and appraise the tangible physical property and the accounts of such corporation; and it shall be the duty of such company to furnish such engineers and accountants full access to the property and to the accounts of the company bearing on such cost and value.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was rejected.

The VICE-PRESIDENT. Are there further amendments to be offered to the bill in the Senate?

Mr. LA FOLLETTE. Mr. President, the hour is at hand for the Senate to determine whether the pending bill shall pass.

It falls to me to state with such exactness and precision as I am capable the true character of this bill as reported to the Senate and the changes wrought in it during the protracted contest over its provisions.

Mr. DEPEW. I am familiar with the views of my colleague before he went to Europe, and I am certain that if he were present he would vote "yea" on this bill. Therefore the Senator from Georgia is relieved from the pair in that respect.

Mr. DOLLIVER (when Mr. CUMMINS's name was called). My colleague is unavoidably absent. If he were present, he would vote "yea."

Mr. OVERMAN (when Mr. FOSTER's name was called). The junior Senator from Louisiana is unavoidably absent. He is paired with the senior Senator from North Dakota [Mr. McCUMBER]. I have been requested by the Senator from Louisiana to announce that if he were present, he would vote "yea."

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

Mr. CURTIS (when Mr. NIXON's name was called). I have been requested to announce that the Senator from Nevada is unavoidably absent. Were he here, he would vote "yea." He is paired with the senior Senator from Oklahoma [Mr. OWEN].

Mr. OVERMAN (when his name was called). I am paired with the junior Senator from New Jersey [Mr. BRIGGS].

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

Mr. DU PONT (when Mr. RICHARDSON's name was called). My colleague is unavoidably absent. He is paired with the junior Senator from Virginia [Mr. MARTIN]. If he were present and free to vote, he would vote "yea."

Mr. SCOTT (when his name was called). I again announce my pair with the senior Senator from Florida [Mr. TALIAFERRO], and I shall take the liberty of voting, believing he would not object. I vote "yea."

Mr. SUTHERLAND (when Mr. SMOOT's name was called). My colleague is necessarily absent from the Senate. If he were present, he would vote "yea."

The roll call was concluded.

Mr. KEAN. My colleague [Mr. BRIGGS] is necessarily absent. He is paired with the Senator from North Carolina [Mr. OVERMAN]. If he were present, he would vote "yea."

Mr. GALLINGER. I have been requested to announce that on this vote the junior Senator from Rhode Island [Mr. WETMORE] is paired with the Senator from Alabama [Mr. BANKHEAD].

Mr. SCOTT. I desire to announce that I transfer my pair with the senior Senator from Florida [Mr. TALIAFERRO] to the senior Senator from Maine [Mr. HALE]. Then they will stand paired rather than show that they are absent without a pair.

Mr. JOHNSTON. I desire to announce several pairs as follows:

My colleague [Mr. BANKHEAD] is paired with the junior Senator from Rhode Island [Mr. WETMORE]. If he were present he would vote "nay."

The senior Senator from Arkansas [Mr. CLARKE] is paired with the junior Senator from Kentucky [Mr. BRADLEY].

The senior Senator from Virginia [Mr. DANIEL] is paired with the senior Senator from Michigan [Mr. BURROWS].

The junior Senator from Arkansas [Mr. DAVIS] is paired with the junior Senator from Illinois [Mr. LORIMER].

The senior Senator from South Carolina [Mr. TILLMAN] is paired with the senior Senator from Utah [Mr. SMOOT].

The result was announced—yeas 50, nays 12, as follows:

YEAS—50.

| | | | |
|-------------|-------------|-------------|------------|
| Aldrich | Clapp | Elkins | Page |
| Beveridge | Clark, Wyo. | Flint | Paynter |
| Borah | Clay | Frye | Perkins |
| Bourne | Crane | Gallinger | Piles |
| Brandegee | Crawford | Gamble | Scott |
| Bristow | Cullom | Gore | Simmons |
| Brown | Curtis | Guggenheim | Stephenson |
| Bulkeley | Depeew | Heyburn | Stone |
| Burkett | Dick | Jones | Sutherland |
| Burnham | Dillingham | Kean | Taylor |
| Burton | Dixon | La Follette | Warner |
| Carter | Dolliver | Lodge | Warren |
| Chamberlain | du Pont | Nelson | |

NAYS—12.

| | | | |
|----------|----------|---------|--------------|
| Bacon | Hughes | Percy | Shively |
| Fletcher | Money | Purcell | Smith, Md. |
| Frazier | Newlands | Rayner | Smith, S. C. |

NOT VOTING—30.

| | | | |
|--------------|----------|------------|--------------|
| Bailey | Daniel | Martin | Smith, Mich. |
| Bankhead | Davis | Nixon | Smoot |
| Bradley | Foster | Oliver | Taliaferro |
| Briggs | Hale | Overman | Taylor |
| Burrows | Johnston | Owen | Tillman |
| Clarke, Ark. | Lorimer | Penrose | Wetmore |
| Culberson | McCumber | Richardson | |
| Cummins | McEnery | Root | |

So the bill was passed.

Mr. BACON subsequently said: I trust I may be allowed to make an announcement I ought to have made when the vote was taken on the passage of the bill in behalf of the junior Senator from Virginia [Mr. MARTIN]. He was called away to-day by illness in his family, and for that reason did not appear to be recorded.

The title was amended so as to read: "A bill 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. GALLINGER. I ask unanimous consent that 500 additional copies of the bill as it passed the Senate be printed for the use of the document room.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and the order is entered.

Mr. CARTER. Throughout the various sections of the original text of the Senate bill the court is called the court of commerce. In certain amendments, particularly one found on page 13, which, I assume, was taken from the House print, the court is designated the commerce court. I ask unanimous consent that the Secretary be directed to insert the words "court of commerce" wherever the words "commerce court" appear in the bill.

The VICE-PRESIDENT. The Senator from Montana asks unanimous consent that in engrossing the bill the Secretary shall make the change he has indicated. Is there objection? The Chair hears none, and it is so ordered.

ADMISSION OF NEW MEXICO AND ARIZONA.

Mr. BEVERIDGE. I move that the Senate proceed to the consideration of 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.

Mr. NELSON. I trust the Senator from Indiana will withhold that motion to the end that the Senate may consider the bill (H. R. 24070) to authorize the President of the United States to make withdrawals of public lands in certain cases. It is the conservation bill passed by the House and reported by the Senate Committee on Public Lands. I am in favor of the statehood bill, and I am quite willing to support that bill, but I would be very glad if the conservation bill could be taken up first. I trust the Senator from Indiana will forego his motion for the present.

Mr. BEVERIDGE. I will withhold the motion for a moment on the suggestion of the Senator from Minnesota [Mr. NELSON].

The VICE-PRESIDENT. The Senator from Indiana withholds the motion.

Mr. BEVERIDGE. For the moment.

Mr. BAILEY. I do not understand that the motion has been withdrawn.

Mr. BEVERIDGE. No; I withhold it.

The VICE-PRESIDENT. The Senator from Indiana withholds it.

Mr. ALDRICH. I move that the Senate adjourn.

Mr. BAILEY. The Senator from Rhode Island had better withhold that motion until we see if an agreement can be reached.

Mr. ALDRICH. I will withhold it for a moment.

Mr. BAILEY. I have no authority to speak for our friends upon the Committee on Territories, and they will arrange whatever agreement may be made that is satisfactory to both sides. I think that no arrangement which contemplates an indefinite postponement of the statehood bill would be possible, but with no authority to speak for them, I imagine that we would consent to the suggestion of the Senator from Minnesota, provided it were coupled with a distinct understanding and agreement that as soon as that bill could be disposed of the statehood bill would then be taken up and disposed of by the Senate; but even that I leave to the Senator from Tennessee [Mr. FRAZIER] to decide.

Mr. FRAZIER. Mr. President—

The VICE-PRESIDENT. The Senator from Indiana still claims the floor. Does he yield to the Senator from Tennessee?

Mr. BEVERIDGE. Of course I yield to the Senator from Tennessee, who is the senior, or next to the senior, member of the Committee on Territories on that side.

The VICE-PRESIDENT. Very good.

Mr. FRAZIER. Did I understand the Senator from Indiana to withdraw the motion?

Mr. BEVERIDGE. No; I did not withdraw the motion; I withheld it.

Mr. FRAZIER. I think we should take up the statehood bill, and I should be slow to agree to the suggestion made by

the Senator from Minnesota, certainly not without a distinct understanding that the statehood bill should be taken up and completed immediately following the conservation bill; but some of my associates on the committee are not willing to go even that far. I insist upon the motion of the Senator from Indiana at this time.

Mr. ALDRICH. Mr. President—

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Rhode Island?

Mr. BEVERIDGE. Certainly.

Mr. ALDRICH. It is certain that we can not agree upon anything now, and I think we had better adjourn and take the matter up on Monday when we meet.

Mr. STONE. We can not agree upon anything to-night unanimously that postpones the statehood bill.

Mr. ALDRICH. Then I insist on the motion to adjourn.

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Rhode Island?

Mr. BEVERIDGE. Certainly.

Mr. ALDRICH. I had the floor in my own right.

The VICE-PRESIDENT. The Chair understood the Senator from Indiana to yield to the Senator from Rhode Island.

Mr. BEVERIDGE. I did.

Mr. ALDRICH. I had the floor in my own right.

The VICE-PRESIDENT. The Senator did not. The Senator from Indiana yielded to the Senator from Rhode Island.

Mr. BEVERIDGE. But not for a motion to adjourn.

The VICE-PRESIDENT. The Chair inquired if the Senator yielded to the Senator from Rhode Island, and the Senator from Indiana responded that he did.

Mr. BEVERIDGE. I did; but not for a motion to adjourn at this juncture. I have moved that the statehood bill be made the unfinished business. I withheld that motion at the request of the Senator from Minnesota who made a suggestion, which was responded to by the Senator from Texas. That is the situation in which we are now, and the only question is which bill shall succeed the bill which has been the unfinished business to this time. Of course, unless there is some sort of an understanding, I can not yield my motion unless the Senator from Minnesota shall prevail upon the Senate to make the conservation bill the unfinished business.

Mr. KEAN. Pending all those matters, Mr. President—

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from New Jersey?

Mr. KEAN. I do not ask the Senator to yield to me.

The VICE-PRESIDENT. For what purpose, then, does the Senator rise?

Mr. KEAN. I rise to make a motion to adjourn.

Mr. BEVERIDGE. But the Senator can not make a motion to adjourn while I have the floor.

The VICE-PRESIDENT. The Senator can not rise for that purpose. The Senator from Indiana has the floor.

Mr. KEAN. For what purpose?

Mr. BAILEY. With a motion pending.

The VICE-PRESIDENT. The Senator from Indiana has the floor, and has made a motion to proceed to the consideration of the statehood bill.

Mr. KEAN. Pending that motion, I move that the Senate adjourn.

The VICE-PRESIDENT. The Senator from New Jersey is not recognized. The Senator from Indiana has the floor.

Mr. ALDRICH. Will the Senator yield to me?

Mr. BEVERIDGE. Certainly.

Mr. LODGE. Mr. President, I rise to a question of order.

The VICE-PRESIDENT. The Senator from Massachusetts rises to a question of order. The Senator will state it.

Mr. LODGE. Is the motion to proceed to the consideration of the statehood bill now pending?

The VICE-PRESIDENT. It is.

Mr. LODGE. Then that motion is not debatable?

Mr. BEVERIDGE. That is true. It is not debatable except by unanimous consent.

The VICE-PRESIDENT. It is not debatable, except by unanimous consent.

Mr. LODGE. I object, and call for the regular order.

The VICE-PRESIDENT. The regular order is the motion of the Senator from Indiana.

Mr. LODGE. Pending that motion a motion to adjourn is in order.

Mr. KEAN. Which motion I made.

The VICE-PRESIDENT. Pending the motion of the Senator from Indiana, the Senator from New Jersey moves that the Senate adjourn.

Mr. BAILEY. On that I demand the yeas and nays.

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

Mr. CHAMERLAIN (when his name was called). I transfer my general pair with the junior Senator from Pennsylvania [Mr. OLIVER] to the junior Senator from Tennessee [Mr. TAYLOR] and vote "nay."

Mr. CLAY (when his name was called). I am paired with the junior Senator from New York [Mr. ROOT].

Mr. GALLINGER. Mr. President, I rise to a point of order.

The VICE-PRESIDENT. The Senate will be in order. The Chair will interrupt the roll call long enough to call attention to Rule XXXIII, which the Chair will read:

No person shall be admitted to the floor of the Senate while in session, except as follows:

* * * * *
The officers and employees of the Senate in the discharge of their official duties.

* * * * *
Clerks to Senate committees and clerks to Senators when in the actual discharge of their official duties.

All others have not the privileges of the floor, and all others will retire. The Sergeant-at-Arms will see that this mandate of the Chair is carried out. The Secretary will proceed with the roll call.

The Secretary resumed the calling of the roll.

Mr. JOHNSTON (when his name was called). I transfer my pair with the Senator from Michigan [Mr. SMITH] to my colleague [Mr. BANKHEAD], and vote "nay."

Mr. OVERMAN (when his name was called). I am paired with the junior Senator from New Jersey [Mr. BRIGGS]. I transfer that pair to the junior Senator from Virginia [Mr. MARTIN], and vote "nay."

The roll call having been concluded, the result was announced—yeas 28, nays 25, as follows:

YEAS—28.

| | | | |
|----------|----------|------------|------------|
| Aldrich | Burton | Dillingham | Kean |
| Bourne | Carter | Dolliver | Lodge |
| Brandege | Crane | du Pont | Nelson |
| Bristow | Crawford | Gallinger | Page |
| Bulkeley | Curtis | Gamble | Piles |
| Burkett | Depew | Heyburn | Stephenson |
| Burnham | Dick | Jones | Warner |

NAYS—25.

| | | | |
|-------------|----------|----------|--------------|
| Bacon | Dixon | Newlands | Smith, Md. |
| Bailey | Elkins | Overman | Smith, S. C. |
| Beveridge | Fletcher | Paynter | Stone |
| Borah | Frazier | Percy | Warren |
| Brown | Gore | Purcell | |
| Chamberlain | Hughes | Shively | |
| Clark, Wyo. | Johnston | Simmons | |

NOT VOTING—39.

| | | | |
|--------------|-------------|------------|--------------|
| Bankhead | Daniel | McEnery | Root |
| Bradley | Davis | Martin | Scott |
| Briggs | Flint | Money | Smith, Mich. |
| Burrows | Foster | Nixon | Smoot |
| Clapp | Frye | Oliver | Sutherland |
| Clarke, Ark. | Guggenheim | Owen | Taliaferro |
| Clay | Hale | Penrose | Taylor |
| Cuberson | La Follette | Perkins | Tillman |
| Cullom | Lorimer | Rayner | Wetmore |
| Cummins | McCumber | Richardson | |

So the motion was agreed to; and (at 10 o'clock and 16 minutes p. m.) the Senate adjourned until Monday, June 6, 1910, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, June 3, 1910.

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

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

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

SUNDRY CIVIL APPROPRIATION BILL.

Mr. TAWNEY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill (H. R. 25552).

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. MANN in the chair.

The Clerk read as follows:

Opinions and briefs of Solicitor of Treasury: To enable the Attorney-General to employ, at his discretion, and irrespective of the provisions of section 1765 of the Revised Statutes, such competent person or persons as will, in his judgment, best perform the service to edit and prepare for publication and superintend the printing of a digest of the opinions and briefs of the Solicitor of the Treasury, \$500.

an appropriation be made for the extension of the work of the Office of Public Roads, Department of Agriculture, which were ordered to lie on the table.

He also presented a memorial of Bear Mountain Grange, Patrons of Husbandry, of Waterford, Me., remonstrating against the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

Mr. CULLOM presented a petition of the Woman's Christian Temperance Union of Will County, Ill., praying for the passage of the so-called "white-slave traffic bill," which was ordered to lie on the table.

He also presented a petition of sundry citizens of Illinois, praying that an appropriation be made for the extension of the work of the Office of Public Roads, Department of Agriculture, which was ordered to lie on the table.

Mr. BURNHAM presented a memorial of sundry citizens of Concord, N. H., remonstrating against the establishment of a department of public health, which was referred to the Committee on Public Health and National Quarantine.

Mr. BRISTOW presented a petition of sundry citizens of Plainville, Kans., and a petition of sundry citizens of Parsons, Kans., praying that an appropriation be made for the extension of the work of the Office of Public Roads, Department of Agriculture, which were ordered to lie on the table.

Mr. GALLINGER presented a petition of the East End Suburban Citizens' Association, praying that an appropriation of \$3,000,000 be made for the erection of a national convention hall in the District of Columbia, which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the Liberty Chapter of the National Society Daughters of the American Revolution, of Tilton, N. H., 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. SHIVELY presented petitions of the Indiana State Dairy Association, the Muncie Electric Company, and the Muncie Gear Company, and of the N. P. Boshier Company, of South Bend, all in the State of Indiana, praying that an appropriation be made for the extension of the work of the Office of Public Roads, Department of Agriculture, which were ordered to lie on the table.

Mr. PILES presented a petition of Lake Grange, No. 362, Patrons of Husbandry, of Seattle, Wash., praying that an appropriation be made for the extension of the work of the Office of Public Roads, Department of Agriculture, which was ordered to lie on the table.

Mr. CARTER presented a petition of the board of school trustees of Bozeman, Mont., praying that an appropriation be made for the extension of the field work of the Bureau of Education, which was referred to the Committee on Education and Labor.

Mr. FLINT presented a petition of the Reading Club of Pacific Beach, Cal., praying that an investigation be made into the condition of dairy products, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry citizens of California, praying for the enactment of legislation providing for the withdrawal of water from navigable streams for the purpose of irrigating arid lands, which was referred to the Committee on Commerce.

He also presented a petition of sundry citizens of Redlands, Cal., praying that an appropriation be made for the extension of the work of the Office of Public Roads, Department of Agriculture, which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. SCOTT (for Mr. WETMORE), from the Committee on Public Buildings and Grounds, to whom the subject was referred, reported an amendment providing for the enlargement of the Capitol Grounds, etc., intended to be proposed to the sundry civil appropriation bill, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

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

A bill (H. R. 25773) 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 (Report No. 782);

A bill (H. R. 25185) 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 (Report No. 783);

A bill (H. R. 25406) 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 (Report No. 784);

A bill (H. R. 25822) 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 (Report No. 785); and

A bill (H. R. 25409) 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 (Report No. 786).

Mr. DIXON. I am directed by the Committee on Conservation of National Resources, to whom was referred the bill (S. 3719) for the appointment of a national commission for the conservation of natural resources, and defining its duties, to report it with an amendment. I give notice that at a later day I shall file a written report to accompany the bill.

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

Mr. DIXON, from the Committee on Military Affairs, to whom was referred the bill (S. 4728) to remove the charge of desertion standing against the military record of Minor Berry, reported it with amendments and submitted a report (No. 788) thereon.

He also, from the same committee, to whom was referred the bill (H. R. 24723) granting permission to the city and county of San Francisco, Cal., to operate a pumping station on the Fort Mason Military Reservation in California, reported it without amendment, and submitted a report (No. 789) thereon.

Mr. DIXON. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 7848) granting permission to the city and county of San Francisco, Cal., to operate a pumping station on the Fort Mason Military Reservation, in California, to report it without adverse recommendation, and I move that the bill be indefinitely postponed, as the House bill on the same subject has just been reported by me.

The motion was agreed to.

Mr. WARNER, from the Committee on Military Affairs, to whom was referred the bill (H. R. 10280) to authorize the Chief of Ordnance, United States Army, to receive twelve 3.2-inch breech-loading field guns, carriages, caissons, limbers, and their pertaining equipment from the State of Massachusetts, reported it with amendments and submitted a report (No. 787) thereon.

MISSOURI RIVER BRIDGES.

Mr. PILES. I am directed by the Committee on Commerce, to whom was referred the bill (S. 8426) to authorize the St. Louis-Kansas City Electric Railway Company to construct a bridge across the Missouri River at or near the town of Arrow Rock, Mo., to report it favorably, without amendment, and I submit a report (No. 781) thereon. I invite the attention of the Senator from Missouri [Mr. WARNER] to the bill.

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

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

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

Mr. PILES. I am directed by the Committee on Commerce, to whom was referred the bill (S. 8425) to authorize the St. Louis-Kansas City Electric Railway Company to construct a bridge across the Missouri River at or near the town of St. Charles, Mo., to report it favorably without amendment, and I submit a report (No. 780) thereon.

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

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

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

BILLS INTRODUCED.

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

By Mr. TAYLOR:

A bill (S. 8531) to prevent trusts or combinations intended to restrain trade or commerce or to control the market value of

merchandise, produce, or commodities; to the Committee on Interstate Commerce.

By Mr. PURCELL (for Mr. McCUMBER):

A bill (S. 8532) for the relief of Charles M. Askegren and others (with an accompanying paper); and

A bill (S. 8533) for the relief of certain government contractors; to the Committee on Claims.

By Mr. FLETCHER:

A bill (S. 8534) releasing the claim of the United States Government to Arpent lot 44, in the old city of Pensacola; to the Committee on Public Lands.

A bill (S. 8535) granting a pension to Rebecca V. Rooks; and A bill (S. 8536) granting an increase of pension to Lorinda Herr; to the Committee on Pensions.

Mr. JOHNSTON. I present, for my colleague [Mr. BANKHEAD], who is absent from the Senate on account of sickness, three bills, which I ask may be read twice by their titles, and referred to the Committee on Claims:

The bill (S. 8537) for the relief of estate of James M. Alexander, deceased (with accompanying papers);

The bill (S. 8538) for the relief of heirs or estate of Grief S. Green, deceased (with an accompanying paper); and

The bill (S. 8539) for the relief of James W. Gilbreath (with an accompanying paper); were read twice by their titles, and referred to the Committee on Claims.

By Mr. SHIVELY:

A bill (S. 8540) granting an increase of pension to Julius Blessin (with accompanying papers); to the Committee on Pensions.

By Mr. NIXON:

A bill (S. 8541) granting a pension to Ferdinand Imobersteg; to the Committee on Pensions.

By Mr. GALLINGER:

A bill (S. 8542) to authorize the Commissioners of the District of Columbia to make regulations defining the rate of speed of vehicles within the District of Columbia (with an accompanying paper); to the Committee on the District of Columbia.

A bill (S. 8543) to acquire certain land in Petworth addition to the city of Washington, in the District of Columbia, as a public park; to the Committee on Public Buildings and Grounds.

By Mr. DICK:

A bill (S. 8544) granting an increase of pension to Benjamin F. Blackford; and

A bill (S. 8545) granting a pension to Anna M. Gladfelter; to the Committee on Pensions.

By Mr. SCOTT:

A bill (S. 8546) granting an increase of pension to Joseph Marple (with accompanying papers); to the Committee on Pensions.

By Mr. PERCY:

A bill (S. 8547) for the relief of the trustees of the Methodist Episcopal Church South, of Warrenton, Miss.; to the Committee on Claims.

A bill (S. 8548) to correct an error in the record of the supplemental treaty of September 28, 1830, made with the Choctaw Indians, and for other purposes; to the Committee on Indian Affairs.

By Mr. CLAPP:

A bill (S. 8549) to authorize the Secretary of the Interior to reserve certain lands from entry and settlement, and for other purposes; and

A bill (S. 8550) to authorize the Secretary of the Interior to classify, appraise, and dispose of certain lands on the Flathead Indian Reservation, Mont., under such rules as he may prescribe; to the Committee on Indian Affairs.

A bill (S. 8551) to authorize James D. Markham and Chauncey A. Kelsey and others to construct a dam across the St. Croix River between Minnesota and Wisconsin; to the Committee on Commerce.

A bill (S. 8552) granting an increase of pension to Charles H. Lamphier; to the Committee on Pensions.

By Mr. OVERMAN:

A bill (S. 8553) to enlarge the public building in the city of Raleigh, N. C. (with an accompanying paper); to the Committee on Public Buildings and Grounds.

By Mr. BAILEY (by request):

A bill (S. 8554) for the relief of G. C. Pickett; to the Committee on Claims.

By Mr. McENERY:

A bill (S. 8555) for the relief of the heirs or estate of Celestine Malveau, deceased (with an accompanying paper); to the Committee on Claims.

By Mr. SIMMONS:

A bill (S. 8556) to enlarge the United States building in the city of Raleigh, N. C.; to the Committee on Public Buildings and Grounds.

AGRICULTURAL ENTRIES ON COAL LANDS.

Mr. DIXON. I should like to have unanimous consent at this time for the consideration of the bill (H. R. 13907) to provide for agricultural entries on coal lands. The bill was reported three weeks ago from the Committee on Public Lands. I think there is no question of dispute concerning it. It has been passed by the House. It opens to entry an area of country about the size of Pennsylvania which has been withdrawn from agricultural entry. The department has recommended it, and the committees of both Houses have reported it favorably. The bill has already been read, and it would take only a few minutes to dispose of it.

The VICE-PRESIDENT. The Senator from Montana asks unanimous consent for the present consideration of House bill 13907.

Mr. HALE. Has the morning business been concluded?

The VICE-PRESIDENT. It has not.

Mr. HALE. I ask for the regular order.

The VICE-PRESIDENT. Objection is made.

OMNIBUS CLAIMS BILL.

Mr. SCOTT submitted two amendments intended to be proposed by him to the omnibus claims bill, which were ordered to lie on the table and be printed.

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. FLINT submitted an amendment proposing to appropriate \$12,500 to enable the Secretary of War to make further surveys for continuing the improvement of St. Michael Canal, Alaska, 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.

Mr. OWEN submitted an amendment proposing to appropriate \$25,000 for the care, maintenance, and improvement of the Platt National Park, Okla., 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.

VALUATION OF RAILROAD PROPERTY.

Mr. SIMMONS. I submit an amendment intended to be proposed by me to the sundry civil appropriation bill. It is very short, and I will ask consent that it be read.

The proposed amendment was read, ordered to be printed, and referred to the Committee on Appropriations, as follows:

Insert as a new paragraph the following:

"To enable the Interstate Commerce Commission to ascertain and determine the value of the property of any transportation company subject to the act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, when, in the judgment of the commission, such determination is necessary for the just decision of any matter in controversy involving the reasonableness of a rate, charge, or classification, or the reasonableness of a proposed increase of a rate, charge, or change of classification, \$100,000."

PRESERVATION OF FUR SEALS.

Mr. DIXON. Some days ago the testimony taken before the Committee on Conservation of National Resources regarding the preservation of fur seals was ordered to be printed. Accompanying the testimony there is a map showing the migration of the seals during certain seasons. It is very important to have it printed in view of the many inquiries for copies of the hearing, and I ask for the adoption of the following order.

The order was read, as follows:

Ordered, That the map and illustrations accompanying the report of testimony before the Committee on Conservation of National Resources pertaining to the bill (S. 7242) to protect the fur seals be printed with the testimony taken at the hearing before said committee.

Mr. SMOOT. I should like to ask the Senator from Montana whether that applies only to the printing of the hearing for the use of the committee.

Mr. DIXON. It does.

Mr. SMOOT. Then I have no objection to it.

The order was agreed to.

COURT OF COMMERCE, ETC.

Mr. CLAPP. I ask that the bill (S. 6737) to create a court of commerce and to amend the act entitled "An act to regulate commerce," approved February 4, 1887, as heretofore amended, and for other purposes, be printed as a Senate document. (S. Doc. No. 606.) I ask that it be printed in three parallel columns: First, the Senate bill as reported to the Senate; second, the Senate bill as ordered to a third reading by the Senate; and, third, the House bill No. 17536 as passed by the House of Representatives.

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

hospital authorities of the United States for the purpose of trade or as an advertisement to induce the sale of any article whatsoever or for any business or charitable purpose to use within the territory of the United States of America and its exterior possessions the emblem of the Greek Red Cross on a white ground, or any sign or insignia made or colored in imitation thereof, or of the words 'Red Cross' or 'Geneva Cross' or any combination of these words: *Provided, however,* That no person, corporation, or association that actually used or whose assignor actually used the said emblem, sign, insignia, or words for any lawful purpose prior to January 5, 1905, shall be deemed forbidden by this act to continue the use thereof for the same purpose and for the same class of goods. If any person violates the provision of this section he shall be deemed guilty of a misdemeanor, and upon conviction in any Federal court shall be liable to a fine of not less than \$1 or more than \$500, or imprisonment for a term not exceeding one year, or both, for each and every offense."

The amendments were agreed to.

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

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

PUBLIC BUILDING AT PENSACOLA, FLA.

Mr. FLETCHER. I ask unanimous consent for the present consideration of the bill (S. 7759) providing for the improvement, repair, and an addition to the public building at Pensacola, Fla.

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

Mr. FLETCHER. I desire to offer an amendment, on page 1, line 10, after the word "hundred" to insert the words "and thirty," so that it will read:

At a cost not to exceed \$130,000.

This is in accordance with the report of the Secretary of the Treasury.

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.

PUBLIC BUILDING AT SMYRNA, DEL.

Mr. DU PONT. I ask unanimous consent for the present consideration of the bill (S. 2265) to provide for the purchase of a site and the erection of a public building thereon in the city of Smyrna, Del.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with an amendment, on page 2, line 2, before the word "thousand" to strike out the word "forty" and insert "twenty-five," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase or acquire, by condemnation proceedings or otherwise, a site for and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the United States post-office and other government offices in the city of Smyrna and the State of Delaware, the cost of said building, including said vaults, heating and ventilating apparatus, and approaches, complete, not to exceed the sum of \$25,000.

The amendment was agreed to.

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

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

Mr. STONE. I desire to say that after to-day I shall insist on the calendar being taken up in regular order. I give that notice.

ESTATE OF FREDERICK P. GRAY.

Mr. SHIVELY. I ask unanimous consent for the present consideration of the bill (H. R. 11806) for the relief of the estate of Frederick P. Gray.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to Nathan S. Gray, administrator of the estate of the late Frederick P. Gray, \$356.10, in lieu of check issued and returned to the Government by Frederick P. Gray.

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

JAMES K. P. WAYMAN.

Mr. FRAZIER. I ask unanimous consent for the consideration of the bill (H. R. 19887) for the relief of James K. P. Wayman.

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

sideration. It provides that in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, James K. P. Wayman shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company G, Fifty-fourth Regiment Illinois Volunteer Infantry, on the 28th day of February, 1865. But no pension shall accrue prior to the passage of this act.

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

WITHDRAWALS OF PUBLIC LANDS.

Mr. SMOOT. I move that the Senate proceed to the consideration of the bill (H. R. 24070) to authorize the President of the United States to make withdrawals of public lands in certain cases.

Mr. HEYBURN. I ask for the regular order.

Mr. MONEY. Mr. President—

The VICE-PRESIDENT. The motion the Senator from Utah has made is the regular order.

Mr. HEYBURN. It is after 2 o'clock?

The VICE-PRESIDENT. It is after 2.

Mr. MONEY. I ask the Senator from Utah to yield to me.

The VICE-PRESIDENT. Will the Senator from Utah yield to the Senator from Mississippi?

Mr. SMOOT. Yes; I will yield.

Mr. MONEY. It has been understood for some time that the next measure that would be taken up in order would be the statehood bill. This side of the Chamber is exceedingly interested in that bill; but now, since the withdrawal bill seems to be the order, I will ask unanimous consent that an order may now be made that the statehood bill be the next bill to be considered after this bill has been concluded. I hope nobody will object to that.

Mr. BEVERIDGE. I wish to say that that is perfectly agreeable. I will state that immediately after the withdrawal bill has been disposed of it is the intention of the Committee on Territories that the statehood bill shall be made the unfinished business.

Mr. MONEY. Can we not get consent now?

Mr. BEVERIDGE. So far as I am concerned—

Mr. FRYE. I will object, Mr. President.

The VICE-PRESIDENT. Objection is made.

Mr. MONEY. I do not suppose that this is a debatable proposition, but I should like to ask the Senator in charge of the bill when he expects to get through with it?

Mr. SMOOT. I could hardly say just when, but it is the intention to keep the bill before the Senate as the unfinished business until it is disposed of.

Mr. BEVERIDGE. To the exclusion of everything else.

Mr. SMOOT. To the exclusion of everything else. I can not say how long it will take, probably several days. I do not think it will take very much longer. As far as I am concerned, I will be perfectly willing to assist in taking up the statehood bill immediately after disposing of this bill.

Mr. MONEY. I would have been very glad to have had a record made here to take up the statehood bill, because there have been assurances given that it would be in order after the railroad rate bill was disposed of.

Mr. SMOOT. I say I will assist the Senator in every way that I can as soon as this bill is disposed of.

The VICE-PRESIDENT. The Senator from Utah moves that the Senate proceed to the consideration of the bill (H. R. 24070) to authorize the President of the United States to make withdrawals of public lands in certain cases.

Mr. MONEY. I call for the yeas and nays on that motion.

The yeas and nays were ordered.

Mr. BORAH and Mr. FRAZIER addressed the Chair.

Mr. GALLINGER. I ask for the regular order.

The VICE-PRESIDENT. The Secretary will call the roll on agreeing to the motion of the Senator from Utah.

Mr. FRAZIER. Mr. President, if it is in order, I should like to move to substitute House bill 18166 for the withdrawal bill.

The VICE-PRESIDENT. That motion is not in order.

Mr. SMOOT. It is not in order.

Mr. FRAZIER. The Chair holds that a substitute is not in order?

The VICE-PRESIDENT. It is not in order to substitute another bill for a motion to take up a particular bill.

Mr. BORAH. Mr. President, before I vote I wish to ask the chairman of the Committee on Territories—

Mr. GALLINGER. I ask for the regular order. The yeas and nays have been ordered.

The VICE-PRESIDENT. The regular order is demanded, and the Secretary will call the roll on agreeing to the motion of the Senator from Utah.

The Secretary proceeded to call the roll.

Mr. CLAY (when his name was called). I am paired with the junior Senator from New York [Mr. ROOT]. If he were present, I should vote "nay."

Mr. DILLINGHAM (when his name was called). Owing to my general pair with the senior Senator from South Carolina [Mr. TILLMAN], I withhold my vote. Were he present, I should vote "yea."

Mr. FLINT (when his name was called). I announce my pair with the senior Senator from Texas [Mr. CULBERSON]. As he is not present, I withhold my vote.

Mr. OVERMAN (when Mr. FOSTER's name was called). The Senator from Louisiana [Mr. FOSTER] is unavoidably absent. He is paired with the Senator from North Dakota [Mr. McCUMBER].

Mr. PAYNTER (when his name was called). I have a general pair with the senior Senator from Colorado [Mr. GUGGENHEIM]. He is unavoidably absent. If he were present, I would vote "nay."

Mr. OLIVER (when Mr. Mr. PENROSE's name was called). My colleague [Mr. PENROSE] is detained from the Senate on account of sickness. He is paired with the Senator from Virginia [Mr. MARTIN]. If my colleague were here, he would vote "yea."

Mr. SMITH of Maryland (when Mr. RAYNER's name was called). My colleague [Mr. RAYNER] is paired with the junior Senator from Delaware [Mr. RICHARDSON].

Mr. SCOTT (when his name was called). I have a general pair with the senior Senator from Florida [Mr. TALLAFERRO]. I will transfer that pair to the junior Senator from New York [Mr. ROOT] and vote. I vote "yea."

The roll call was concluded.

Mr. JOHNSTON. I am paired with the junior Senator from Michigan [Mr. SMITH]. I will transfer that pair to my colleague [Mr. BANKHEAD], and vote "nay."

Mr. CLAY. Under the statement made by the junior Senator from West Virginia [Mr. SCOTT], the junior Senator from New York [Mr. ROOT] stands paired with the senior Senator from Florida [Mr. TALLAFERRO], and I vote "nay."

Mr. GALLINGER. I was requested to announce that the junior Senator from Rhode Island [Mr. WETMORE] stands paired with the junior Senator from South Carolina [Mr. SMITH].

Mr. FLINT. I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. I transfer that pair to the Senator from Connecticut [Mr. BRANDEGEE], and vote "yea."

The result was announced—yeas 40, nays 24, as follows:

YEAS—40.

| | | | |
|----------|----------|-------------|------------|
| Bourne | Crane | Frye | Oliver |
| Briggs | Crawford | Gallinger | Page |
| Bristow | Cullom | Gamble | Perkins |
| Brown | Curtis | Hale | Piles |
| Bulkeley | Depew | Jones | Scott |
| Burkett | Dick | Kean | Smoot |
| Burrows | Dixon | La Follette | Stephenson |
| Burton | Dolliver | Lodge | Sutherland |
| Carter | du Pont | Neison | Warner |
| Clapp | Flint | Nixon | Warren |

NAYS—24.

| | | | |
|-------------|----------|----------|------------|
| Bacon | Fletcher | McEnery | Purcell |
| Bailey | Frazier | Money | Shively |
| Borah | Gore | Newlands | Simmons |
| Chamberlain | Heyburn | Overman | Smith, Md. |
| Clark, Wyo. | Hughes | Owen | Stone |
| Clay | Johnston | Percy | Taylor |

NOT VOTING—28.

| | | | |
|--------------|------------|------------|--------------|
| Aldrich | Culbertson | Guggenheim | Richardson |
| Bankhead | Cummins | Lorimer | Root |
| Beveridge | Daniel | McCumber | Smith, Mich. |
| Bradley | Davis | Martin | Smith, S. C. |
| Brandeggee | Dillingham | Paynter | Tallafarro |
| Burnham | Elkins | Penrose | Tillman |
| Clarke, Ark. | Foster | Rayner | Wetmore |

So Mr. Smoot's motion was agreed to.

TAX ON TELEGRAPH COMPANIES IN THE DISTRICT.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 22390) to amend paragraph 5 of section 6 of the act of Congress approved July 1, 1902, entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia," etc., and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CARTER. I move that the Senate insist on its amendments and agree to the conference asked by the House of Rep-

resentatives, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice-President appointed Mr. CARTER, Mr. SCOTT, and Mr. MARTIN the conferees on the part of the Senate.

ADMISSION OF NEW MEXICO AND ARIZONA.

Mr. BEVERIDGE. Mr. President, I desire to give notice that immediately after the conservation bill has been voted upon I shall again move to proceed to the consideration of the statehood bill, which is House bill 18166, and if I shall be absent for the moment some member of the Committee on Territories will do so.

Mr. WARREN. I ask unanimous consent to state that I voted with those who have just recorded themselves in favor of taking up the conservation measure. I voted on Friday evening to take up the statehood measure—or, rather, I voted against adjournment, in order that the statehood measure might be taken up. If I had had any idea that it was the purpose of the Senate not to take up the statehood bill immediately after disposing of this withdrawal bill—a conservation measure—my vote would have been different this morning. But I shall insist, and I hope there will be found a majority who will insist with me, that the Senator from Indiana shall take up and have considered to a finality the statehood bill for the admission of Arizona and New Mexico, so that both political parties may have an opportunity to fulfill their pledges which have been made time and again in their respective national conventions. I for one stand ready to remain here in session until the gavel falls for the next session in December, if it be necessary, in order to complete consideration and passage of these admission bills.

Mr. SMOOT rose.

Mr. GALLINGER. Mr. President, if the Senator from Utah will permit me, I desire simply to say in a word that I have for many years been in favor of admitting to statehood the two remaining Territories, and I cordially second the suggestion made by the Senator from Wyoming that we ought to act, as I have no doubt we will, in entire good faith, and after the pending bill is disposed of that we will proceed to the consideration of the statehood bill and get it out of the way and admit to statehood the Territories of New Mexico and Arizona. I shall certainly cooperate to the extent of my ability to bring that about.

Mr. HUGHES. Mr. President, I should like to call attention to the fact that we were deprived of the opportunity of voting to take up the statehood bill by an adjournment on Friday night while the motion to that effect was temporarily withheld; that by the ruling upon the point of order we were prevented from voting to substitute the statehood bill for the withdrawal bill; and that when unanimous consent was asked that at the termination of the conservation bill the statehood bill should be the unfinished business until completed, objection was made to that understanding. In view of those facts, what reason have we to anticipate or expect, notwithstanding the assurances of individual Senators, that there will be, in good faith, opportunity to carry out the absolute pledges of both parties, which stand as pledges of honor, and which could only well have been kept by preserving the agreement, tacit and expressed, that the statehood bill should be taken up first? It is now pushed aside. There is no agreement when it shall be taken up at any time; there has been objection to the making of any such agreement, and we have absolutely been prevented from making a record as to whether or not we desired to take it up first.

I now call attention to the situation, that we are prevented from having the opportunity even of expressing our preferences between the two bills in their consideration, although I believe we have a right to assume that the vote just taken, in view of the undisposed of motion which was pending when we adjourned on Friday, is an expression of the majority that they will adopt or press the conservation measure for consideration, and then the statehood bill may take its chances without pledge or resolution.

To test that, I now move that at the conclusion of the action upon the conservation bill, the statehood bill be made the unfinished order of business, and so kept until it is finally disposed of.

Mr. GALLINGER. That can not be done.

Mr. KEAN. That can not be done. Let us have the regular order.

The VICE-PRESIDENT. The Senator from New Jersey demands the regular order. The motion of the Senator from Colorado could only be put by unanimous consent. The regu-

monstrating against the establishment of a national department of health, which was referred to the Committee on Public Health and National Quarantine.

Mr. KEAN presented petitions of William F. Perrine, of Cranbury; of the Woman's Christian Temperance Union of Atlantic City; of Jesse E. Whiting, of New Brunswick; of sundry citizens of Manasquan; of the congregations of the Free Methodist Church and the West Baptist Church; of E. S. Barclay, F. M. Dunn, Elizabeth McLannan, W. F. Tower, Dr. S. C. Slade, Isaac N. Terry, E. Towne, L. F. Huntington, and N. A. Powell, all of Vineland, in the State of New Jersey, praying for the passage of the so-called white-slave traffic bill, which were ordered to lie on the table.

He also presented a petition of Local Grange No. 176, Patrons of Husbandry, of Swartswood, N. J., praying for the adoption of certain amendments to the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Board of Education of Kearny, N. J., praying that an appropriation be made for the extension of the field work of the Bureau of Education, which was referred to the Committee on Education and Labor.

He also presented the petition of Rev. P. F. J. Becker, of West New York, N. J., praying for the enactment of legislation providing for a more stringent inspection of the ocean and lake steamboat service, which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. BURNHAM, from the Committee on Claims, to whom was referred the bill (H. R. 22539) to satisfy certain claims against the Government arising under the Navy Department, reported it with amendments and submitted a report (No. 794) thereon.

Mr. BURNHAM. I am directed by the Committee on Claims, to whom was referred the bill (S. 5352) to satisfy certain claims against the Government arising under the Navy Department, to report it without adverse recommendation. I move that the bill be indefinitely postponed, as the subject-matter is contained in the House bill just reported by me.

The PRESIDENT pro tempore. The bill will be postponed indefinitely.

Mr. BURNHAM. I am directed by the Committee on Claims, to whom was referred the bill (H. R. 2468) for the relief of Thomas P. Curran, to report it without adverse recommendation. I move that the bill be postponed indefinitely.

The motion was agreed to.

Mr. CHAMBERLAIN. I am directed by the Committee on Public Lands, to whom was referred the bill (H. R. 18376) directing that patents issue to certain settlers for lands within the former Siletz Indian Reservation, in Oregon, to report it without amendment. I ask that the bill take the place on the calendar of Senate bill No. 5628, relating to homestead entries in the former Siletz Indian Reservation, in Oregon, being order of business 669, and that the Senate bill be postponed indefinitely.

The PRESIDENT pro tempore. Without objection, it is so ordered.

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

A bill (S. 6866) to provide for the erection of a public building at Casper, in the State of Wyoming (Report No. 795); and
A bill (S. 6868) to provide for the erection of a public building in the city of Douglas, in the State of Wyoming (Report No. 796).

QUADRENNIAL ELECTION IN THE PHILIPPINES.

Mr. LODGE. From the Committee on the Philippines I report favorably, without amendment, the bill (H. R. 25641) providing for the quadrennial election of members of the Philippine legislature and Resident Commissioners to the United States, and for other purposes, and ask for its consideration. A similar bill has already passed the Senate. This is a House bill.

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

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

TIMBER-LAND SELECTIONS.

Mr. SMOOT, from the Committee on Printing, reported the following resolution (S. Res. 252), which was considered by unanimous consent and agreed to (S. Doc. No. 612):

Senate resolution 252.

Resolved, That the communication from the Secretary of the Interior transmitting, in response to the resolution of January 27, 1910, certain information relative to contracts in force at the time of the approval

of the act prohibiting the selection of timber lands in lieu of lands in forest reserves, etc., with the accompanying papers and illustrations, be printed as a public document.

BILLS INTRODUCED.

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

By Mr. CULLOM:

A bill (S. 8593) to renew and extend certain letters patent; to the Committee on Patents.

By Mr. FLINT:

A bill (S. 8594) for the relief of Charles R. Stevens; to the Committee on Military Affairs.

By Mr. OWEN:

A bill (S. 8595) to reduce postal rates, to improve the postal service, and to increase postal revenues; to the Committee on Post-Offices and Post-Roads.

By Mr. BRADLEY:

A bill (S. 8596) granting an increase of pension to William J. Long; to the Committee on Pensions.

By Mr. STEPHENSON:

A bill (S. 8597) granting an increase of pension to Patrick O'Brien (with an accompanying paper);

A bill (S. 8598) granting a pension to Robert J. Fry (with an accompanying paper); and

A bill (S. 8599) granting an increase of pension to Christian Reuter (with an accompanying paper); to the Committee on Pensions.

AMENDMENT TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. FRAZIER submitted an amendment proposing to appropriate \$12,000 to complete the public building at Murfreesboro, Tenn., intended to be proposed by him to the sundry civil appropriation bill, which was ordered to lie on the table and be printed.

AMENDMENT TO DEFICIENCY APPROPRIATION BILL.

Mr. CURTIS submitted an amendment proposing to appropriate \$191.04 to be paid Fred C. Slater, United States consul at Sarnia, Ontario, for salary, mileage, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Foreign Relations and ordered to be printed.

WITHDRAWALS OF PUBLIC LANDS.

Mr. BURTON submitted two amendments intended to be proposed by him to the bill (H. R. 24070) to authorize the President of the United States to make withdrawals of public lands in certain cases, which were ordered to lie on the table and be printed.

HEIRS OF DECEASED INDIANS.

Mr. GORE submitted an amendment intended to be proposed by him to the bill (H. R. 24992) to provide for determining the heirs of deceased Indians, for the disposition and sale of allotments of deceased Indians, for the leasing of allotments, and for other purposes, which was referred to the Committee on Indian Affairs and ordered to be printed.

FOREST RESERVATION LANDS.

Mr. MONEY. I submit a resolution and ask that it be read and lie on the table, to be called up.

The resolution (S. Res. 251) was read, as follows:

Senate resolution 251.

Resolved, That there shall be appointed by the President of the Senate a select committee of five Senators, with authority to sit during the session of the Senate or during the recess of Congress, either as a committee or by a subcommittee, with instructions to make an exhaustive investigation of the lands now within forest reservations, with a view of ascertaining how much and what part can be restored to the use of the people under the present laws.

The committee is hereby authorized for the purpose of securing this information to hold such hearings as may be necessary, to have such printing and binding done as may be necessary, to employ a stenographer and other clerical assistance, and that the expenses to carry out the provisions of this resolution shall be paid from the contingent fund of the Senate.

The PRESIDENT pro tempore. The resolution will be printed and lie on the table, at the request of the Senator from Mississippi.

PUBLIC-LAND SURVEYS.

Mr. HUGHES. I ask unanimous consent for the present consideration of House bill 18176. It provides that the unsurveyed, and therefore untaxed, lands granted to the land-grant railroads shall be surveyed in order that they may be taxed. There is really no open opposition to it. It will authorize taxation of lands which are now nontaxable in the various States.

The PRESIDENT pro tempore. The Senator from Colorado asks unanimous consent for the present consideration of a bill which will be read for the information of the Senate.

The bill was read by title, as follows:

A bill (H. R. 18176) making appropriation for the survey of public lands lying within the limits of land grants, to provide for the forfeiture to the United States of unsurveyed land grants to railroads, and for other purposes.

Mr. HALE. I must object, Mr. President.

The PRESIDENT pro tempore. The Senator from Maine objects to the present consideration of the bill. The morning business is closed.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. HALE. I move that the Senate proceed to the consideration of House bill 25552, the sundry civil appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 25552) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1911, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. HALE. I ask unanimous consent that the formal reading of the bill be dispensed with and that the amendments of the committee be taken up first in order.

The PRESIDENT pro tempore. The Senator from Maine asks unanimous consent that the formal reading of the bill be dispensed with, that it be read for amendment, and that the committee amendments shall first receive consideration. Is there objection?

Mr. BRISTOW. Mr. President, this is a very important measure, and it is very long. I can not feel that I can consent that the first reading shall be dispensed with. We have not had any time to consider the bill. The first time I have seen it is this morning.

The PRESIDENT pro tempore. The text of the bill would be read just the same. It does not dispense with the reading of the text when it is read for amendment.

Mr. BRISTOW. I feel that I must object to the request.

Mr. HALE. If the Senator insists on his objection, of course the Secretary must read the entire bill. It will take, I suppose, a couple of hours, but its reading can only be dispensed with by unanimous consent. If the Senator has concluded that it is his duty to enter an objection, there is nothing except that the Secretary shall read the bill entire as reported.

Mr. BRISTOW. I do not feel that a bill containing as many important matters as this bill is alleged to contain, affecting so many interests, should be considered without some consideration on the part of Senators who have not had any opportunity whatever to familiarize themselves with its provisions.

Mr. HALE. Then, let the Secretary proceed to read the bill. I ask that the regular order may be followed, and that no interruption of the Secretary be allowed while he is reading the bill.

The PRESIDENT pro tempore. The bill will be read.

The Secretary proceeded to read the bill; and having omitted to read the first amendment of the committee, on page 3,

Mr. BRISTOW. Mr. President, I ask that the bill be read, not that spots of it be read. I made the request because I want to have the bill read.

The PRESIDENT pro tempore. The Secretary informs the Chair that he is reading the text of the bill as it came from the House of Representatives.

Mr. LODGE. The amendments are never read on a formal reading.

The PRESIDENT pro tempore. Does the Senator from Kansas want to have the amendments read?

Mr. LODGE. The Secretary is, of course, not reading the bill as it is proposed to be amended by the committee.

Mr. HUGHES. The bill as reported by the committee that brings it in here should be read.

Mr. LODGE. The amendments are not read until we reach the amendment stage.

Mr. HALE. I think the call for the reading of the bill would undoubtedly include the reading of the amendments reported by the committee.

The PRESIDENT pro tempore. The Secretary will read the bill, as requested.

Mr. BRISTOW. I desire to say that there is no disposition on my part to inconvenience the Senate; but here is a bill carrying appropriations to the amount of \$128,000,000, which affect a great many vital things in the affairs of the country, and I am not content that it should be enacted without knowing something, at least, about what it contains. If the bill can be read and taken up and considered in an orderly way, there will be no unnecessary delay.

Mr. GALLINGER. I will suggest to the Senator from Kansas that the bill carries \$117,000,000 in place of \$128,000,000. The Senator wants to be accurate, of course.

The PRESIDENT pro tempore. The Secretary will read the entire bill.

The Secretary resumed the reading of the bill, and read to line 4, on page 89.

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

The SECRETARY. A bill (H. R. 24070) to authorize the President of the United States to make withdrawals of public lands in certain cases.

Mr. SMOOT. Mr. President—

Mr. HALE. Let it be temporarily laid aside.

Mr. SMOOT. I ask that the unfinished business be temporarily laid aside.

The PRESIDENT pro tempore. The Senator from Utah asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none, and the reading will proceed.

Mr. BRISTOW. I withdraw my objection to the request of the Senator from Maine.

The PRESIDENT pro tempore. The objection is withdrawn, and the bill will be read for amendment.

Mr. HALE. Let the Secretary begin with the first amendment.

The PRESIDENT pro tempore. The first amendment reported by the committee will be stated.

The first amendment of the Committee on Appropriations was, under the head of "Under the Treasury Department," sub-head "Public buildings," on page 3, after line 2, to insert:

Atlanta, Ga., old post-office building: The Secretary of the Treasury is authorized to have appraised, in a fair and impartial manner, the old post-office building in the city of Atlanta, Ga., having in view the value of said building for municipal purposes, and to convey said building, together with the lot or lots heretofore donated by the city of Atlanta to the Government of the United States on which said building is situated, to the said city of Atlanta, on the payment by it into the Treasury of the United States of the amount of the appraised value of said building thus ascertained: *Provided*, That the acceptance of such conveyance by the city of Atlanta shall constitute a release of any and all obligations of the Government of the United States under the deed from the city of Atlanta to the United States or by the agreement referred to therein.

The amendment was agreed to.

NAVAL APPROPRIATION BILL.

Mr. HALE. The Senator from California has a conference report which he desires to submit.

Mr. PERKINS. On behalf of the conferees I desire to submit a partial report on the naval appropriation bill.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 23311) making appropriations for the naval service for the fiscal year ending June 30, 1911, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 9, 32, 38, and 39.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 4, 8, 11, 12, 14, 16, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 33, 34, 37, 42, 43, 44, and 45; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "*Provided further*, That in fixing the cost of work under the various naval appropriations, the direct and indirect charges incident thereto shall be included in such cost: *And provided further*, That the Bureau of Supplies and Accounts shall keep the money accounts of the naval establishment in such manner as to show such charges, and shall report the same annually for the information of Congress;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: At the end of said amendment insert a comma and the words "unless, in any given case, the Secretary, in his discretion, shall relieve said recruit of such payment;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "five hundred and twenty-eight;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one hundred and eighty-six thousand seven hundred and four;" and the Senate agree to the same.

post-office and court-house at Colorado Springs, Colo., reported it without amendment and submitted a report (No. 798) thereon.

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

A bill (S. 7891) providing for the erection of a public building at Robinson, Ill. (Report No. 799); and

A bill (S. 4790) providing for the purchase of a site for a public building at South Bethlehem, Pa. (Report No. 800).

Mr. HEYBURN, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 7546) increasing the limit of cost for a public building at North Yakima, Wash., reported it without amendment and submitted a report (No. 801) thereon.

Mr. CLAY, I am directed by the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 3198) providing for the erection of a public building at Amarillo, Tex., to report it with amendments, and I submit a report (No. 802) thereon. At the request of the junior Senator from Texas [Mr. BAILEY], I ask for its present consideration.

Mr. HALE, I think I must object. I am very desirous of getting up the sundry civil appropriation bill.

The PRESIDENT pro tempore. Objection is made, and the bill will be placed on the calendar.

Mr. WARNER, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 2208) to provide for purchase of a site and the erection of a public building thereon at Brookfield, in the State of Missouri, reported it with amendments and submitted a report (No. 803) thereon.

Mr. TAYLOR, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 4106) to increase the limit of cost of the public building authorized to be constructed at Bellingham, Wash., reported it with amendments and submitted a report (No. 804) thereon.

Mr. BULKELEY, from the Committee on Military Affairs, to whom was referred the bill (S. 2469) to grant an honorable discharge to Alfred Childers, reported it with amendments and submitted a report (No. 805) thereon.

He also, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 8297) for the erection of a public building at New Haven, Conn., reported it with amendments and submitted a report (No. 808) thereon.

Mr. GORE, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 984) providing for the erection of a public building at Ardmore, Okla., reported it with amendments and submitted a report (No. 806) thereon.

He also, from the same committee, to whom was referred the bill (S. 8091) to increase the limit of cost for purchase of a site and erection of a post-office building at Wabash, Ind., reported it with an amendment and submitted a report (No. 807) thereon.

Mr. SMOOT, from the Committee on Claims, to whom was referred the bill (S. 431) to reimburse the Southern Pacific Company the amounts expended by it from December 1, 1906, to November 30, 1907, in closing and controlling the break in the Colorado River, reported it with amendments.

PAPER ON NATIONAL VITALITY.

Mr. SMOOT. From the Committee on Printing I report back with an amendment, Senate resolution 220, and I ask for its immediate consideration.

The Senate, by unanimous consent, proceeded to consider the resolution submitted by Mr. PAYNTER April 18, 1910, as follows:

Senate resolution 220.

Resolved, That 10,500 copies of Senate Document No. 419, Sixty-first Congress, second session, entitled "National Vitality, Its Wastes and Conservation," be printed for the use of the Senate document room.

The amendment was, in line 1, before the word "thousand," to strike out "ten" and insert "three," so as to read "3,500 copies."

The amendment was agreed to.

The resolution as amended was agreed to.

CLAIM OF CLEOBULE DOUCET.

Mr. BURNHAM, from the Committee on Claims, reported the following resolution (S. Res. 254), which was considered by unanimous consent and agreed to:

Senate resolution 254.

Resolved, That in compliance with a communication from the chief justice of the Court of Claims the Secretary of the Senate be, and he is hereby, directed to return to the Court of Claims the congressional case of Cleobule Doucet, administrator of the estate of Pierre Zepherin Doucet, deceased, No. 11596, heretofore certified to the Senate, and the said court is hereby authorized to proceed in said case as if no return therein had been made to the Senate.

BILLS INTRODUCED.

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

By Mr. DEPEW:

A bill (S. 8600) to provide for the acquisition of a site and the erection of a public building thereon at Port Jervis, N. Y.; to the Committee on Public Buildings and Grounds.

A bill (S. 8601) granting an increase of pension to Walter Dickinson (with accompanying papers); and

A bill (S. 8602) granting a pension to Mary C. At Lee (with accompanying papers); to the Committee on Pensions.

By Mr. HALE:

A bill (S. 8603) granting a pension to John C. Tripp (with accompanying paper); to the Committee on Pensions.

By Mr. FLINT:

A bill (S. 8604) to increase the limit of cost of the public building at San Diego, Cal.; to the Committee on Public Buildings and Grounds.

A bill (S. 8605) to authorize the exchange with the Coconino Cattle Company of lands within the Coconino National Forest; to the Committee on Public Lands.

A bill (S. 8606) to provide for the printing of Revolutionary records; to the Committee on Printing.

By Mr. OWEN:

A bill (S. 8607) to admit to the mails as second-class matter periodical publications issued by or under the auspices of benevolent and fraternal societies and orders and institutions of learning or by trades unions, and for other purposes; to the Committee on Post-Offices and Post-Roads.

By Mr. MARTIN:

A bill (S. 8608) to authorize the President of the United States to place upon the retired list of the United States Navy Surg. I. W. Kite, with the rank of medical inspector; to the Committee on Naval Affairs.

A bill (S. 8609) for the relief of Norval Cox and heirs of Robert Rollins, deceased;

A bill (S. 8610) for the relief of the legal representatives of Matthew Smith, deceased;

A bill (S. 8611) for the relief of the trustees of Oak Shade Episcopal Church, of Culpeper County, Va.;

A bill (S. 8612) for the relief of the trustees of Forest Chapel Methodist Episcopal Church South, of Culpeper County, Va.;

A bill (S. 8613) for the relief of Robert E. Jackson (with accompanying papers); and

A bill (S. 8614) for the relief of William Beans (with accompanying papers); to the Committee on Claims.

By Mr. MCENERY:

A bill (S. 8615) to authorize the Southern Development Company to construct a bridge across the Arkansas River; to the Committee on Commerce.

By Mr. JONES:

A bill (S. 8616) granting an increase of pension to Humphrey L. Carter; to the Committee on Pensions.

By Mr. WARREN:

A bill (S. 8617) to provide for the reclamation of lands included in Indian reservations along the Colorado River under direction of the Secretary of the Interior, pursuant to the provisions of the Carey land laws and other public-land laws of the United States; to the Committee on Irrigation and Reclamation of Arid Lands.

By Mr. ALDRICH:

A bill (S. 8618) granting an increase of pension to Lucien Place;

A bill (S. 8619) granting an increase of pension to Elvira J. Sweet;

A bill (S. 8620) granting an increase of pension to Caroline E. Deakin;

A bill (S. 8621) granting an increase of pension to Eben Burlingame;

A bill (S. 8622) granting an increase of pension to Edward F. Seery;

A bill (S. 8623) granting an increase of pension to Mary M. Wing;

A bill (S. 8624) granting an increase of pension to Mary T. Ryan;

A bill (S. 8625) granting an increase of pension to Gideon W. Carter;

A bill (S. 8626) granting a pension to Nathaniel A. Condon;

A bill (S. 8627) granting an increase of pension to Phebe A. Dickerson (with an accompanying paper);

A bill (S. 8628) granting an increase of pension to Nancy J. Hagan (with an accompanying paper);

A bill (S. 8629) granting an increase of pension to Fanny Reid (with an accompanying paper);

A bill (S. 8630) granting an increase of pension to Edwin M. Wilson (with an accompanying paper);

A bill (S. 8631) granting an increase of pension to Ellen S. Haug (with an accompanying paper);

A bill (S. 8632) granting an increase of pension to Walter Miller (with an accompanying paper); and

A bill (S. 8633) granting an increase of pension to Joseph H. Leach (with an accompanying paper); to the Committee on Pensions.

By Mr. BRADLEY:

A bill (S. 8634) granting an increase of pension to John O. Sutherland; to the Committee on Pensions.

OMNIBUS CLAIMS BILL.

Mr. SCOTT submitted two amendments intended to be proposed by him to the omnibus claims bill, which were ordered to lie on the table and be printed.

CARL A. LOEFFLER, ASSISTANT DOORKEEPER OF SENATE.

Mr. HALE submitted the following resolution (S. Res. 253), which was considered by unanimous consent and agreed to:

Senate resolution 253.

Resolved, That Carl A. Loeffler, of the District of Columbia, be, and he is hereby, chosen assistant doorkeeper of the Senate.

SURVEY OF GREAT SALT POND, RHODE ISLAND.

Mr. ALDRICH submitted the following concurrent resolution (S. Con. Res. 35), which was referred to the Committee on Commerce:

Senate concurrent resolution 35.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made of Inner Harbor, Great Salt Pond, Block Island, Rhode Island, with a view to providing for the widening of the present channel and increasing the anchorage area therein.

PRESIDENTIAL APPROVALS.

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

On June 7, 1910:

S. 621. An act extending the time in which to file adverse claims and institute adverse suits against mineral entries in the District of Alaska;

S. 5237. An act granting pensions and increase of pensions to certain soldiers and sailors of wars other than the civil war and to certain widows and dependent relatives of such soldiers and sailors;

S. 5573. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and wars other than the civil war, and to certain widows of such soldiers and sailors;

S. 6272. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and wars other than the civil war, and to certain widows and dependent relatives of such soldiers and sailors.

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

S. 8087. 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.

On June 9, 1910:

S. 7359. An act to amend laws for preventing collisions of vessels and to regulate equipment of certain motor boats on the navigable waters of the United States.

AGRICULTURAL ENTRIES ON COAL LANDS.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 13907) to provide for agricultural entries on coal lands, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. DIXON. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to, and the President pro tempore appointed Mr. DIXON, Mr. CLARK of Wyoming, and Mr. HUGHES the conferees on the part of the Senate.

ELECTION OF SENATORS BY DIRECT VOTE.

Mr. OWEN. Mr. President, on May 31 I presented to the consideration of the Senate Senate joint resolution No. 41, providing for the submission of a constitutional amendment for the election of United States Senators by direct vote of the people. My motion at that time was not in order. I now move the Senate

that the Committee on Privileges and Elections be instructed to report Senate joint resolution 41 on the first day of the next session of this Congress. That will give abundant time to the committee to consider its report. On that motion I ask for the yeas and nays.

Mr. HALE. Mr. President—

The PRESIDENT pro tempore. The motion is not yet in order, because the morning business is not completed.

Mr. HALE. When it is in order to make the motion I shall enter an objection, which will carry it over, of course, a day.

The PRESIDENT pro tempore. Is there further morning business? There is none. The morning business is closed, and the calendar, under Rule VIII, is in order.

Mr. HALE. In order to carry over the motion of the Senator from Oklahoma, I object. I will state to the Senator that I do not expect in the end to prevent action upon the matter, but by the understanding last night when we adjourned the conference report on the river and harbor bill was to come up. I shall call up the sundry civil appropriation bill, and the conference report on the river and harbor bill will then come up and be completed to-day, under an order of the Senate. Therefore I must object to the Senator's motion, which carries it over, of course, a day.

Mr. OWEN. I should like, therefore, to give notice that tomorrow I shall bring up the motion.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. HALE. I move that the Senate proceed to the consideration of House bill 25552, the sundry civil appropriation bill. The motion was agreed to.

RIVER AND HARBOR BILL.

Mr. HALE. I have conferred with the Senator in charge of the conference report on the river and harbor bill. I ask, after conference with him, for the adoption of the following order:

Ordered (by unanimous consent), That at half past 2 o'clock to-day the Senate, without further debate, will proceed to vote upon the adoption of the conference report on the river and harbor bill.

That gives two hours and a quarter for debate.

The PRESIDENT pro tempore. The Senator from Maine asks unanimous consent for the present consideration of the following order:

That at half past 2 o'clock to-day the Senate, without further debate, will proceed to vote upon the adoption of the conference report on the river and harbor bill.

Is there objection to its consideration? The Chair hears none. Will the Senate agree to the order? Without objection, it is agreed to.

Mr. HALE. As the sundry civil appropriation bill is before the Senate, under the order just made I yield to the Senator from Minnesota for action upon the conference report on the river and harbor bill.

Mr. NELSON. I ask the Senate to take up for consideration the conference report on House bill 20686.

The PRESIDENT pro tempore. The Chair lays before the Senate the conference report on the bill (H. R. 20686) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes. The question is on agreeing to the report. Is the Senate ready for the question?

Mr. NELSON. I understand that the Senator from Kentucky [Mr. PAYNTER] and the Senator from Texas [Mr. BAILEY] desire to be heard.

Mr. PAYNTER. Mr. President, I am very much in favor of improving the rivers and harbors of this country. I think it is important for many reasons, not only to furnish facilities for the transportation of the timber, mineral, manufactured, and agricultural—in fact, all kinds of products, but because it has the effect to give to the people of the country better rates for the transportation of persons and property.

I quite agree with what the Senator from Ohio [Mr. BURTON] said yesterday about the completion of a project when it is once begun, and I shall to-day speak in behalf of a project that was commenced more than seventy-five years ago, and upon which eight locks and dams have been completed to the present time.

I shall speak of the Green River in Kentucky. It has notable characteristics, which, perhaps, distinguish it from any other river in this country. Its source is in the central portion of Kentucky, and it flows in a southwesterly direction to a point about 100 miles from its mouth; then it takes a northwesterly course to the Ohio River, into which it empties at a point about 10 miles above Evansville, Ind. The country that it drains is comparatively level, and where not level it can only be said to be moderately hilly. It is not subject to sudden and torrential freshets. One very remarkable feature is its great depth, and another is that for 150 miles from its mouth it does not freeze so as to interrupt navigation. The reason it does not freeze is

Mr. SMOOT (when Mr. SUTHERLAND's name was called). My colleague [Mr. SUTHERLAND] is out of the city on important business, and will probably not be here to-day. He is paired with the Senator from Indiana [Mr. SHIVELY].

The roll call was concluded.

Mr. KEAN. My colleague [Mr. BRIGGS] is necessarily absent. He is paired with the Senator from North Dakota [Mr. PUGCELL].

Mr. GORE. I announce my pair with the senior Senator from Massachusetts [Mr. LODGE]. If he were present, I should vote "nay."

Mr. BRADLEY. I desire to announce that I am paired with the junior Senator from Tennessee [Mr. TAYLOR], and therefore withhold my vote.

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

The result was announced—yeas 45, nays 12, as follows:

YEAS—45.

| | | | |
|----------|------------|---------|--------------|
| Aldrich | Depew | Hale | Rayner |
| Bourne | Dick | Heyburn | Scott |
| Bristow | Dillingham | Jones | Simmons |
| Brown | Dixon | Kean | Smith, Md. |
| Bulkeley | Dolliver | McEnery | Smith, S. C. |
| Burkett | Dr. Pont | Martin | Smoot |
| Burnham | Elkins | Money | Stephenson |
| Carter | Flint | Nelson | Warren |
| Clapp | Frye | Owen | Wetmore |
| Crane | Gallinger | Page | |
| Crawford | Gamble | Percy | |
| Cullom | Guggenheim | Perkins | |

NAYS—12.

| | | | |
|-----------|----------|----------|---------|
| Bacon | Burton | Hughes | Paynter |
| Bailey | Fletcher | Johnston | Stone |
| Beveridge | Frazier | Newlands | Warner |

NOT VOTING—35.

| | | | |
|--------------|-------------|----------|--------------|
| Bankhead | Clay | Lodge | Richardson |
| Borah | Culberson | Lorimer | Root |
| Bradley | Cummins | McCumber | Shively |
| Brandege | Curtis | Nixon | Smith, Mich. |
| Briggs | Daniel | Oliver | Sutherland |
| Burrows | Davis | Overman | Taliaferro |
| Chamberlain | Foster | Penrose | Taylor |
| Clark, Wyo. | Gore | Piles | Tillman |
| Clarke, Ark. | La Follette | Parcell | |

So the conference report was agreed to.

Mr. MARTIN. Mr. President, I ask the courtesy of the Senator from Maine [Mr. HALE], who is in charge of the sundry civil appropriation bill, for just a moment.

In the progress of the debate on the conference report on the river and harbor bill two allusions have been made, to which I desire to refer. In the first place, the junior Senator from Ohio [Mr. BURTON] on yesterday, when I was unavoidably absent from the Senate, alluded to the fact that he had desired to be heard before the conference committee in connection with the Senate amendment continuing the National Waterways Commission. I desire to say that on more than one occasion the Senator from Ohio mentioned to me his desire to appear before that committee and be heard in that connection. I mentioned it to the committee, and I am sure it was an inadvertence, not only on my part, but on the part of the committee, that the Senator from Ohio was not sent for. I am sure every member of the conference committee would have been glad to have heard the Senator from Ohio. They heard other Senators; and it was our purpose and expectation to hear the Senator from Ohio. I desire him to know, and I desire the Senate to know, that it was a pure inadvertence, and that there was no desire on the part of anybody to fail to give him the fullest opportunity to be heard before the conference committee.

I desire to take my part of the responsibility. I was necessarily much absent from the city and sometimes absent from the conference room when in the city during the meetings of the conference committee, and I feel that there is some blame perhaps to be attached to me; but I want the Senator from Ohio to know and the Senate to know, that so far as any blame does attach to me, it was entirely unintentional and that there was no desire on anybody's part to deny him the opportunity for the fullest hearing.

I wish to refer, furthermore, Mr. President, to an allusion made by the Senator from Texas [Mr. BAILEY] just now, that there was a disposition on the part of the committee to punish in some way the Senator from Ohio. I want to say that there is not a member of the Committee on Commerce held in higher esteem than is the Senator from Ohio, so far as I am personally concerned, or so far as, I believe, all other members of the committee are concerned. His great ability and his thorough knowledge of this subject entitle him to more than ordinary respect and consideration; and certainly, so far as I am concerned, he has more than ordinary respect and consideration, for I yield

to him readily the distinction of being the best informed Senator on river and harbor matters in the Senate, and I think that he is held in the very highest esteem by every member of the Committee on Commerce and by the conference committee.

I desire for myself—and I feel that I may safely do the same for my associates on the conference committee—to say that there has not been a word uttered nor, I believe, a thought entertained that does not bear out the statement that I make, that the Senator from Ohio is held in the very highest esteem and his ability and judgment put at the very top on the subject of river and harbor improvements.

I simply desired, Mr. President, to set myself and my associates on the conference committee right in that respect.

Mr. BAILEY. Mr. President, I did not make that statement without a sufficient warrant for it. I knew what I was saying, and I know that I had a reason, and a good reason, for what I said. But as it was based on what was said to me in private conversation, I will not repeat it on the floor of the Senate. If, however, the Senator from Virginia wants to know why I said it, and he will come to me, I will give him the names of the Senators upon whose statements I felt justified in making my statement.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 25552) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1911, and for other purposes.

Mr. HALE. I am very desirous of going on and completing the formal part of this bill to-night.

The next amendment of the Committee on Appropriations was, at the top of page 5, to insert:

Concord, N. H., post-office: For the extension, alteration, and improvement of the public building in the city of Concord, N. H., now used for a post-office and for other purposes, including heating, plumbing, lighting, and for drainage and approaches thereto, \$32,000.

The amendment was agreed to.

The next amendment was, on page 17, line 15, after the word "For," to insert "additional salary of \$1,000 for the Supervising Architect of the Treasury for the fiscal year 1911, and for," so as to read:

General expenses of public buildings: To enable the Secretary of the Treasury to execute and give effect to the provisions of section 6 of the act of May 30, 1908 (35 Stat., 537, pt. 1): For additional salary of \$1,000 for the Supervising Architect of the Treasury for the fiscal year 1911, and for compensation of skilled draftsmen, civil engineers, computers, and such other services as the Secretary of the Treasury may deem necessary and specially order, to be employed only in the office of the Supervising Architect exclusively to carry into effect public-building legislation, including the administrative work in connection with the annual appropriations under the control of the Supervising Architect's office.

The amendment was agreed to.

The next amendment was, under the subhead "Marine hospitals," on page 20, after line 24, to insert:

For construction of two new stairways, \$12,000.

The amendment was agreed to.

The next amendment was, under the subhead "Revenue-Cutter Service," on page 26, after line 10, to insert:

Construction of two revenue cutters: Toward the construction and equipment of two revenue cutters, authorized by the act approved April 21, 1910, "An act authorizing the Secretary of the Treasury to provide two new revenue cutters, and for other purposes" (\$75,000 for each vessel), \$150,000.

The amendment was agreed to.

The next amendment was, under the subhead "Engraving and Printing," on page 27, line 7, after the word "million," to strike out "and eighty-one thousand three hundred and eighty-three dollars," and insert "one hundred and forty-seven thousand two hundred and sixty dollars and fifteen cents," so as to read:

For labor and expenses of engraving and printing: For salaries of all necessary employees, other than plate printers and plate printers' assistants, \$1,147,260.15, to be expended under the direction of the Secretary of the Treasury.

The amendment was agreed to.

The next amendment was, on page 27, line 24, after the word "million," to strike out "five hundred and twenty-two thousand nine hundred and ninety-seven dollars," and insert "six hundred and twenty thousand one hundred and sixty dollars and fifty cents," so as to read:

For wages of plate printers, at piece rates to be fixed by the Secretary of the Treasury, not to exceed the rates usually paid for such work, including the wages of printers' assistants, when employed, \$1,620,160.50, to be expended under the direction of the Secretary of the Treasury.

The amendment was agreed to.

The next amendment was, on page 28, line 17, after the words "five hundred and," to strike out "thirteen thousand six hundred and thirty-one dollars," and insert "thirty-eight thousand

nine hundred and sixteen dollars and sixty cents," so as to make the clause read:

For engravers' and printers' materials and other materials except distinctive paper, and for miscellaneous expenses, including purchase, maintenance, and driving of necessary horses and vehicles, and of horse and vehicle for official use of the director when, in writing, ordered by the Secretary of the Treasury, \$538,916.60, to be expended under the direction of the Secretary of the Treasury.

The amendment was agreed to.

The next amendment was, on page 29, line 19, after the word "dollars," to insert:

And in the enforcement of any law by which an internal-revenue tax is authorized, the general provisions of all internal-revenue laws relating to the enforcement, assessment, and collection of internal-revenue taxes, are, so far as applicable, hereby extended and made applicable to the enforcement of such law and the assessment and collection of the tax thereunder.

So as to make the clause read:

Punishment for violations of internal-revenue laws: For detecting and bringing to trial and punishment persons guilty of violating the internal-revenue laws or conniving at the same, including payments for information and detection of such violations, \$150,000. And in the enforcement of any law by which an internal-revenue tax is authorized, the general provisions of all internal-revenue laws relating to the enforcement, assessment, and collection of internal-revenue taxes, are, so far as applicable, hereby extended and made applicable to the enforcement of such law and the assessment and collection of the tax thereunder; and the Commissioner of Internal Revenue shall make a detailed statement to Congress once in each year as to how he has expended this sum, and also a detailed statement of all miscellaneous expenditures in the Bureau of Internal Revenue for which appropriation is made.

Mr. SMITH of South Carolina. I make the point of order, Mr. President, that the amendment is new legislation, and has no place on this bill.

Mr. HALE. Mr. President, I ask that this amendment may be passed over for the present. The Senator from Minnesota [Mr. NELSON], who has had the matter in charge, and at whose instance the amendment was reported by the committee, is not on the floor. I ask the Senator from South Carolina to let this amendment go over for the present, until the Senator from Minnesota can be here.

The PRESIDENT pro tempore. Is there objection to the request?

Mr. BAILEY. I object.

Mr. SMITH of South Carolina. I do not see, if I have the floor, why it should not be decided now, because it is such a palpable interjection of foreign matter into an appropriation bill that there ought to be no difficulty in at once passing upon it. It is intended to legislate in this bill entirely new matter, and its effect is wide. I do not see why we can not take it up and dispose of it now, because I do not think any Senator would defend the incorporation of this matter into a bill of this kind.

Mr. HALE. Mr. President, the Senate has a fashion, and a very good fashion, when a Senator who is interested in an amendment to an appropriation bill happens to be called away for the moment of passing over the proposition in order that he may have an opportunity to return. The veteran Senator from Minnesota [Mr. NELSON], at whose instance—

Mr. NELSON entered the Chamber.

Mr. FLINT. Mr. President, I call the attention of the Senator from Maine to the fact that the Senator from Minnesota is now in the Chamber.

Mr. HALE. I am informed, Mr. President, that the Senator from Minnesota, who has complete knowledge on this amendment and at whose instance it was incorporated in the bill, is now present. I ask that the Secretary may again read the amendment.

The PRESIDENT pro tempore. The Secretary will again state the amendment.

The Secretary again stated the amendment.

The PRESIDENT pro tempore. The point of order is made that the amendment proposes general legislation. The Chair sustains the point of order.

The next amendment of the Committee on Appropriations was, on page 30, line 8, before the word "paid," to strike out "one person" and insert "three persons;" in line 9, before the word "paid," to strike out "one person" and insert "three persons;" in line 12, before the word "paid," to strike out "one person" and insert "three persons;" and in line 13, after the word "crimes," to insert "but not exceeding six persons so detailed shall be employed at any one time hereunder: *Provided*, That nothing herein contained shall be construed to deprive the Secretary of the Treasury from making any detail now otherwise authorized by existing law," so as to make the clause read:

The Secretary of the Treasury is authorized to use for, and in connection with, the enforcement of the laws relating to the Treasury Department and the several branches of the public service under its control, not exceeding at any one time, three persons paid from the appropriation for the collection of customs, three persons paid from the appropriation for salaries and expenses of internal-revenue agents or

from the appropriation for the foregoing purpose, and three persons paid from the appropriation for suppressing counterfeiting and other crimes, but not exceeding six persons so detailed shall be employed at any one time hereunder: *Provided*, That nothing herein contained shall be construed to deprive the Secretary of the Treasury from making any detail now otherwise authorized by existing law.

The amendment was agreed to.

The next amendment was, on page 31, line 25, after the words "three hundred and," to strike out "nineteen thousand dollars" and insert "forty-seven thousand and ninety-seven dollars and fifty cents," so as to make the clause read:

Distinctive paper for United States securities: For distinctive paper for United States securities, including transportation, traveling and laundry expenses, salaries for not more than ten months of not exceeding 1 register, 2 assistant registers, 5 counters, 5 watchmen, and 1 skilled laborer, and expenses of officer detailed from the Treasury, \$347,097.50.

The amendment was agreed to.

Mr. HALE. On page 36, I move the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 36, line 1, before the word "thousand," it is proposed to strike out "twenty-five" and insert "thirty-five."

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, under the head of "District of Columbia," on page 41, after line 18, to insert:

For the preparation of the site, approaches, walks, foundation, and piping for the fountain to be erected in McMillan Park, in the District of Columbia, by the James McMillan Memorial Association of Michigan, \$15,000.

The amendment was agreed to.

The next amendment was, on page 41, after line 22, to insert:

The authority granted in the District of Columbia appropriation act for the fiscal year 1910, approved March 3, 1909, for the construction of a public convenience station on the triangle west of Dupont circle, between Twentieth and P streets and Massachusetts avenue, is hereby revoked, and the Commissioners of the District of Columbia are authorized to enter into a supplemental agreement with the contractor for erecting said convenience station, providing for the abandonment of further work of construction, for removing construction work already done, and for restoring said triangle to the condition which existed prior to the beginning of said station, including, in the discretion of said commissioners, the purchase from the contractor of any or all materials intended for the construction of said station, which material, if purchased, may be used in other construction work by said commissioners; and any balance then remaining of the appropriation for said station shall be covered into the United States Treasury, one half to the credit of the revenues of the District of Columbia and the other half to the credit of the United States.

The amendment was agreed to.

The next amendment was, on page 42, after line 17, to insert:

Further work on the public convenience station appropriated for in the District of Columbia appropriation act for the fiscal year 1910, approved March 3, 1909, to be located under the sidewalk on the east side of Ninth street NW., between F and G streets, is hereby suspended, and the unexpended balance of the appropriation therefor is hereby covered into the Treasury, one-half to the credit of the United States and one-half to the credit of the District of Columbia.

The amendment was agreed to.

The next amendment was, under the head of "Under the War Department," subhead "Armories and arsenals," on page 48, after line 12, to insert:

Benicia Arsenal, Benicia, Cal.: For ammunition storehouses, \$39,000.

The amendment was agreed to.

The next amendment was, under the subhead "Under Quartermaster's Department," on page 51, after line 24, to insert:

Replacing barracks and quarters, Philippine Islands: To provide shelter and protection for officers and enlisted men of the army, including buildings for offices and storage of supplies, in lieu of the buildings at Camp Bumpus, destroyed by typhoon November 6, 1909, and at Camp Keithley, destroyed by fire March 4, 1910, \$250,000.

The amendment was agreed to.

The next amendment was, on page 52, after line 10, to strike out:

Cavalry post, Hawaii Territory: For continuing the construction of the officers' quarters, barracks, storehouses, etc., necessary for the accommodation of headquarters and two squadrons of cavalry, a contract is hereby authorized to be entered into, in addition to the appropriation of \$200,000 heretofore made, not to exceed \$400,000, subject to appropriations to be made therefor by Congress.

Mr. JONES. I ask that that amendment be passed over for the time being.

The PRESIDENT pro tempore. The Senator from Washington asks that the amendment be passed over. Is there objection?

Mr. HALE. If the Senator desires the amendment to go over, I do not object.

Mr. JONES. I should like to have the amendment passed over for the time being, in order that I may examine the testimony on the matter.

Mr. HALE. Then the Senator must call it up in time.

The PRESIDENT pro tempore. The amendment will be passed over.

The next amendment of the Committee on Appropriations was, on page 54, after line 5, to insert:

Fort Hancock Military Reservation, New Jersey: The Secretary of War is hereby authorized to accept a conveyance from the riparian commissioners of the State of New Jersey, dated the 22d day of December, in the year 1909, of a tract of submerged land in front of the military reservation of Fort Hancock, N. J., required for the construction and maintenance of the proposed sewer outlet from the said military reservation, and to pay the consideration of \$100 therein specified.

The amendment was agreed to.

The next amendment was, on page 54, after line 14, to insert:

Nebraska rifle range: For the purchase of land in the State of Nebraska, the site to be selected by the Secretary of War, for a rifle range for the use of the United States Army, \$50,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, at the top of page 56, to strike out:

No part of any appropriation for national cemeteries or the repair of roadways thereto shall be expended in the maintenance of more than a single approach to any national cemetery.

The amendment was agreed to.

The next amendment was, on page 56, after line 10, to insert:

Fort Leavenworth National Cemetery, Kansas: For constructing a sidewalk to the national cemetery, Fort Leavenworth, Kans., being an extension of the same from its western limits on Pope avenue, at Fort Leavenworth, Kans., to the lodge of the superintendent of said cemetery, \$2,000.

The amendment was agreed to.

The next amendment was, on page 56, after line 16, to insert:

Chalmette National Cemetery, Louisiana: The act of sale by the New Orleans Terminal Company, dated July 24, 1909, conveying certain lands and servitudes to the United States for the enlargement of the Chalmette National Cemetery, Louisiana, in exchange for the right to close the river road, be, and the same is hereby, accepted as sufficient title to the premises described therein, for the purpose of the expenditure of any moneys appropriated, or which may be appropriated, for the improvement and maintenance of the same.

The amendment was agreed to.

The reading of the bill was continued to the end of line 17, on page 60.

Mr. HALE. I offer a committee amendment.

The SECRETARY. On page 60, line 8, strike out the word "two" before the word "civilian" and insert "three," so as to read:

Chickamauga and Chattanooga National Park: For continuing the establishment of the Chickamauga and Chattanooga National Park; for the compensation and expenses of three civilian commissioners.

The amendment was agreed to.

Mr. HALE. On page 62, line 6, before the word "thousand," I move to strike out "ten" and insert "twenty," so as to read:

Yellowstone National Park: For maintenance and repair of improvements, including \$20,000 for improvement of the roads leading into the park from the eastern and southern boundaries, \$75,000, to be expended by and under the direction of the Secretary of War; and to be immediately available.

The amendment was agreed to.

The next amendment was, under the subhead "Under Engineer Department," on page 62, line 19, before the word "thousand," to strike out "twenty" and insert "twenty-five," so as to make the clause read:

Mount Rainier National Park: For additional work upon the wagon road into said park from the west, heretofore surveyed and commenced, under the direction of the Secretary of War, to be immediately available, \$25,000.

The amendment was agreed to.

Mr. HALE. On page 66, line 23, after the word "dollars," insert a comma and the words "to be available during the fiscal years 1910 and 1911;" so as to read:

For traveling expenses of the President of the United States, to be expended in his discretion and accounted for on his certificate solely, \$25,000, to be available during the fiscal years 1910 and 1911.

The amendment was agreed to.

The next amendment was, on page 70, after line 7, to insert:

Commission of Fine Arts: To meet the expenses made necessary by the act approved May 17, 1910, entitled "An act establishing a Commission of Fine Arts," to be disbursed by the officer in charge of public buildings and grounds, on vouchers approved by the commission, \$10,000.

The amendment was agreed to.

The next amendment was, under the subhead "Medical Department," on page 79, line 2, before the word "thousand," to strike out "twenty-five" and insert "fifty," so as to make the clause read:

To aid the Children's Hospital on account of addition to and alterations and improvements of building, and for furnishings and equipment,

of whatever kind, in the discretion of the board of directors, to be paid to said directors, and to be applied by them exclusively to the objects named herein, \$50,000.

The amendment was agreed to.

Mr. HALE. I offer a committee amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 90, strike out lines 12 to 18, inclusive, as follows:

For the purchase of articles of subsistence in addition to the regular ration of members of the National Home for Disabled Volunteer Soldiers, to be apportioned among the several branches of the home in the discretion of the Board of Managers, and to be expended with especial reference to the necessities and infirmities of the members of the home, \$100,000.

The amendment was agreed to.

The next amendment was, under the subhead "National Home for Disabled Volunteer Soldiers," on page 91, after line 22, to insert:

Hereafter the application of any person for membership in the National Home for Disabled Volunteer Soldiers and the admission of the applicant thereunder shall be and constitute a valid and binding contract between such applicant and the Board of Managers of said home that on the death of said applicant while a member of such home, leaving no heirs at law or next of kin, all personal property owned by said applicant at the time of his death, including money or choses in action held by him and not disposed of by will, whether such property be the proceeds of pensions or otherwise derived, shall vest in and become the property of said Board of Managers for the sole use and benefit of the post fund of said home, the proceeds to be disposed of and distributed among the several branches as may be ordered by said Board of Managers, and that all personal property of said applicant shall, upon his death, while a member, at once pass to and vest in said Board of Managers, subject to be reclaimed by any legatee or person entitled to take the same by inheritance at any time within five years after the death of such member. The Board of Managers is directed to so change the form of application for membership as to give reasonable notice of this provision to each applicant and as to contain the consent of the applicant to accept membership upon the conditions herein provided.

The amendment was agreed to.

The next amendment was, on page 94, after line 4, to insert:

STATE, WAR, AND NAVY DEPARTMENT BUILDING.

Installation of ice plant, State, War, and Navy Department building: For purchase and installation of ice plant in the State, War, and Navy Department building, \$9,000.

The amendment was agreed to.

The next amendment was, on page 95, line 2, after the word "building," to strike out "to be immediately available," so as to make the clause read:

Repairs, Pension Office building: For special repairs to the Pension Office building, \$3,500.

The amendment was agreed to.

The next amendment was, on page 95, after line 3, to insert:

For repairing and renewing plumbing and rearranging toilet rooms in the Pension Office building and the construction of necessary sewers and connection therefor, \$20,000.

The amendment was agreed to.

The next amendment was, on page 95, line 13, after the word "authorized," to strike out "to be immediately available," so as to make the clause read:

Department of the Interior, heating plant: For the improvement of and the extending of the heating system of the Department of the Interior to the Pension Office building, including necessary conduits, the laying and construction of which over and under the necessary streets and reservations is hereby authorized, \$20,000.

The amendment was agreed to.

The next amendment was, on page 95, line 17, after the word "thereto," to strike out "to be immediately available," so as to make the clause read:

Elevators, Pension Office building: For the installation of electric elevators in the Pension Office building and the changes in the building incident thereto, \$15,000.

The amendment was agreed to.

The next amendment was, on page 95, after line 18, to insert:

Elevator, Patent Office building: For the installation of an electric elevator in the east wing of the Patent Office building, occupied by the Interior Department, \$7,500.

The amendment was agreed to.

The next amendment was, on page 95, after line 22, to insert:

Old Post-Office building: For the installation of an electric elevator in the southeast corner of the old Post-Office building, occupied by the Interior Department, and the changes in the building incident thereto, \$7,500.

The amendment was agreed to.

The next amendment was, on page 96, after line 2, to insert:

For the purchase and installation of a gas or gasoline engine and dynamo in the central heating plant of the department in the old Post-Office building, \$5,000.

The amendment was agreed to.

The next amendment was, on page 96, after line 17, to insert:

Senate Office Building: Toward the construction of the fireproof building for committee rooms and offices for the United States Senate,

provided for in the sundry civil act, approved April 29, 1904, including not exceeding \$50 for the purchase of necessary technical books, \$95,000.

The amendment was agreed to.

The next amendment was, on page 96, after line 23, to insert:

For metal shelving, Senate Office Building, for the accommodation of the library and document room of the Senate, and for storage of documents, \$38,000.

The amendment was agreed to.

The next amendment was, on page 97, after line 2, to insert:

For maintenance, miscellaneous items and supplies, and for all necessary personal and other services for the care and operation of the Senate Office Building, under the direction and supervision of the Senate Committee on Rules, \$39,360.

The amendment was agreed to.

The next amendment was, on page 97, after line 7, to insert:

For the installation of a refrigerating machine in the Senate Office Building for the purpose of taking care of the ice-water system already installed in the various rooms, \$3,400.

The amendment was agreed to.

The next amendment was, on page 97, after line 16, to insert:

Enlarging the Capitol grounds: For the enlargement of the Capitol grounds, and for the construction of a direct avenue of about 150 feet in width from the junction of Pennsylvania avenue and First street NW. to the Union Station Plaza, the center line of said avenue to be located on the axis of the Peace Monument and the site of the western fountain in said plaza, the Vice-President of the United States, the Speaker of the House of Representatives of the United States, and the Superintendent of the Capitol Building and Grounds are hereby authorized and directed to acquire, by purchase, condemnation, or otherwise, all of squares Nos. 632, 633, 634, 680, 681, 682, 683, 684, 685, 721, 722, and 723, in the city of Washington, D. C.; and to pay for the land hereby authorized to be acquired, and for grading, laying out, and improving the same when acquired, \$3,600,000, or so much thereof as may be necessary: *Provided*, That should the Vice-President of the United States, the Speaker of the House of Representatives of the United States, and the Superintendent of the Capitol Building and Grounds decide to institute condemnation proceedings in order to secure any or all of the land herein authorized to be acquired, such proceedings shall be in accordance with the provisions of the act of Congress approved August 30, 1890, providing a site for the enlargement of the Government Printing Office (U. S. Stat. L., v. 26, ch. 837).

Mr. BRISTOW. I should like to inquire how much this avenue, which is to be 150 feet wide, will take off of the present Capitol grounds?

Mr. HALE. The committee looked into the plans on this point enough to believe that it will not in any way interfere with the use of the Capitol grounds as attached to the Senate.

Mr. BRISTOW. Does the Senator know how many feet it will take off of the present grounds—that is, how far will it bring the street up on to the grounds as they are now?

Mr. HALE. It will be diagonal, and the lower part will be a very small part, and the upper part something more. But the committee is convinced that it will not interfere with the public convenience in any way.

Mr. BRISTOW. It would appear that taking 150 feet, with the Peace Monument as the center, it would take a very large section off of the present Capitol grounds; and if so, would it not mar the appearance of the grounds somewhat?

Mr. HALE. I do not think it will. The committee would not have agreed to it if it had believed it would mar the symmetry of the grounds. I think it will all work in in the general plan, and will not in any way interfere with it.

Mr. BRISTOW. I was anxious to know whether or not it would practically take the entire street out of the grounds. It seems to me it ought not to be done. I would rather see those buildings taken away on the other side of the street than to have any of this park destroyed.

Mr. HALE. I do not think it will interfere in the least.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Committee on Appropriations.

The amendment was agreed to.

The next amendment was, under the subhead "Public lands service," at the top of page 104, to insert:

For completing the surveys within the Flathead Indian Reservation, Mont., embracing town sites and the subdivisions of unallotted lands fronting on Flathead Lake (reimbursable), \$10,000.

Mr. OWEN. There are in this bill several amendments relating to Oklahoma which I should like to have passed over, so that they may be considered at one time. I may be absent from the Chamber, and I only desire to ask that if they come up, they may not be finally disposed of until I have an opportunity to be heard in regard to them.

Mr. HALE. I do not want to agree to anything that will interfere with the general consideration of the bill. I have no objection to these items going over for the present—

Mr. OWEN. That is all I ask.

Mr. HALE. But if before the day is out we come to a point of considering all the items in the bill, in order that it may be

reported to the Senate, I should not be willing to agree that it go over.

Mr. OWEN. I have no desire to ask that. I do not wish to delay it beyond the day.

Mr. HALE. Then I have no objection.

Mr. OWEN. There are several items with regard to the Seminoles, the Kickapoos, and the Five Tribes which ought to be considered in one group.

Mr. HALE. They can go over for the present, but the Senator from Oklahoma must call them up himself.

The PRESIDENT pro tempore. Can the Senator from Oklahoma indicate the items?

Mr. OWEN. They are the items referring to the Seminoles, the Kickapoos, and the Five Civilized Tribes.

The PRESIDENT pro tempore. On what page of the bill, if the Senator please?

Mr. CARTER. I suggest that all the items under the caption "Surveying the public lands," which would embrace those referred to by the Senator from Oklahoma, be passed over for the present.

Mr. HALE. That suggestion will cover all, and we will return to these surveys later.

The PRESIDENT pro tempore. All the items, as requested by the Senator from Montana, will be passed over for the present.

Mr. HALE. All items under the head of "Surveying the public lands."

The PRESIDENT pro tempore. Under "Surveying the public lands."

Mr. OWEN. Will that include the item on page 128?

Mr. CARTER. From page 104 to 109.

Mr. HEYBURN. But there are other items following later on. If we are going to lay aside items referring to the survey of public lands, we had better express it generally, so that we will not be confined to these particular items on two pages.

Mr. HALE. These items cover eight or nine pages.

Mr. HEYBURN. It had better be understood to embrace all items referring to the survey of public lands and amendments thereto.

Mr. HALE. That is the suggestion of the Senator from Montana.

Mr. HEYBURN. Except that he confined it to two pages.

Mr. GALLINGER. Nine pages.

Mr. HALE. It covered nine pages.

Mr. HEYBURN. I understood the Senator from Montana to say pages 104 and 105.

Mr. OWEN. The items I have reference to are on page 115, with reference to the Seminoles, and on page 127, with regard to the Kickapoos. Those are the only items I desire to have passed over.

Mr. CARTER. The portion I desire to have passed over, and which is embraced in my request, commences with the words "surveying the public lands," on page 104, down to and including line 9, page 109.

Mr. HALE. I so understand. Let that be passed over.

Mr. GALLINGER. And also the items the Senator from Oklahoma is interested in.

Mr. OWEN. Those items are the only ones I wish passed. I have been called from the Chamber.

The PRESIDENT pro tempore. The items indicated will be passed over.

The next amendment was, of the Committee on Appropriations under the subhead "United States Geological Survey," on page 114, after line 2, to insert:

For the continuation of the investigation of the structural materials, both belonging to and for the use of the United States, such as stone, clays, cement, etc., under the supervision of the Director of the Geological Survey, including necessary personal services, \$50,000.

Mr. DICK. I move to amend by striking out in lines 6 and 7 the words "Geological Survey" and inserting the words "Bureau of Mines;" and in line 7 by striking out "fifty" and inserting "one hundred."

Mr. HALE. That will throw the whole matter into conference. I do not object to it.

The PRESIDENT pro tempore. The Senator from Ohio offers an amendment to the amendment, which will be stated.

The SECRETARY. On page 114, line 6, strike out the words "Geological Survey" and insert "Bureau of Mines," and in line 7, before the word "thousand," strike out "fifty" and insert "one hundred;" so as to read:

For the continuation of the investigation of the structural materials, both belonging to and for the use of the United States, such as stone, clays, cement, etc., under the supervision of the Director of the Bureau of Mines, including necessary personal services, \$100,000.

Mr. DICK. The Senate has taken from the Geological Survey its technologic branch and created from this a new bureau for

Mr. BACON. They have not raised it in any prosecution, but as I said I have frequently seen it raised in discussion. So far as I know it has not been raised in the courts as yet, but the question has been raised.

Mr. JONES. If the Senator will permit me, I desire to state that I am reliably informed that there have been two prosecutions.

Mr. BACON. I did not know the fact. I am very much obliged to the Senator for the information.

Mr. GALLINGER. Can the Senator definitely state where those prosecutions were had?

Mr. JONES. One of them, my recollection is, was in Louisiana, and the other was in Kentucky. I got this information not very definitely, but from a pretty reliable source.

Mr. GALLINGER. That is the first knowledge I have ever had of anything of the kind occurring.

Mr. JONES. That is the only information I have had.

Mr. BACON. If the Senator will pardon me just a moment, in order to make a more direct application of the provision I will read it, because it has not been read. It was simply announced that the amendment was to strike out all after the word "commerce" in line 5, including the balance of the paragraph. So I will read it in order that it may appear in this connection.

Mr. HALE. The entire proviso?

Mr. BACON. The entire proviso is what I will now read.

Provided further, That no part of this money shall be spent in the prosecution of any organization or individual for entering into any combination or agreement having in view the increasing of wages, shortening of hours, or bettering the condition of labor or for any act done in furtherance thereof not in itself unlawful.

Mr. President, most of the troubles which have grown out of these labor struggles have been due to interference with the liberty of action; for instance, a combination to not only themselves to abstain from work, but to prevent others from working, and so far as that latter part of the attempt is concerned, which would restrain another man in his liberty of action or his right of action, of course that would be unlawful, and he would not be covered by this provision. It simply goes to the question, if a dozen or 100 or 500 men get together for the purpose of taking such action as will secure to themselves better wages, will that peaceful action on their part subject them to criminal prosecution? The purpose of the provision is to exempt them from criminal prosecution for such peaceful acts, even if under the terms of the present antitrust law they would be liable to prosecution.

It occurs to me that there is no body of men, laboring men or any other men, who are working for wages and get together in a peaceful way, interfering with nobody else's rights, not in any manner endeavoring to restrain anybody else's liberty of action, conspiring, if you please, because "conspiring" simply means, literally, breathing together, having a common purpose in view—

Mr. HALE. Mr. President—

Mr. BACON. If the Senator will permit me I will finish the sentence. I say it is inconceivable to me that it should be contended or that any one would favor that under such circumstances those men ought to be subjected to criminal prosecution.

Mr. HALE. Suppose this agreement and programme involved an absolute boycott of every business and every enterprise that did not conform to the programme arranged by these organizations. In a case which affects labor industry as to whether men who are employed and at work with a desire to continue work should be shut out by an organized boycott, would the Senator say that the law should not be allowed to raise that question?

I think, Mr. President, and the committee thought, that this subject was so great and there were so many protests coming, not from corporations but from associations who do not want to be victims of a boycott, that it was wiser and safer to leave this matter so that it might be considered by the committee of conference as to what the extent and scope of the provision would be. I still believe that that is a wiser proceeding for us now, instead of agreeing to this proposition, which may be pregnant with results greatly beyond what the Senator has seen or what I have seen. Then before it is embodied in the law we can find out in conference between the two Houses how far, for instance, the House wished this matter to extend. The committee did not think it advisable, and in order to save the question it proposed to strike it out and leave it for further conference.

I still think, Mr. President, that is the wise thing to do. The Senator is a conservative Senator. If we adopt the provision without question, nothing can be done about it afterwards; it becomes an enacted practice, no matter how grievous the result,

no matter how far it may extend. If we do not further investigate it, the opportunity for such investigation has departed from us, if we accept the proposition of the House.

Mr. BACON. Mr. President, the Senator from Maine asked me a question, and I must answer that question before I proceed to reply generally to his proposition. The Senator asked me whether or not in case of a general boycott I would desire to leave parties who were injured thereby without remedy. Was that the Senator's question?

Mr. HALE. It was the substance of it.

Mr. BACON. If I state it incorrectly I hope the Senator will correct me. That is my recollection of it.

Mr. President, this provision in the House bill does not touch the civil remedies at all. The Senator knows that boycotts have been dealt with in this country through the civil processes of the courts, and some of them have been dealt with pretty effectually. This simply deals with the criminal side of the question. If any act is done in connection with that agreement which is in itself unlawful the exemption will not protect them. If the terms of the antitrust law are such that the peaceful agreement of a dozen men, or 100 men, or 500 men, that they will among themselves, without interfering with anybody else's right, take certain action with a view to increasing their wages, the simple proposition is that that itself shall not subject them to criminal prosecution; that is all. It does not affect the civil remedy at all of parties who may be injured thereby, nor does it protect them if in furtherance of that agreement—

Mr. HALE rose.

Mr. BACON. I heard the Senator clear through without objection, and I hope he will let me reply. Then I will with pleasure hear from him.

Mr. HALE. I will not interrupt the Senator.

Mr. BACON. If the Senator puts it that way I will let him interrupt me, now.

Mr. HALE. I decline, Mr. President.

Mr. BACON. Mr. President, I do not think the Senator has any right to feel aggrieved at all. I certainly heard him clear through and with the utmost patience.

Mr. HALE. I have heard the Senator clear through hundreds of times and not interrupted him. He and I are in the habit of cross-questioning each other.

Mr. BACON. I do not object to it.

Mr. HALE. I do not like the Senator's impatience when I seek to ask him a question. He asks me a great many questions, which I do not object to. I shall not trouble the Senator again.

Mr. BACON. I extremely regret that my learned friend should take that view of it, because I certainly had no design to cut him off. I simply wished to complete the statement which I was making in reply to the question which he himself had previously asked me. I did not finish my reply to the question that he had asked me. I am sure the Senator from Maine can not be in earnest in having any such resentful feeling toward me. We have been here together too long, and the Senator knows my thorough appreciation and regard for him too fully for him to take a position of that kind. I would not take it as to him and I am sure that he will not feel that he is justified in taking it toward me. I want the Senator to interrupt me whenever he wishes to do so. My only wish was that he should let me answer one question before he propounded another. I trust the Senator will not consider me discourteous because I have no such intention whatever; I have no design to cut him off and no impatience with his interruptions. The Senator always interrupts in a way that makes it necessary that whoever replies shall reply with a very considerable amount of care and thought.

I was proceeding to say, Mr. President, that if in the furtherance of this agreement among laboring men or others who were working for wages there should be any act done which in itself was a violation of law, which did that which was unjust to others, this law does not exempt them. I said that is one class of cases. That is a peaceful agreement among themselves to accomplish that end.

The other class is where they do it for the purpose of shortening their hours of labor. That is done peacefully; there is nobody injured by it, and there is no invasion of the individual right of action of any other party, and there ought not to be a criminal prosecution.

If in any case there is a pecuniary injury to the party, this proposed change in the law does not in anywise interfere with the right of civil action.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The question is on agreeing to the amendment of the committee.

Mr. OWEN. Mr. President, I desire to express my regret that the committee should have struck out the proviso of the House bill which provided that the appropriation of \$200,000 should not be used in prosecuting labor organizations under the antitrust laws. The House proviso reads:

That no part of this money shall be spent in the prosecution of any organization or individual for entering into any combination or agreement having in view the increasing of wages, shortening of hours or bettering the condition of labor or for any act done in furtherance thereof not in itself unlawful.

That does seem to me to be the description of a most innocent form of organization, and surely such organizations of their legitimate objects could not be within the purpose of the statute of the United States to forbid the formation of great trust organizations to monopolize trade in this country. The antitrust law is intended to prevent great combinations of capital from depriving men of their just rights.

It is true that the labor organizations which have been built up in this country have in some cases been improvident in some of their actions; but they have been in a large measure excited to such efforts in order to protect themselves and obtain a sufficient amount of the proceeds of their own labor to provide the needs of their families. These are organizations of poor men, men who work by the day, who earn their daily bread with their hands. The purpose of the antitrust law was not to suppress organizations of that kind.

I can not help thinking of the American Tobacco Company and the effect upon the people down in the tobacco-raising country. The tobacco trust, having by monopoly become the sole buyer of tobacco, fixes the price below the cost of production, and has driven the poor farmers who raise tobacco to desperation, and even to criminal acts, in their blind efforts to make a living. The ordinary laws which operate to suppress criminal acts are in full operation and will punish the poor oppressed farmers. If they burn a barn they are guilty of arson. If they commit a crime through their Night Riders' organization they violate the ordinary criminal laws, and there is abundant punishment for the criminal act.

But the antitrust laws were not intended to suppress labor, but are necessary and were intended to protect the laborer and the consumer from a conspiracy to defraud them. They were intended to prevent labor and the consumers from being oppressed.

This proviso passed by the House of Representatives is certainly a most reasonable interpretation of what the law ought to be and a direction to the Executive not to use the appropriation to prosecute labor organizations for combining to increase wages, and so forth. If they commit any act that is unlawful, there is abundant means of punishment; but to prevent the laboring men of the country from organizing for the protection of themselves and their families in earning a reasonable livelihood, to combine to increase wages, to shorten hours of labor, to better their condition; and to break up those organizations by treating them in the same way as the law treats a great conspiracy of organized capital against which the antitrust laws were directed, I think is unfair and unjust.

I do hope that the committee will not insist upon striking out these words inserted by the House. I think they ought to be allowed to remain, and I hope they will remain.

The huge organizations of capital in restraint of trade, raising prices on the necessities of life and imposing on the people for the mere sake of ambition, greed, or cold and cruel avarice, needs restraint both on moral, ethical, and legal grounds.

Organization of laboring men to protect women and children from starvation, from exposure, sickness, and death, are justified on every standpoint and should be encouraged.

The antitrust laws were not intended to be used against labor so protecting itself; and if they were, you now have an opportunity the Republican party should gladly seize, to correct and amend such laws in the interest of labor if the Republicans really and truly are the friends of labor.

I fear, Mr. President, that organized capital, which contributes money to keep the Republican party in power, will control the vote of the Senate against the poor laboring organizations. I pray you not to vote against labor.

Mr. HEYBURN. Mr. President, why should we pass a penal statute and then not provide for its enforcement? The antitrust laws are penal in character. They prescribe the penalty for their violation. Why should we not provide the money to enforce the laws that we enact? I doubt if anyone would ask for a special provision for one class of people as against another class. When I say "class" I do not mean it in an individual sense but in the sense of their occupation.

Mr. President, the Senator from Georgia used the word "peaceably" in one instance and "peacefully" in the other.

The word does not appear in connection with this amendment. There is nothing in the statute—

Mr. BACON. I was not at the time I used those words professing to be quoting the statute.

Mr. HEYBURN. No; I did not mean to be understood as saying that the Senator was.

Mr. BACON. I was endeavoring to show simply what is the proper construction of the statute.

Mr. HEYBURN. I referred to the fact that the Senator had used the words because I myself intended to refer to the character of these organizations, or this class of organizations, on my own responsibility. I was not criticising the use of the word by the Senator. I was merely using it as a text for what I might say.

Mr. President, the appeal to the phrase "the workingman" is quite common, but we are here to legislate without sentiment and to provide for the enforcement of the laws we enact. The antitrust law is directed against all persons alike who violate its provisions; it makes no difference whether he is a money lender or a laborer or a man who does nothing. The law is intended, and we dare not take any other view of it, to apply equally to all people. There is no act or there should be none in this country that one man may do under the law and another man may not. There is no act in this country that one man should be punished for doing and another one should not be punished for doing.

We have had to face this question in a very practical way throughout a very large part of the country. The plea is generally that they were peaceful in their intentions, but the fact was in many cases that they were not peaceable in their actions. I have seen them, under the plea that is made on their behalf, seize railroad trains, seize depots, seize mines, seize the country until the Government of the United States was compelled to put its army there for the purpose of enforcing the law. I have seen conditions where the county officers were so mixed up with these plans that are termed "peaceable" that they had to be removed from office by the State and temporary officers placed in charge.

I have no objection at all to organizations among men who labor or men who do not labor if the purpose is within the law, and if the acts pursuant to the parties are within the law. Sometimes those questions can only be determined at the trial. If we are to have no trial, then the statement of the party must be accepted as final. But courts are provided to determine whether men are acting within their legal rights.

The courts will inquire into the purpose as they inquire into the result. Men frequently start out with a good intent; they form an organization and they profess, and are often sincere in the statement, that their intention is to proceed only by peaceful means, but in their zeal they go beyond it, and they seize property and they oppress the entire country outside of their own ranks, and generally oppress themselves. I have seen hundreds and hundreds of men living upon the daily dole from a committee of their own organization, living in discomfort, and living in discomfort because of their own acts, at the same time causing a complete stagnation of the business of the country and great discomfort to people who were not even indirectly connected with them, but who were their victims. Those people who are the victims of this kind of thing, starting innocently, but progressing through the stages of passion and excitement until they become criminal, have a right to go into the courts and inquire why it is that the business of the country is tied up and that they are unable to find a market for their products, or unable even to enter into a certain community for the purpose of selling them.

There are two sides to this question, but the side of merit and the side of right is in favor of providing the court and the court officers with the means of enforcing the law.

Mr. HALE. Mr. President, let me ask the Senator from Idaho this question—

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

Mr. HEYBURN. Certainly.

Mr. HALE. Is there the least danger of anything being done that will affect the legitimate and peaceful operation of these organizations if they do not go beyond that?

Mr. HEYBURN. Mr. President, there is not the slightest foundation to believe that they will be disturbed in any way. The fact is that the sentiment in the community of a large portion of the people is with organized labor so long as it does not use the organization for the purpose of destroying other people and other people's rights and property.

Mr. HALE. Precisely.

Mr. HEYBURN. The sentiment is with them. I reassert that I have no sentiment against the organization as an organ-

tended to do in America. It exempted labor unions or united laborers from criminal prosecution for acts which were lawful when done by an individual. That would seem to be the true test and a fair test.

Now, sir, the effort in the United States to prosecute laboring men for attempting to better their own conditions is simply a relic of those darker times. We ought to have outlived them. We ought to cast them behind us. We ought to stimulate the effort and stimulate the purpose on the part of the laboring men in this country to advance their welfare and to promote their own interests.

I had occasion a day or two since to allude to bill 6440, presented to this Senate in the Sixtieth Congress. That measure contained a clause, similar to the one now pending before the Senate, which protected laboring men against prosecutions for acts not unlawful at common law. I suggested on a previous occasion that that measure was prepared after conference with Judge Gary, of the steel corporation, and was drafted by Mr. Stetson and Mr. Morawetz. Even they did not object to the emancipation of the laborer; they were not unwilling for the Senate to grant this manumission. Why, sir, should we hesitate, when we have permission from such high and eminent authority? That measure, it is true, was a sort of a bargain, a reciprocal contract, which conveyed valuable privileges and immunities to the industrial combinations and conferred valuable privileges and immunities upon railway combinations in the United States, and the poor privilege granted to the laboring man was in consideration of those valuable concessions and immunities. Sir, in the blaze of twentieth century civilization we ought not to adhere to the ancient and the barbarous practices of a darker age.

Mr. BORAH. Mr. President, I wanted to find out from some one, if I could, before I voted upon this amendment as to what it means. The provision pending and upon which the discussion is proceeding is found on page 128, as follows:

Provided further, That no part of this money shall be spent in the prosecution of any organization or individual for entering into any combination or agreement having in view the increasing of wages, shortening of hours or bettering the condition of labor or for any act done in furtherance thereof not in itself unlawful.

I do not know whether or not the labor organizations will assume that they are getting anything out of this amendment, but they are not. No one, I presume, would suggest for a moment that any organization be prosecuted or that it could or should be prosecuted, which has for its purpose the raising of wages or the shortening of hours unless it did something in pursuance thereof which was in violation of law. It does not seem to me that the amendment has any meaning whatever.

Mr. WARREN. Has the Senator considered whether the amendment does not mean, if it means anything, that a statute under which the Government is now providing for certain agencies regulations and restrictions shall apply to one class of people and not to another? It seems to me there are but two points in this proposed legislation which the Senate proposes to strike out. One is that it is undertaking in a supply bill, an appropriation bill, to carry important legislation, such as to repeal part of an important statute, a penal statute, and the other point is it seeks to absolve or relieve a certain class of people, laboring people, from the observance of a law which is supposed to apply to rich and poor, labor and capital, alike.

Mr. BORAH. I do not understand that any Senator is insisting that this repeals the Sherman law.

Mr. WARREN. Does it not?

Mr. BORAH. As to any organization—

Mr. WARREN. Well, if it does anything, it would repeal a portion of it.

Mr. BORAH. Because the clause here is that if that which they do is in violation of law, this provision does not apply. But it seems to be intended to protect from prosecution the mere organization for the purpose of raising or bettering wages. My opinion is that a prosecution could not be had now. If they do that in pursuance of an organization which is unlawful under any statute or any law, this provision does not apply.

Mr. HALE. They do not need the provision.

Mr. BORAH. That is my view of it.

Mr. HALE. Certainly.

Mr. WARREN. From your point it is not necessary, and from mine it is worse than not necessary.

Mr. BORAH. In other words, as I followed the discussion, it seemed to be inferred that this was in effect a repeal of the Sherman law as to labor organizations. I do not so understand it. If I did—

Mr. WARREN. If it has any effect, would not it tend toward that?

Mr. BORAH. That is a difficult question.

Mr. WARREN. If it has any effect whatever, does it not tend toward that?

Mr. HALE. Of course it does, if it has any effect.

Mr. BORAH. If it has any effect, it does not tend anywhere.

Mr. WARREN. I am not going to quarrel with the Senator. It may not have any effect, but if it does have any, it must have that effect. But if it has no effect or if it has effect, it ought to go out of the bill.

Mr. BORAH. I might say that the party who drew it had in mind that proposition, but I do not see how it can have that effect.

Mr. BACON. In response to the suggestion of the learned Senator from Wyoming [Mr. WARREN], there is no one more familiar than he with appropriation bills, in all their various features and aspects. It is not an uncommon thing—on the contrary, quite an important thing—to endeavor to restrain the operation of a law in certain ways by limiting the appropriation. It is even done in instances where the law specifically prescribes that an officer shall receive a certain salary, and the law is partially nullified by appropriating a less amount for that purpose. If I had time to go through the appropriation bills I could find a great many other illustrations.

Mr. BORAH. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Idaho?

Mr. BACON. I did not desire to take the Senator from Idaho off the floor. I thought he had finished.

Mr. BORAH. I will yield to the Senator any time he wants.

Mr. BACON. I beg the Senator's pardon. I did not address myself to him, because I thought he had taken his seat.

Mr. HEYBURN. Will the Senator from Georgia permit me to ask him a question?

Mr. BACON. If the Senator's colleague will permit, I am willing.

Mr. BORAH. I yield.

Mr. HEYBURN. I desire to ask this question: If we are not to enter into a trial for the purpose of determining whether or not an organization is unlawful, how are we ever going to know? Are we to take the organization's word? It requires a trial to prove that a man is innocent just as much as it does to prove that he is guilty.

Mr. BORAH. But the proposition here is that if this organization has done anything which is unlawful, you may proceed to prosecute it, and you may use this money for the purpose of doing it. Is not that correct?

Mr. BACON. When the Senator from Idaho gets through, I will reply to his suggestion in that regard. I had begun to do so, but I did not know I was interrupting the Senator. When he finishes, I will be glad to answer him.

Mr. BORAH. I will submit this question to the Senator from Georgia, that he may reply to it: Could we prosecute under any law at the present time a labor organization which had for its purpose the raising of wages if it did nothing in violation of law?

Mr. BACON. Has the Senator finished?

Mr. BORAH. For the present.

Mr. BACON. There are a great many obscure laws. There are a great many statutes passed which tax the ingenuity of the courts to unravel the meaning. I very freely confess that this provision is not felicitous in its phraseology and that it is open to the criticism the Senator from Idaho makes. But, at the same time, if this statute were before a court for construction, I imagine the court would construe it thusly: The court would say that the intention of the lawmaker was to exempt the laborers or the wage-earners from any possible liability under the general terms of the antitrust law, which condemns organizations with a view, by concerted action, to raising prices. But so far as that general feature of the antitrust law is concerned, the purpose of this provision was to exempt them from such a prosecution. But if, in pursuance of an agreement of that kind—say they were street-car drivers or motormen or conductors—they should go out and stone others who endeavored to take their places, this would not exempt them from prosecution, for that would be an unlawful act in itself, separate and apart from the agreement. Or if they should endeavor to wreck a car, that would be an unlawful act in itself which the law contemplated. Now, I say a court called upon to construe the proposed statute and having to construe it would construe it that way.

I will very frankly say to the Senator, to repeat what I have already said, that I do not think the language is very happy; but at the same time I think it is susceptible of a construction not violent at all in its character, such as I have stated.

Mr. BORAH. That is undoubtedly the most plausible interpretation that could be given to it, but, nevertheless, we are

dealing here not with the question of the repeal of the law, but with the question of furnishing money for the enforcement of a certain statute.

Mr. BACON. That is another matter.

Mr. BORAH. And as we are simply dealing with the question of appropriating money for the enforcement of a statute we are not assuming to repeal any statute, but we leave in the law the proposition that if anything they do as a combination is in violation of law they may be prosecuted, and we do not undertake to repeal it.

Mr. BACON. No. I do not think the Senator correctly interprets the provision when he speaks of the combination itself as being the illegal thing which must be passed upon by the court. The express provision is that the agreement in itself shall not be unlawful, but that any act unlawful in itself, done in pursuance of that agreement, shall be subject to prosecution. That is what I understand to be the construction of that law. I possibly might have phrased it differently if I had been given the opportunity to draw it myself.

Mr. BORAH. I have no doubt of that. I do not think the provision as drawn at all accomplishes the purpose intended, or that it really means anything.

The PRESIDENT pro tempore. The question is on agreeing to the amendment to the committee.

Mr. BACON. I ask for a division on the question of ordering the yeas and nays.

Mr. GORE. I should like to offer an amendment which will not occasion any discussion.

Mr. GALLINGER. I ask for the yeas and nays.

Mr. HALE. We may as well have the yeas and nays.

The PRESIDENT pro tempore. Is there a second to the demand for the yeas and nays?

The yeas and nays were ordered.

Mr. GORE. Before the roll call is commenced I merely wish to say that, in my judgment, this language was intended to convey the idea that if the act was not unlawful when committed by an individual, it should not be unlawful when done by an organization of laborers.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BRADLEY (when his name was called). I am paired with the junior Senator from Tennessee [Mr. TAYLOR] and hence can not vote. If I were not paired, I should vote "nay."

Mr. OWEN. I should like to have clearly stated the manner in which this vote is being recorded. I do not understand it.

Mr. GALLINGER. I call for the regular order.

The PRESIDENT pro tempore. The clerk will proceed with the roll call.

The Secretary resumed the calling of the roll.

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

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN]. He is not present, so I withhold my vote. If he were present, I should vote "yea."

Mr. FLINT (when his name was called). I am paired with the senior Senator from Texas [Mr. CULBERSON]. I withhold my vote.

Mr. GUGGENHEIM (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. PAYNTER]. So I withhold my vote.

Mr. OVERMAN (when his name was called). I am paired with the Senator from Washington [Mr. PILES].

Mr. SCOTT (when his name was called). I announce my pair with the senior Senator from Florida [Mr. TALIAFERRO].

Mr. SHIVELY (when his name was called). I announce my pair with the junior Senator from Utah [Mr. SUTHERLAND].

Mr. SMOOT (when Mr. SUTHERLAND's name was called). My colleague is detained from the Senate on account of official business. I will allow this announcement to stand on all votes taken to-day.

Mr. WARREN (when his name was called). I have a standing pair with the senior Senator from Mississippi [Mr. MONEY]. I will make a transfer so that the Senator from Mississippi [Mr. MONEY] will stand paired with the senior Senator from Massachusetts [Mr. LODGE], and I vote "yea."

The roll call was concluded.

Mr. FLINT. I am paired with the senior Senator from Texas [Mr. CULBERSON]. I transfer the pair to the senior Senator from Pennsylvania [Mr. PENROSE], and will vote. I vote "yea."

Mr. JOHNSTON (after having voted in the negative). I overlooked my pair, and I withdraw my vote.

The result was announced—yeas 34, nays 16, as follows:

YEAS—34.

| | | | |
|-----------|-------------|-----------|------------|
| Borah | Carter | Flint | Oliver |
| Bourne | Clapp | Frye | Perkins |
| Brandegee | Clark, Wyo. | Gallinger | Smoot |
| Bristow | Crane | Gamble | Stephenson |
| Brown | Crawford | Hale | Stone |
| Bulkeley | Cullom | Heyburn | Warren |
| Burnham | Dick | Kean | Wetmore |
| Burrows | Dixon | McEnergy | |
| Burton | du Pont | Nelson | |

NAYS—16.

| | | | |
|-------------|----------|----------|--------------|
| Bacon | Fletcher | Martin | Percy |
| Burkett | Frazier | Newlands | Simmons |
| Chamberlain | Gore | Owen | Smith, S. C. |
| Dolliver | Jones | Page | Warner |

NOT VOTING—42.

| | | | |
|--------------|-------------|------------|--------------|
| Aldrich | Daniel | Lorimer | Root |
| Bailey | Davis | McCumber | Scott |
| Bankhead | Depew | Money | Shively |
| Beveridge | Dillingham | Nixon | Smith, Md. |
| Bradley | Elkins | Overman | Smith, Mich. |
| Briggs | Foster | Paynter | Sutherland |
| Clarke, Ark. | Guggenheim | Penrose | Taliaferro |
| Clay | Hughes | Piles | Taylor |
| Culbertson | Johnston | Purell | Tillman |
| Cummins | La Follette | Rayner | |
| Curtis | Lodge | Richardson | |

So the amendment was agreed to.

Mr. HALE. I will not ask the Senate to remain here much longer, but we will go on for a while.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the head of "Judicial," in the item of appropriation for miscellaneous expenses in the discretion of the Attorney-General, and so forth, on page 135, line 17, after the word "extra," to strike out "guards" and insert "employees," so as to read:

For pay of extra employees when deemed necessary by the Attorney-General, and for expense of care and medical treatment of guards who may be injured by prisoners while said guards are endeavoring to prevent escapes or suppressing mutiny.

The amendment was agreed to.

The next amendment was, on page 136, line 11, before the word "captains," to strike out "two" and insert "three;" in line 14, before the word "and," to strike out "fifty-two thousand seven hundred" and insert "fifty-two thousand;" and in line 18, before the word "and," to strike out "seventy-eight thousand eight hundred" and insert "seventy-nine thousand one hundred," so as to read:

For salaries, including pay of officials and employees, as follows: * * * Three captains of watch, at \$1,000 each; guards, at \$70 per month each, \$52,080; two teamsters, at \$600 each; engineer and electrician, \$1,500; assistant engineer and electrician, \$1,200; in all, \$79,180.

The amendment was agreed to.

The next amendment was, on page 136, line 24, before the word "hundred," to strike out "one" and insert "four," so as to make the clause read:

In all, for penitentiary at Leavenworth, Kans., \$201,480.

The amendment was agreed to.

The next amendment was, in the item of appropriation for salaries, including pay of officials and employees at the United States penitentiary at Atlanta, Ga., on page 138, line 1, to increase the number of captains of watch from two to three.

The amendment was agreed to.

The next amendment was, at the top of page 141, to insert:

Payment to the widow of David J. Brewer: To pay to the widow of the late David J. Brewer, a justice of the Supreme Court of the United States, \$9,444.45, being a sum equal to the balance of his salary for the year in which he died.

The amendment was agreed to.

The next amendment was, under the subhead "Coast and Geodetic Survey," in the item of appropriation for astronomical, geodetic, tidal, and miscellaneous computers, on page 152, line 10, before the word "hundred," to strike out "five" and insert "seven," so as to make the clause read:

For one, at \$2,700.

The amendment was agreed to.

The next amendment was, on page 152, after line 10, to insert:

For one, at \$2,400.

The amendment was agreed to.

The next amendment was, on page 152, line 12, before the word "dollars," to insert "one hundred," so as to make the clause read:

For two, at \$2,100 each.

The amendment was agreed to.

The distinction appears to me to be this: If the amendment should provide that they could go into every State and survey public lands and make an appropriation therefor, that would be what I would describe and understand as general legislation. But when the amendment says that they may go into Idaho or Utah or Montana only, that seems to me special legislation, if there is any such distinction under this rule.

Mr. HALE. No; Mr. President, if the Senator will allow me. The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Maine?

Mr. BAILEY. Yes.

Mr. HALE. The Senator is entirely wrong in that regard. It does not take a provision out of the rule which forbids general legislation to confine it to one State—

Mr. BAILEY. Or a particular class.

Mr. HALE. Or a particular class. It is just as much general legislation; that is, it infracts the present law; changes it; and being a subject of general policy it is general legislation although confined to one subject. We have had this up—

Mr. BAILEY. If it were confined to one subject but applicable to that subject wherever found, I could understand it to be general legislation. But the difference—and the Senator catches what I am now trying to do—between special and general legislation is that special legislation applies to a particular district, State, or even to a particular class.

Mr. HALE. No; that is not the rule.

Mr. BAILEY. Then the rule means no more than new legislation.

Mr. HALE. No; it is not even that. It excludes general legislation, under old rulings made at the time when I first entered the Senate. Anything that is not private legislation is general legislation. You can not bring it outside of the rule by selecting a given State or county, because that changes the law just as much as though you applied it to a whole State or the whole United States. The distinction is between what I would call public legislation and private legislation.

Right here—and the Senator, as a lawyer, will see the force of it—there has been a general idea, and the Senate is subject to encroachment by the assumption that certain things which are not in order in the House because their rule says "new legislation" are in order in the Senate; and in scores of cases propositions, meritorious in themselves, are thrown out in the House on their proposition of new legislation upon the theory of turning them over to the Senate and that the point is not as good here as there.

The truth is that every old occupant of the chair for years has held, when he came to make a ruling, that that language does not distinguish it from the condition in the Senate. Anything subject to a point of order in the House, under their phrase of "new legislation," is subject to a point of order here under our proposition of general legislation.

Some of us on the Committee on Appropriations and on other committees having charge of appropriations have been restive because it is so frequent that our doors are beset by Senators and Members who want legislation here upon the theory that we can put anything on under our rules and the House can not. The truth is our rules—

Mr. BAILEY. The House now insists that nothing shall be done here that is not in consonance with their rules. The Senator knows that is now the contention.

Mr. HALE. I claim that our rules are substantially the same as theirs and that our term "general legislation" excludes just as much as their phrase "new legislation."

Mr. BAILEY. It is not altogether excusable in me to try to educate myself at the expense of the Senate, but I am going to have this out before I finish.

Then, as I understand the rule, it would be this: There is no difference between general and special legislation, and if I were to offer an amendment—

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

The PRESIDING OFFICER. The Senator from Texas has the floor.

Mr. BAILEY. I have the floor.

The PRESIDING OFFICER. The Senator from Texas was recognized.

Mr. HEYBURN. The Chair recognized me when I rose, and it has been so long I suppose that the memory of man runneth not to the contrary. However, I will wait.

Mr. BAILEY. My memory is longer than that. It will at least cover the day, although that is not true of all Senators.

Here is the point I want now to emphasize: Suppose I were to offer an amendment authorizing the President to appoint

John Randolph a brigadier-general in the Army of the United States. Plainly, that is not general legislation, and it carries no appropriation.

Mr. HALE. No; but the Senator is entirely wrong. That is just as much general legislation as if it provided for the appointment of two brigadier-generals, or six or ten or an entire revolution of the army.

Mr. BAILEY. If I were to propose that the President might appoint three brigadier-generals in the army from the population of the United States at large it would be general legislation. But a measure that confines it to a particular one—

Mr. HALE. No; this is general legislation.

Mr. BAILEY. Let me go one step further. Let me suppose that I should introduce an amendment proposing that Caroline Madison should be permitted to bring suit in the Court of Claims against the Government of the United States. That can not, by any stretch of the imagination, be considered general legislation. But if it is within the rule, I am content—

Mr. HALE. I am not certain that would not be general legislation.

Mr. BAILEY. Surely the Senator does not mean that within the ordinary definition it would be general legislation.

I served in the House ten years ago, and I think my memory even goes back to that period. My recollection is that in the House the point of order was that it changes existing law, and any amendment that changed the existing law was subject to the point of order.

Mr. HALE. Ours is substantially the same.

Mr. BAILEY. I am satisfied, Mr. President. I have learned that there is no distinction between general legislation and special legislation within the rule, and I have no desire to press the point of order.

The PRESIDING OFFICER. The Chair understands the Senator from Texas to withdraw his point of order?

Mr. BAILEY. I withdraw the point of order.

The PRESIDING OFFICER. The point of order is withdrawn, and the question is on agreeing to the amendment offered by the Senator from Idaho.

Mr. NELSON. Is the point of order withdrawn as to Alaska?

The PRESIDING OFFICER. The Chair so understands. It will be when we reach that. The Secretary will report the amendment offered by the Senator from Idaho. Has the Senator from Idaho any objection to putting it in the bill as a separate paragraph, after line 15?

Mr. HEYBURN. I have not.

The SECRETARY. On page 107, after line 15, insert:
Toward surveying lands of the United States in the State of Idaho, \$100,000.

Mr. CLAY. Mr. President, I do not like to oppose an amendment offered by a Senator for his own State and affecting the interests of his State, but, to say the least of it, it is certainly bad policy to adopt on the floor an amendment of this kind and character, appropriating \$100,000, without the amendment having been investigated by the committee, and without any report having been made upon it by either a standing committee or any of the departments. The Senate, when it acts, ought to have information, and committees are organized and appointed for the purpose of ascertaining facts and making a report to the Senate.

Mr. President, when you adopt an amendment of this kind, which may be all right, and I do not say it is not, when you begin a policy of this kind, you make, in my judgment, an egregious blunder. How do Senators know that this is a proper amendment? What information has the Senate that this amendment ought to be adopted? Does the Committee on Appropriations know it? Has the Committee on Appropriations heard of facts to show that this is a proper amendment? Have any of the heads of the departments reported in favor of this amendment?

Mr. President, if we are going to pursue the policy of simply adopting amendments because they are presented by Senators, when committees have had no facts to consider, and the heads of departments have presented no facts in regard to them, it places us in rather an embarrassing situation.

Mr. HEYBURN. Mr. President—

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

Mr. CLAY. Yes.

Mr. HEYBURN. I am quite sure that the Senator from Georgia recognizes the fact that the committee is the agent of the Senate, and not its master. The committee in this case received the bill, according to the indorsement upon the back of

it, late one day and reported it the next morning. When could a Senator have appeared before the committee?

Mr. CLAY. I will say to the Senator, if it is not improper to do so, that every amendment introduced by a Senator and referred to the Committee on Appropriations was thoroughly considered before the bill reached the Senate.

Mr. HEYBURN. But there was no bill in the Senate until the 6th.

Mr. CLAY. That may be true, but when Senators introduce an amendment to an appropriation bill it is highly proper for the committee to look over it and to compare it with the facts. When was this amendment introduced? Was it ever referred to the Committee on Appropriations?

Mr. HEYBURN. The Committee on Appropriations did not have the bill in its possession twenty-four hours. There was no opportunity to refer it.

Mr. CLAY. It may be a proper amendment, but does not the Senator think the amendment ought to have been introduced and referred to the committee? It could have been introduced a week or ten days ago. Amendments to the river and harbor bill are often introduced and referred to the Committee on Commerce long before the river and harbor bill reaches the Senate. That is often the case. There were over 75 amendments introduced to this bill on the floor of the Senate and referred to the Committee on Appropriations before the bill passed the House.

Mr. BORAH. Mr. President—

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

Mr. CLAY. Certainly, I yield to the Senator, with pleasure.

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

The SECRETARY. A bill (H. R. 24070) to authorize the President of the United States to make withdrawals of public lands in certain cases.

Mr. HALE. I ask that the unfinished business be temporarily laid aside.

The PRESIDING OFFICER. Without objection, the unfinished business will be temporarily laid aside.

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

Mr. BORAH. The Senator from Georgia may be correct, technically speaking, with reference to the matter which he is discussing, but it is a technicality which will do a great deal of injury or harm in this particular instance. There can be no possible doubt, from the facts which were presented by my colleague this morning, and facts which are within the knowledge of all Senators who represent public-land States, that the people who are being injured for want of a survey are the common people who are undertaking to make homes upon the public land. It will appeal to the Senator from Georgia at once that these public lands which they are attempting to settle upon ought to be surveyed.

Mr. CLAY. With the Senator's permission, the Senators from that State state that this amendment is needed, and I am going to withdraw my objection to it, but I do hope that hereafter when amendments of this character are to be adopted they will be submitted and referred to the Committee on Appropriations, and that we will, at least, have an opportunity to pass upon them and present them to the Senate.

Mr. NELSON. Mr. President, I desire to make just a brief statement. The appropriation in reference to Alaska was recommended by the Secretary of the Interior. It was referred to the Committee on Public Lands. The Committee on Public Lands adopted an amendment and referred it to the Committee on Appropriations. So we are strictly within paragraph 2 of Rule XVI, and the amendment is clearly in order.

Mr. HALE. The Senator is entirely correct about that.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Idaho.

The amendment was agreed to.

The PRESIDING OFFICER. The Chair understands that the point of order as to the next amendment and the other amendments is withdrawn.

Mr. HEYBURN. Mr. President, I prefer to withdraw it on my own account. It will be withdrawn when I withdraw it.

The PRESIDING OFFICER. The Chair so understands.

Mr. HEYBURN. With the understanding, both expressed and implied, under which the point of order to my amendment was withdrawn, I will withdraw the point of order which I have urged against the amendments in italics which have been under consideration; but it is with that understanding only.

I desire to say, Mr. President, while I have the floor, the discrimination, if I may so term it, which was expressed by the

Senator from Maine, wherein he emphasized with an emphasis that will not appear with his words in the RECORD when he distinguished between his acquiescence in a question as I presented it and as my colleague presented it, is a matter that I desire to have appear in my language in the RECORD. It is not, in my judgment, proper for the chairman of a committee, having charge of a bill on the floor, to discriminate between Senators who ask the same thing and in the same manner. The Senator suggested that I accompanied my statement with a threat. The RECORD will not bear out that statement. The amendment was introduced in good faith; it has been adopted by the Committee of the Whole, and in acting upon that pledge of good faith I withdraw my point of order urged against the other States, so that they will now stand on an equal footing.

The PRESIDING OFFICER. The question is on agreeing to the amendments. Without objection, they will be agreed to.

Mr. HALE. While we are passing on this part of the bill, on page 108—

Mr. NELSON. I think the amendments in italics have not yet been agreed to.

The PRESIDING OFFICER. The Chair has just stated that they were all agreed to.

Mr. HALE. They were all agreed to.

Mr. NELSON. The Alaska amendment?

The PRESIDING OFFICER. The Alaska amendment also.

Mr. HALE. The Alaska amendment. Accompanying that the provisions in lines 16 and 17 should be stricken out. I move to strike out lines 16 and 17, on page 108, in the following words:

Toward the subdivisional surveys of public lands in the District of Alaska, \$40,000.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. HEYBURN. It seems to me it will be appropriate now, in line 18, page 108, after the word "Montana," to insert the word "Idaho," we having adopted the amendment for surveys in Idaho.

Mr. HALE. There is no objection to that.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 108, line 18, after the word "Montana" to insert the word "Idaho."

The amendment was agreed to.

Mr. HALE. The next item that I have marked is on page 115.

The PRESIDING OFFICER. It will be stated.

The SECRETARY. On page 115, the committee propose to insert at the top of the page the following paragraph:

The Secretary of the Interior be, and he is hereby, authorized to pay, out of any tribal funds in the Treasury of the United States, belonging to the Seminole tribe of Indians, the sum of \$6,000, or so much thereof as may be necessary, to be expended under the direction of the Attorney-General, for the payment of all and any necessary expense incurred incident to any suits brought at the request of the Secretary of the Interior, including the salary of an attorney specially employed, to set aside illegal conveyances of title or protecting the possession of Seminole allottees to their allotted lands in the Seminole Nation, \$6,000.

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

Mr. HALE. By agreeing to this amendment the whole matter is left with the conference and it can consider whether this shall be charged to the fund or to the United States.

Mr. OWEN. Mr. President, I am content with that adjustment by the committee, to leave it with the conference. There are three items bearing upon the same subject, however. I should like to call attention to the Kickapoo item, which is another one.

Mr. HALE. I was just going to call that up.

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

The amendment was agreed to.

Mr. HALE. The next one on my memorandum is on page 126.

The PRESIDING OFFICER. It will be stated.

The SECRETARY. On page 126, after line 24, the committee propose to insert:

For the payment of any and all expenses, incurred or to be incurred, in or about prosecutions for crimes committed in the United States or the Republic of Mexico in connection with the false making or unlawful procurement of conveyances purporting to affect title to lands in Oklahoma allotted to Kickapoo Indians, \$20,000, to be available until expended, at the discretion of the Attorney-General, the provision of section 3648 of the Revised Statutes to the contrary notwithstanding.

Mr. OWEN. Mr. President, I think that items of this character ought to go to the Committee on Indian Affairs for con-

sideration; but I will make no objection to the matter at present, leaving it to the conferees to dispose of. As far as the Kickapoo item is concerned, I have no objection to it, but there is another item which I shall call up immediately after that is disposed of.

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

The amendment was agreed to.

Mr. HALE. What is the other item?

Mr. OWEN. The other item is on page 128, from line 12 to line 20, suits to set aside conveyances of allotted lands, Five Civilized Tribes, \$50,000. I should like to ask the consent of the Senate to have that go out, and I offer as a reason for it—

Mr. HALE. The Senator is quite right about that. Let it be stricken out, and it will also go into conference.

The PRESIDING OFFICER. Does the Senator desire to have the entire paragraph stricken out?

Mr. HALE. The entire paragraph.

The PRESIDING OFFICER. It will be stated.

The SECRETARY. On page 128, strike out line 12 to line 20, inclusive, in the following words:

Suits to set aside conveyances of allotted lands, Five Civilized Tribes: For the payment of necessary expenses incident to any suits brought at the request of the Secretary of the Interior in the eastern judicial district of Oklahoma, to be expended under the direction of the Attorney-General, \$50,000: *Provided*, That the sum of \$10,000 of the above amount, or so much thereof as may be necessary, may be expended in the prosecution of cases in the western judicial district of Oklahoma.

The amendment was agreed to.

Mr. NEWLANDS. I wish to inquire whether the item of surveys in Nevada on page 107 remains in the bill?

The PRESIDING OFFICER. It does.

Mr. HALE. Yes. Now, the committee has introduced all its amendments. The reserved clauses in the bill have been perfected and adopted, and the bill now is, of course, in Committee of the Whole and open to amendment.

Again, in the interest of dispatch of business I call the attention of the Senate to the fact of the understanding last night that we would perfect the bill by committee and other amendments before taking up the first proposition in the bill in relation to the appropriation of \$250,000.

Mr. JONES. In behalf of my colleague, as well as myself, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The Senator from Washington offers an amendment, which will be read.

The SECRETARY. On page 124, after line 12, insert the following:

Penitentiary, McNeil Island, Washington, construction: For continuing construction, including necessary material and machinery, \$40,000, to be available and to remain available until expended, and to be so expended as to give the maximum amount of employment to the inmates of said penitentiary.

Mr. HALE. Let me ask the Senator whether this additional appropriation has been recommended by any of the standing committees of the Senate or has been estimated for in a regular estimate by the department?

Mr. JONES. It has been estimated for by the department. I do not think it has been passed upon by any standing committee of the Senate, but an estimate has come from the Department of Justice, I believe it is, for this amount.

Mr. HALE. Has the Senator that estimate here?

Mr. JONES. I have the estimate in the Book of Estimates.

Mr. HALE. I am making these inquiries because it is an indication of what I must do—

Mr. JONES. I understand.

Mr. HALE. Upon all amendments that are submitted. If they are subject to the rule, I shall have to invoke the rule.

Mr. JONES. On page 366 of the Book of Estimates there is an estimate of \$25,000 for this penitentiary. There is a supplementary estimate, according to the statement from the representative of the Department of Justice in the hearings before the subcommittee, recommending \$40,000 instead of \$25,000. It will be found on page 662 of the hearings before the subcommittee of the House.

Mr. HALE. Is it for precisely the same subject-matter of the Senator's amendment?

Mr. JONES. It is.

Mr. HALE. And in the Book of Estimates?

Mr. JONES. And in the Book of Estimates, page 366.

Mr. HALE. Will the Senator read the language of the estimate?

Mr. JONES. It is as follows:

For continuing construction, including necessary material and machinery, \$25,000, to be immediately available and to remain available

until expended, and to be so expended as to give the maximum amount of employment to the inmates of said penitentiary.

On page 662 of the hearings of the testimony of Mr. McGlasson, he says:

The warden of the institution has asked since this estimate was made—

That is, the \$25,000 estimate—

that the estimate be raised to \$40,000, and to be used in the continuation of the construction of buildings, for building an inclosure wall, including all necessary materials, and machinery for building and wall construction.

Mr. HALE. I think the amendment comes within the rule, Mr. President.

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

The amendment was agreed to.

Mr. SMOOT. I offer an amendment to come in on page 186, after the word "appropriations," in line 9.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 186, line 9, after the word "appropriations," insert:

That the messages and papers of the President of the United States, manuscripts and portfolios of the State Department, valuable or rare books and manuscripts for the Library of Congress, may be bound in full Morocco, or levant, when the necessity therefor is certified to the Public Printer by the Executive Office, the Secretary of State, and the Librarian of Congress, respectively, and only when approved by the Joint Committee on Printing of Congress.

Mr. HALE. I must ask the Senator whether the amendment is reported from the Committee on Printing, and whether it also has the recommendation of the department.

Mr. SMOOT. It has been reported from the Joint Committee on Printing and has the approval of the Secretary of State, the Librarian of Congress, and the Public Printer.

Mr. HALE. That is sufficient, Mr. President.

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

The amendment was agreed to.

Mr. OLIVER. In behalf of my colleague, I offer an amendment to be inserted after line 4, on page 46.

The PRESIDING OFFICER. The Senator from Pennsylvania offers an amendment, which will be read.

The SECRETARY. On page 46, after line 4, under the head of Smithsonian Institution, insert the following:

Seismological laboratory: For organization and maintenance of a seismological laboratory, under the direction of the Smithsonian Institution, including the salaries of assistants, the purchase of necessary apparatus, books, and periodicals, including payment in advance for subscriptions, the establishment of observing stations, the collection of seismological data, the study and investigation of special earthquake regions in North America, the organization of parties for the investigation of special earthquakes and volcanic eruptions in any part of the world, and miscellaneous expenses, \$20,000.

Mr. HALE. The committee rejected this amendment. It was not reported by a committee.

Mr. OLIVER. The RECORD shows that it was reported favorably by the Committee on the Geological Survey. I think the Senator is in error in saying that it was not reported by a committee.

Mr. HALE. The amendment has no recommendation from any committee of the Senate.

Mr. OLIVER. It was reported favorably by the Committee on the Geological Survey, and the Senator from New Jersey [Mr. Briggs] had charge of it. He unfortunately is not here to-day. It is an amendment that my colleague, who is sick, is very much interested in, and one in the interest of science and of scientific research. It is not a large amount, and I think it ought to be adopted. Am I not right that it was reported from a committee?

The PRESIDING OFFICER. The Chair understands that it was reported by the Committee on the Geological Survey. The amendment so states.

Mr. HALE. Where is the report on the amendment?

The PRESIDING OFFICER. It was reported on April 12.

Mr. HALE. Let the report be read. The committee had no knowledge that any standing committee at this session had reported this distinctive amendment proposed by the Senator from Pennsylvania. Unless it is shown that this distinctive amendment has been reported at the present session by a standing committee of the Senate, I must insist on the point of order.

The PRESIDING OFFICER. It has been reported, the Chair will state to the Senate; but he did not know it had been reported until yesterday, when his attention was called to it and the report was handed to him.

Mr. GALLINGER. The Chair will take note of the fact that under the terms of rule 16 it is not only required that an

amendment shall be reported from a standing committee of the Senate, but that one day preceding its consideration it shall be referred to the Committee on Appropriations. That is a part of the rule.

Mr. OLIVER. The amendment that I offer shows on its face that it was reported from the committee favorably and by the Committee on the Geological Survey referred to the Committee on Appropriations.

Mr. GALLINGER. That covers the whole case.

Mr. HALE. Is it the same distinctive proposition?

Mr. OLIVER. It is the same distinctive proposition exactly.

Mr. HALE. Let the amendment be read as reported.

The PRESIDING OFFICER. The amendment will be again read.

The Secretary again read the amendment.

Mr. HALE. I take the word of the Senator from Pennsylvania that this is precisely the proposition he now submits.

Mr. OLIVER. I only take what is on the face of the amendment as offered by my colleague [Mr. PENROSE] and as reported.

Mr. HALE. Absurd as it is, and sentimental as it is, the Senator has shown that it comes within the rule.

Mr. GALLINGER. Technically it does.

Mr. CLAY. With the Senator's permission, does the Senator think the Committee on Appropriations is bound to adopt every amendment referred to other committees and brought before the Committee on Appropriations?

Mr. HALE. No, I do not; but I say the Senator from Pennsylvania has brought himself within the rule.

Mr. CLAY. I think that is true.

Mr. HALE. Now, the Senate must decide whether it will adopt the amendment or not.

Mr. CLAY. I ask the Senator from Maine, is it not true that this amendment was thoroughly considered by the Committee on Appropriations and defeated?

Mr. HALE. It was; but it is fair to say that at that time a standing committee of the Senate had not yet reported it, and it went out because it had no backing. We could not consider it. We rejected it, first, because we did not believe in it, and we rejected it because it had no authority. Now, it is for the Senate to say whether it will adopt the amendment. The point of order is not good, because the Senator has brought himself within the rule.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Pennsylvania.

The amendment was rejected.

Mr. GUGGENHEIM. I offer an amendment, which I trust the chairman of the committee will accept, for it means a great deal to certain people in the State of Colorado and it does not require any appropriation.

Mr. HALE. And is not legislation?

Mr. GUGGENHEIM. I did not make that statement.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. On page 119, after line 14, insert:

That the Secretary of the Interior may, upon terms and conditions to be fixed by him, grant leases and permits for the use of the lands or development of the resources thereof in the Mesa Verde National Park, and the fund derived therefrom shall be covered into the Treasury of the United States as a special fund, which is hereby appropriated and may be expended, under the direction of the Secretary of the Interior, in the administration, protection, and improvement of the park and the ruins in the 5-mile strip south of the park and the construction and improvement of roads leading thereto: *Provided*, That such leases or privileges shall not include any of the prehistoric ruins in said park or exclude the public from free and convenient access thereto.

Mr. HALE. I am obliged to raise the question on the Senator as I have in the case of other Senators. I make the point of order that it is legislation.

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. GUGGENHEIM. I am sorry the Senator has done that. I have another amendment which I should like to submit.

The PRESIDING OFFICER. The Senator from Colorado sends to the desk an amendment, which will be read.

The SECRETARY. It is proposed to insert:

To enable the Secretary of the Treasury to pay to the Pueblo Board of Control Association of Pueblo, Colo., to assist in defraying the expenses of the National Irrigation Congress to be held in that city commencing September 26, 1910, \$50,000.

Nothing in this section shall be construed so as to create any liability upon the part of the United States, directly or indirectly, for any debt or obligation incurred or for any claims for aid or pecuniary assistance from Congress or the Treasury of the United States in

support or liquidation of any debts or obligations that may be created on account of said National Irrigation Congress beyond the sum hereby appropriated.

Mr. HALE. I am sorry on account of the Senator from Colorado, who has offered the amendment, but I am constrained to make the point of order that it is subject to all the provisions of Rule XVI.

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. PAGE. I desire to offer an amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. On page 156, after the word "station" in line 23, strike out the remainder of the paragraph and insert in lieu thereof the following:

And Holden, Vt., auxiliary station: Superintendent, \$1,500; foreman, \$1,200; fish culturist, \$900; skilled laborer, \$720; four laborers, at \$600 each; in all, \$6,720.

Mr. HALE. Is the amendment recommended by any standing committee?

Mr. PAGE. It is simply an addition to the appropriation for the St. Johnsbury station, and is recommended by Document No. 659 of the Bureau of Fisheries. It adds \$2,400 to the appropriation.

Mr. GALLINGER. It is a station auxiliary to the St. Johnsbury station, is it not, I will ask the Senator?

Mr. PAGE. It is. I wish to say that I have looked this bill through from cover to cover, and I believe this is the only place in the bill where Vermont appears. We ask for \$2,400 for that station, and I hope it will be allowed.

The amendment was agreed to.

Mr. OWEN. I offer an amendment on page 119.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 119 strike out lines 22, 23, and 24 and insert:

For care, improvement, and maintenance of Platt National Park, including all personal service, \$25,000; and the municipality of Sulphur is hereby authorized to construct, at its own expense, a sanitary sewer for said city over and through the lands now embraced within the Platt National Park, the work to be executed under the supervision and regulation of the Secretary of the Interior.

Mr. OWEN. Of course the amendment is subject to a point of order as far as a sanitary sewer is concerned, yet it is difficult to get legislation in regard to the matter. This is a very important sanitary requirement for a town of about five or six thousand people. I have a letter from the Secretary of the Interior recommending the appropriation of \$25,000, in which he says that it is essential to have that amount in order to carry on the work there and to provide for the proper administration, protection, and improvement which are required.

I would like to have the letter go into the Record without reading, unless the Senator cares to have it read.

Mr. HALE. I should be glad to have it inserted in the Record without reading.

The PRESIDING OFFICER. It will be so ordered, in the absence of objection.

The letter referred to is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, June 3, 1910.

HON. ROBERT L. OWEN,
United States Senate.

SIR: I am in receipt of your telegram of this date reading as follows: "Will you kindly furnish me with reason justifying appropriation for Platt National Park, and amount needed for such purpose?"

In response I have to say that this department heretofore submitted an estimate for an appropriation in the sum of \$25,000 for the protection and improvement of Platt National Park, Oklahoma, for the fiscal year ending June 30, 1911. The sundry civil bill now pending before the House of Representatives contains an item appropriating \$5,000 for the purposes above mentioned. This amount will be barely sufficient to pay the salaries of the park employees, and it is suggested that the item be amended so as to carry an appropriation of \$25,000 for the management, protection, and improvement of the park. If this is done, it will enable the department to erect an administrative building and to repair the superintendent's office building, which is in a very dilapidated and unserviceable condition; to construct a dam and wagon road bridge across Travertine Creek at a point just south from First street west, where the railroad from the east part of the town leads into Brookside trail and joins the main road leading south across the park; to repair rangers' cabins, which are also in bad condition; and do effective work on roads, trails, fencing, and the marking of the boundary, etc.

A recent inspection of the park by the chief clerk of this department shows that \$25,000 at least will be needed for the administration, protection, and improvement of the park during the next fiscal year.

Very respectfully,

R. A. BALLINGER, Secretary.

DEPARTMENT OF THE INTERIOR.
PLATT NATIONAL PARK, OFFICE OF SUPERINTENDENT,
Sulphur, Okla., March 22, 1910.

Hon. FRANK B. BRANDEGER,
United States Senator from Connecticut,
Washington, D. C.

SIR: On December 15, 1909, I transmitted to the honorable Secretary of the Interior a report in detail covering improvements which I consider immediately and absolutely necessary in Platt National Park. As you, of course, are aware, this park is a memorial perpetuating the name of the late Senator Orville H. Platt, of Connecticut, who was responsible for its creation, and I am desirous of obtaining your full cooperation in an effort which is at present being made to induce Congress to make an appropriation for the purpose of improving and beautifying the park.

Would like to have you call upon Secretary Ballinger and obtain the above-mentioned report, familiarize yourself with the needs of the park as shown therein, and bring this report up before the committee so that they may know exactly what is necessary.

I appeal to you particularly as being Senator Platt's successor, and shall hope that every member of the Connecticut delegation will do all that is in their power to aid our Oklahoma delegation to get this appropriation.

Very respectfully,

WILL J. FRENCH.

Mr. OWEN. I hope that the amendment will be acquiesced in, and that the conference committee will then be at liberty to do as they think proper about it.

Mr. HALE. I am sorry that under the rule which I have observed I must insist upon the point of order.

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. OWEN. Does the Chair hold that the point of order would lie against the increase of the amount appropriated?

The PRESIDING OFFICER. Not only against the amount, but the amendment proposes general legislation.

Mr. HALE. The whole amendment?

The PRESIDING OFFICER. The whole amendment is general legislation.

Mr. McENERY obtained the floor.

Mr. OWEN. Then an amendment—

The PRESIDING OFFICER. The Chair has recognized the Senator from Louisiana [Mr. McENERY]. The Chair thought the Senator from Oklahoma had yielded the floor.

Mr. OWEN. I have yielded the floor, but I ask the Senator from Louisiana for a moment only, as it will take me but a moment to dispose of the matter.

Mr. McENERY. Mr. President—

Mr. OWEN. I will not, however, interrupt the Senator from Louisiana.

Mr. McENERY. Mr. President, I offer the amendment which I send to the desk, and I desire to make a few remarks relative thereto.

The PRESIDING OFFICER. The Secretary will state the amendment proposed by the Senator from Louisiana.

The SECRETARY. It is proposed to insert at the proper place in the bill the following:

To enable the Secretary of Agriculture to investigate and report upon the drainage of swamp and other wet lands in Arkansas and Louisiana, beginning at the south line of the State of Missouri and continuing to the Gulf of Mexico, and to prepare plans for the removal of surplus waters by drainage; and to prepare plans for the necessary improvement of streams; and for the preparation and illustration of reports and bulletins on drainage, including rent and the employment of labor in the city of Washington and elsewhere; and the employment of consulting engineers and all other necessary expenses, \$150,000.

Mr. HALE. That is a clear piece of general legislation.

The PRESIDING OFFICER. The Chair sustains the point of order made by the Senator from Maine.

Mr. DIXON. On page 118, line 2, I wish to offer an amendment from a humanitarian standpoint, for there seems to be nobody especially to look after this matter. I move at that point in the bill to strike out the words "two thousand five hundred" and insert "four thousand," so as to make the appropriation \$4,000.

I want to make this statement, and it comes to me from some of the scientists of the Biological Survey, because they say the case is urgent. I know nothing about it from my own knowledge; but in the report of the superintendent of the Yellowstone National Park for last year he earnestly requests that the appropriation for the care of the buffalo of the Yellowstone National Park be increased from \$2,500 to \$4,000 per annum. He says in his report, on page 11, that the \$2,500 appropriation has been the appropriation for twenty years past; that the herd has increased in that time from about 25 to over 100 head, with the appropriation remaining just the same. I read from the report of the superintendent merely these few words—

Mr. HALE. The Senator need not do that. I think this is a meritorious proposition.

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

The amendment was agreed to.

Mr. HALE. Mr. President, at the bottom of page 119, in order that the matter may be open to conference, in line 24, I move to change the appropriation of \$5,000 to \$20,000.

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

The SECRETARY. On page 119, in line 24, after the word "service," it is proposed to strike out "\$5,000" and insert in lieu thereof "\$20,000," so as to read:

Platt National Park, Oklahoma: For care and maintenance of Platt National Park, including all personal service, \$20,000.

The amendment was agreed to.

Mr. CHAMBERLAIN. I offer the amendment which I send to the desk.

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

The SECRETARY. On page 120, after line 3, it is proposed to insert:

Crater Lake National Park: For surveying, locating, platting, and preparing specifications, plans, and estimates for a comprehensive system of roads and trails in Crater Lake National Park, Oregon, and to cover all expenses incident thereto, \$15,000.

Mr. CHAMBERLAIN. In reference to that—

Mr. HALE. Mr. President, there is a provision in the bill, if the Senator from Oregon will allow me to call his attention to it, on page 119, in reference to this matter.

Mr. CHAMBERLAIN. I know there is, Mr. President.

Mr. HALE. If there is anything put into the bill it should be in connection with that provision. I ask the Secretary to read the provision in the bill relating to Crater Lake National Park.

The SECRETARY. On page 119, beginning in line 5, the provision is:

Crater Lake National Park, Oregon: For protection and improvement of the Crater Lake National Park and repairing and extension of roads, \$3,000.

Mr. HALE. Now, let the amendment proposed by the Senator from Oregon [Mr. CHAMBERLAIN] be read.

The PRESIDING OFFICER. The Secretary will read the amendment.

The SECRETARY. It is proposed by Mr. CHAMBERLAIN to insert:

Crater Lake National Park: For surveying, locating, platting, and preparing specifications, plans, and estimates for a comprehensive system of roads and trails in Crater Lake National Park, Oregon, and to cover all expenses incident thereto, \$15,000.

Mr. HALE. That is an increase of the appropriation and also of its scope. Has the Senator from Oregon any report from a standing committee or the estimate of the Treasury Department for this amendment?

Mr. CHAMBERLAIN. I have, Mr. President; and, in addition to that, there is a recommendation from the Secretary of the Interior, the Secretary of Agriculture, and from the Geological Survey.

Mr. HALE. Those are not essential. The question I ask the Senator is whether he has either the report of a standing committee or an estimate from the Secretary of the Treasury for his proposed amendment.

Mr. CHAMBERLAIN. I have a report from the Committee on Public Lands of the Senate.

Mr. HALE. For this distinctive amendment?

Mr. CHAMBERLAIN. Yes, sir. I will state the reason for the amendment, if you desire to hear it.

Mr. HALE. No; what the Senator has stated brings the amendment within the rule.

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

The amendment was agreed to.

Mr. DEPEW. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 192, at the end of line 21, it is proposed to insert:

For commencement of Panama Canal fortifications, \$250,000.

Mr. DEPEW. Mr. President, the President recommended in a message to Congress that the fortifications for the Panama Canal should be commenced, and stated that if they were not commenced this year the canal would be completed before the fortifications were there.

A board appointed by the President consisting of Generals Crozier, Murray, Marshall, Wotherspoon, and other officers recommended an appropriation of \$4,000,000 for this purpose this year. My interest in the matter is just this: The Watervliet Arsenal, at Troy, N. Y., is the best arsenal of its kind for the

manufacture of heavy ordnance that there is in the United States. It has made, I think, most, if not all, the ordnance for the coast fortifications. The coast fortifications have now received all the ordnance which they require. Unless something can be done that arsenal will be closed and a large number of expert workmen, whose places it would be very difficult, if not impossible, to fill, would be thrown out of employment and scattered throughout the country. General Crozier says that an appropriation of \$250,000 would enable him to commence at that arsenal the making of these large cannon for the canal, and by giving full employment to the force to carry on the work until Congress can act upon the larger appropriation for the complete fortifications of the Panama Canal.

Mr. HALE. Mr. President, I am constrained to make the point of order on the amendment.

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. SMOOT. On page 113, in line 20, after the word "hundred," I move to insert the words "and fifty," so that the appropriation will be "\$150,000 for gauging the streams and determining the water supply of the United States."

Mr. HALE. Has the Senator from Utah any estimate from the Treasury Department for that?

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

The SECRETARY. On page 113, line 20, after the word "hundred," it is proposed to insert "and fifty," so as to make the appropriation \$150,000.

Mr. HALE. This is a clear case of increasing an appropriation, which must be done either under an estimate from the Treasury Department or by the report from a standing committee of the Senate.

Mr. SMOOT. I doubt whether there is an estimate made from the Treasury Department, but I want to say to the Senator from Maine that this is recommended by the Secretary of the Interior and by the Geological Survey. It is a most important thing to every public-land State, especially from the fact that of late years, since the enlarged homestead law has been put into operation, the selection of lands under that law has placed a burden upon the Interior Department, and the matter must be examined before the lands are designated under the law. One hundred thousand dollars, the amount that has been appropriated in the past, does not take this law into consideration at all.

Mr. HALE. What was the appropriation last year?

Mr. SMOOT. It was \$100,000, and the estimate of the Secretary of the Interior is \$200,000; but I thought perhaps the first year we could get along with \$50,000 extra, and so I only ask for \$50,000. I repeat this appropriation is of large importance to the public-land States provided for in the bill, and I ask the Senator from Maine if he will not agree to the amendment?

Mr. HALE. Is the Senator from Utah certain that the head of the department has recommended it?

Mr. SMOOT. I am positive of it, Mr. President, and I have a letter here—

Mr. HALE. I do not ask for letters. On the Senator's statement, I shall not oppose the amendment.

The amendment was agreed to.

Mr. CARTER. I offer an amendment to come in on page 77, which I send to the desk.

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

The SECRETARY. After the words "United States," in line 23, page 77, it is proposed to insert a colon and the following:

Provided, That the provisions of an act entitled "An act to regulate the establishment and maintenance of private hospitals and asylums in the District of Columbia," approved April 20, 1908, shall hereafter not apply to Providence Hospital or the Garfield Memorial Hospital.

Mr. HALE. I make the point of order that the amendment proposes general legislation, Mr. President.

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. CARTER. Mr. President, that proposition has been approved by the Committee on the District of Columbia.

Mr. HALE. Yes; but that does not affect the point of order that it proposes general legislation. It is a pure piece of proposed legislation.

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. NEWLANDS. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 118, at the end of line 20, it is proposed to insert:

And the President is authorized to bring into coordination and cooperation the various services and bureaus of the Government, through such boards, composed of officials thereof, as he may deem necessary.

Mr. NEWLANDS. Mr. President—

Mr. HALE. I make the point of order against the amendment that it proposes new legislation.

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. NEWLANDS. I should like to be heard.

Mr. HALE. The Chair has already ruled upon it. It is clearly subject to the point of order.

Mr. NEWLANDS. I wish to be heard upon the question, I think the amendment is not subject to the rule.

The PRESIDING OFFICER. The Chair has already sustained the point of order made by the Senator from Maine.

Mr. HALE. Regular order!

Mr. NEWLANDS. I understand it is the custom of the Chair to hear arguments when a point of order is raised.

Mr. HALE. It is in the discretion of the Chair; it has been done.

Mr. NEWLANDS. Do I understand the Chair declines to hear discussion?

The PRESIDING OFFICER. If the Senator from Nevada can enlighten the Chair that this is not general legislation, very well.

Mr. NEWLANDS. I think I can convince the Chair that the amendment is germane to this portion of the bill, which itself is new legislation.

Mr. HALE. Mr. President, I ask that the Senator be subjected to the same course that has been pursued in other matters. The Chair has ruled promptly on these matters, and everybody has been treated alike.

Mr. NEWLANDS. I understand that; but this is different, for this is not a question of new or general legislation. It is a question of amending a matter of new legislation which has been inserted in the bill by the committee. That new legislation consists of an authorization practically to the Secretary of the Interior to bring into coordination with him a board of engineers of the army and to pay their expenses. That is absolutely forbidden by existing law. We have, therefore, an appropriation for a purpose not authorized by law, unless you regard this as an authorization to appoint such a board. If this be an authorization to appoint a board, then it is clearly germane to offer an amendment enlarging the operation of that legislation.

Mr. HALE. The Senator is out of order in debating the matter; but the provision to which the Senator refers not only does not make a board, but provides that experts may be selected outside of the department. There is no provision for a board. That is entirely excluded, and the amendment proposes a simon-pure piece of new legislation, and I so understood the Chair to decide.

The PRESIDING OFFICER. The Chair so held.

Mr. NEWLANDS. Let me call the Senator's attention—

Mr. GALLINGER. Regular order, Mr. President.

The PRESIDING OFFICER. The Senator from Nevada is not in order.

Mr. JONES. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 117, between the paragraph ending with the word "Alaska," in line 22, and the paragraph beginning with the word "Yellowstone," in line 23, it is proposed to insert the following:

For the suppression of the traffic in intoxicating liquors among the natives of Alaska, to be expended under the direction of the Secretary of the Interior, \$12,000.

Mr. HALE. Mr. President, I make the point of order that that is an additional appropriation not recommended by the Treasury Department nor by any committee.

Mr. JONES. Mr. President, I will say that no estimate has come in, but it seems to me that it is pursuant to and for the purpose of carrying out existing law. In the second session of the Sixtieth Congress we passed a law making it a felony to sell liquor to the natives in Alaska. We certainly ought to have money to carry out that law. That is the purpose of this amendment. There is no estimate for it.

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. BRANDEGEE. Mr. President, I should like to ask the chairman of the committee if the Senate amendment in lines 5

and 10, on page 174, striking out the House provision in regard to the investigation of structural materials by the Bureau of Standards was agreed to?

Mr. HALE. It was.

Mr. BRANDEGEE. Then I do not care to discuss the matter, but I have here a short statement affecting that question, by an expert, which I should like to put into the RECORD for the information of the conference committee.

The PRESIDING OFFICER. The Chair hears no objection to the request of the Senator from Connecticut.

The statement referred to is as follows:

ON THE TESTS OF STRUCTURAL MATERIALS MADE UNDER APPROPRIATIONS BY THE UNITED STATES.

The American Society of Civil Engineers advocated tests, which resulted in establishing the testing laboratory at Watertown Arsenal.

Among the members of the original United States test board were eminent civil engineers, among whom may be mentioned the late A. L. Holley and Prof. R. H. Thurston, whose high standing, professionally, is well recognized at home and abroad. The work participated in by these and other men of eminence has been since carried on for a term of twenty-nine years at the Watertown Arsenal.

During this period tests of all kinds of constructive material have been made, annually reported to Congress, and published in volumes which have been placed for public reference in some 500 or 600 state and public libraries and a liberal edition of the reports also made available for gratuitous distribution.

These annual reports have furnished reliable data which have been made use of liberally in current engineering publications, text-books of technical schools, and special treatises on constructive materials. Not a practicing engineer can probably be found who is not familiar with this source of information. The late Prof. J. B. Johnson, when professor of civil engineering at Washington University, St. Louis, Mo., remarked in his work on 'The Materials of Construction' as follows:

"There are to-day a few exceptionally fertile sources of exact information on subjects pertaining to the materials of construction, prominent among which may be named:

"1. The annual publications of the Results of Tests made at the United States Watertown Arsenal, Mass., beginning in 1882."

He enumerated five other sources, all of which laboratories are located abroad.

Probably there is no graduate of any of the technical schools of this country during the last twenty years who is unfamiliar with the work of the Watertown laboratory on structural materials.

Tests of metals, etc., has been the abbreviated title of these reports. The full title has been modified from time to time without the character of the work, however, having been changed. Of late years it has read, "Tests of metals and other materials for industrial purposes."

Down to the year 1891, the words "structural material" were used in the title—the full title for the year being "Report of tests on the strength of structural materials."

Some 20,000 printed pages of these tests comprise the record of results on structural materials, which results include tests on—

Cements and mortars.
Concrete, plain and reinforced.
Bricks and brick piers.
Building stones.
Timber.

Iron and steel, structural shapes and steel rails.
Cordage.

In fact, tests on the entire range of constructive materials are found in these reports.

Architects,
Engineers,
Steel manufacturers,
Cement manufacturers,
Brick manufacturers—

All have had these reports at their command.

Tests which were adequately provided for by the magnificent Emery testing machine, aided by the commercial testing machines of the times, have now reached an advanced stage, and for the further advance of knowledge in engineering and constructive arts more comprehensive apparatus are now required.

It would be futile and unwise for the Government to encourage tests on constructive materials unless a full equipment of allied physical apparatus is made available to work jointly on the advanced problems of the day. Such facilities should be of a different character and superior to those which are in the possession of the manufacturing concerns of the country, which latter are chiefly provided for ordinary tests of a routine nature.

This fact was recognized and within a very recent period representative engineers and manufacturers memorialized the authorities under whose jurisdiction the Watertown tests were being conducted for an enlargement of the facilities and scope of the tests there made on structural materials.

Under improved conditions at the Bureau of Standards, there has been given further expression to this desire, as witnessed in action taken by two of the leading engineering societies of the country, namely, the American Society of Civil Engineers of New York, and the Boston Society of Civil Engineers. Consonant with their recommendation, testing machines are being constructed for the Bureau of Standards of the Emery type, more powerful than those at Watertown Arsenal. These machines have been designed to meet the exacting conditions attending future testing of constructive materials. A building has been erected for the reception of these machines out of an appropriation made by Congress for the purpose. This location of the testing machines is especially favorable since they may be operated in conjunction with other closely allied apparatus which forms a part of the equipment of the bureau.

No more favorable outlook for advancing knowledge on the strength of constructive material can easily be conceived of than resulting from this action of Congress, by reason of which a complete equipment second to none in the world has thus been provided for. It is confidently believed that the greatest success will attend the logical consummation of the policy of concentrating work which forms one entity and one only, under one administrative head, as provided for in the organic act of Congress which established the Bureau of Standards.

JAMES E. HOWARD.

Mr. GALLINGER. Mr. President, in reference to the amendment relating to the exemption of labor organizations from the provisions of the Sherman antitrust law, I have several letters from manufacturing establishments in different parts of the country which I desire to have inserted in the RECORD, without reading.

The PRESIDING OFFICER. Without objection, it is so ordered.

The letters referred to are as follows:

ALBANY, N. Y., June 7, 1910.
Hon. JACOB H. GALLINGER,
Senate Committee on Appropriations, Washington, D. C.

DEAR SIR: We respectfully submit our opinion that the amendment to the sundry civil bill, passed by the House, is grossly discriminatory. We trust you will consider it very carefully in committee.

Respectfully, yours,
JNO. D. GREEN, Secretary.
(Representing the New York Credit Club and the New York State and Northern Pennsylvania Stove Manufacturers' Association.)

ALBANY, N. Y., June 7, 1910.
Hon. JACOB H. GALLINGER,
United States Senator from New Hampshire,
Washington, D. C.

DEAR SIR: As you are a member of the Senate Committee on Appropriations, we ask you to favor the omission of the amendment of the sundry civil bill and particularly the appropriation of the \$100,000 to enforce the Sherman antitrust law, whereby labor organizations are omitted from its provisions, and we ask you, if you consistently can, to stand out against the amended item as passed by the House.

Our reasons for being opposed are that we consider this to be another of the very many repeated attempts of labor organizations to secure class legislation, and we believe that the employers are already overburdened with laws of this class.

Yours, truly,
PETER KEELER BUILDING CO.,
EDW. A. KEELER, Secretary.

THE NEW YORK LUMBER TRADE ASSOCIATION,
New York, June 6, 1910.

Hon. JACOB H. GALLINGER,
Washington, D. C.

DEAR SIR: This association respectfully asks the Senate Committee on Appropriations and the Senate to omit the amendment as passed by the House, in Committee of the Whole, discussing the sundry civil bill, and particularly an appropriation of \$100,000 to enforce the Sherman antitrust law, which provides that no part of this money shall be spent in the prosecution of any organization or individual for entering into any combination or agreement having in view the increasing of wages, etc. Such legislation is extremely discriminatory and objectionable.

We ask your cooperation.
Yours, truly,
JESSE D. CRARY, Secretary.

THE EMPLOYERS' ASSOCIATION OF CHICAGO,
June 6, 1910.

Hon. JACOB H. GALLINGER,
Washington, D. C.

DEAR SIR: In the name of our association and the employing interests of Chicago I want to protest against an amendment to that part of the sundry civil bill appropriating \$100,000 to enforce the Sherman antitrust law, which provides that no part of the money shall be spent for prosecuting any organization or individual for entering into any labor combination or agreement. Such an amendment would be entirely against the employing interests of the country and would, in my opinion, be entirely discriminatory.

Yours, very truly,
F. W. JOB, Secretary.

BUSINESS MEN'S ASSOCIATION,
Omaha, Nebr., June 7, 1910.

Hon. JACOB H. GALLINGER,
United States Senate, Washington, D. C.

DEAR SIR: The Omaha Business Men's Association desires to enter its protest against the amendment passed by the House of Representatives, upon its consideration of the sundry civil bill appropriating \$100,000 to enforce the Sherman antitrust law, as follows:

"That no part of this money shall be spent in the prosecution of any organization or individual for entering into any combination or agreement having in view the increase of wages, shortening of hours, or bettering the condition of labor, or for any act done in furtherance thereof, not in itself unlawful."

A combination to increase the price of labor, as any other commodity, is a conspiracy against the people, and should not be excluded from the purposes for which this appropriation is made. It is grossly discriminatory, and threatens departures, the dangers of which can not be foreseen.

Very truly, yours,
H. S. DANIEL, Secretary.

BRIDGEPORT, CONN., June 7, 1910.
Hon. JACOB H. GALLINGER,
Senator from New Hampshire, Washington, D. C.:

Bridgeport manufacturers are unitedly opposed to House amendment directing that no part of appropriation to enforce Sherman antitrust law shall be expended upon certain labor-union prosecutions. We ask you to stand out in conference against the amendment as being grossly discriminatory and inaugurating revolutionary departures. See letter following.

THE BRIDGEPORT MANUFACTURERS' ASSOCIATION (Inc.).

CHICAGO, June 8, 1910.

Hon. JACOB H. GALLINGER,
Care of United States Senate, Washington, D. C.

DEAR SIR: Referring to the sundry civil bill, which has recently passed the House of Representatives, with an amendment providing "That no part of this money shall be spent in the prosecution of any

organization or individual for entering into any combination or agreement having in view the increasing of wages, shortening of hours, or bettering the condition of labor, or for any act done in furtherance thereof, not in itself unlawful."

We believe the business interests of the country at large will be better conserved if this amendment was omitted in the final passage of the bill, and we respectfully urge that you use your influence to bring this about.

Yours, truly,

W. D. ALLEN MANUFACTURING COMPANY.

Mr. OWEN. Mr. President, I wish to offer an amendment, on page 119, in regard to Platt National Park, by inserting the words "one hundred," in line 24, after the words "five thousand," so that it will read "five thousand one hundred dollars." I offer the amendment simply for the purpose of getting the matter into conference.

Mr. HALE. We have already taken care of that by an amendment.

The PRESIDING OFFICER. It has already been amended by increasing the appropriation to \$20,000.

Mr. HALE. So that it will be in conference.

Mr. OWEN. I should like to put in the RECORD several letters, which appear in the Book of Estimates, bearing upon the matter, so that they may be accessible.

Mr. HALE. I have no objection to their being printed in the RECORD.

The PRESIDING OFFICER. In the absence of objection, the matter referred to will be printed in the RECORD.

The matter referred to is as follows:

APPENDIX Q.

IN EXPLANATION OF THE ESTIMATE FOR PROTECTION AND IMPROVEMENT OF THE PLATT NATIONAL PARK, OKLAHOMA.

[See page 424.]

DEPARTMENT OF THE INTERIOR,
Washington, October 20, 1909.

SIR: There has heretofore been forwarded to you for transmission to Congress an estimate in the sum of \$25,000 for the protection and improvement of Platt National Park, Oklahoma, and the construction of a sewer system in that reservation. I transmit herewith a copy of a letter from the superintendent of the Platt National Park, together with the accompanying inclosures, and have to request that the same be printed as an appendix in the Book of Estimates as explanatory of and showing the necessity for the appropriation by Congress of money to provide for a sewer system in that park.

Very respectfully,

FRANK PIERCE, Acting Secretary.

The SECRETARY OF THE TREASURY.

DEPARTMENT OF THE INTERIOR,
PLATT NATIONAL PARK,
Sulphur, Okla., October 16, 1909.

SIR: Acknowledging receipt of department letter of September 29, 1909, "W. B. A.," inclosing letter from Hon. SCOTT FERRIS complaining of the insanitary conditions of the city of Sulphur and Platt National Park, upon which alleged conditions you desired an immediate report, I have the honor to state as follows:

Immediately upon receipt of this communication from the department I addressed a letter to Hon. C. B. Emanuel, mayor of the city of Sulphur, inviting suggestions from himself and the city council, a duplicate of which is herewith inclosed. This is marked "Exhibit A."

In this letter to Emanuel I quoted at length from my letter to the department under date of March 18 last in regard to the insanitary conditions prevailing in the park. The conditions recited then are precisely such as exist to-day, except that they are somewhat aggravated by a drought of one hundred and twenty-six days duration, which has materially lessened the flow in the creeks through the park, the result being that the general surface of the ground and the banks and beds of the streams have been for months, during an exceptionally heated period, without the cleansing process wrought by timely rains. During the whole tourist season, and up to the present time, complaints have been heard upon every hand. Commencing at First street west on the park boundary a shallow ravine runs parallel with the highway into the park a distance of 600 feet south to Travertine Creek. At the head of this ravine, just outside the park boundary and in the middle of the boulevard, is one of the septic tanks into which the greater portion of the sewage of the east side of the city of Sulphur is emptied. The discharge from this septic tank is into the ravine spoken of, whence it finds its way into Travertine Creek at the principal ford across that stream, where hundreds of vehicles pass daily. To the east of this ravine is East Central Park and across the highway to the west of it is West Central Park. These two parks are the playground of the city of Sulphur and not less than 20,000 visitors from abroad annually. The stench arising from the discharge of this septic tank is always highly offensive and during sultry nights in midsummer, when under favorable conditions the park would be thronged with visitors, it has been depopulated by the intolerable stench.

The state and city health officers are familiar with the conditions existing here, but seem powerless to correct them. A majority of the congressional delegation are personally familiar with the conditions, and to them, it would seem, must we look for relief.

As the department is already advised, the survey for a sanitary sewer has been completed, and the profile, blueprints, specifications, and estimates have been in this office for nearly two years. As soon as money is available for the construction of this improvement advertisements may be published inviting bids for the work without further preliminaries. The undertaking may therefore be said to have been begun and only suspended for want of funds with which to properly insert. Whether under these circumstances an item could be properly inserted in the urgent deficiency bill so that money might be available to begin operations in time to have the sewer in service before the next tourist season is a question for the department to determine. If this can be done, then I suggest that advertisements be published without delay inviting bids for the material, f. o. b. Sulphur, and for the work of

constructing the sewer, so that the department and the committee of Congress may have this data as a guide in determining the probable cost of the undertaking.

In my opinion it would be impracticable and unwise to require the city of Sulphur to unite with the General Government in bearing the expense of this work, and distasteful as it may be, the best way out of the predicament is for the Government to bear the entire expense of the construction and maintenance of this sewer. The city has neither money nor credit with which to assist in this work, and if it had both, it would still be decidedly unwise to make a partnership matter of this park must be its absolute independence and freedom from obligations to outside parties or interests.

Summing it up, then, the sanitary conditions in the park, as a result of the contiguity of the city of Sulphur, are very bad, becoming continually worse, with no relief in sight except by congressional action, which should be taken at the earliest possible day.

I inclose the original of a letter from Mayor Emanuel to me, under date of to-day, transmitting a certified copy of preamble and resolutions adopted by the city council of the city of Sulphur on October 11, 1909, which papers are marked "Exhibit B" and "Exhibit C," respectively.

Very respectfully,

A. R. GREENE, Superintendent.

The SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
PLATT NATIONAL PARK,
Sulphur, Okla., October 4, 1909.

DEAR SIR: I am in receipt of a letter from the honorable Secretary of the Interior under date of September 29, 1909, inclosing a letter from Hon. SCOTT FERRIS in regard to the insanitary conditions existing in Platt National Park by reason of the drainage of the sewage of the city of Sulphur into the same. The Secretary requests me to at once look into this matter and submit a report as to the conditions complained of and what steps are necessary to remedy the same.

The object of this letter to you is to invite suggestions as to the proper remedy for the insanitary conditions prevailing, and to this end I trust you will give this matter immediate and earnest attention.

In this connection I may be permitted to quote at length from a letter which I addressed to the department on March 18 last and which, in my view, covers the situation as it exists to-day:

"Commencing at Fifth street east and extending to Fourteenth street west, including the whole semicircular sweep on the north side of the park, there is a dense settlement the whole drainage of which is emptied into Travertine and Rock creeks, through numerous ravines and gullies which make down from the steep hillsides of the town. This general condition is aggravated at certain points as follows:

"At the corner of Wapanucka avenue and Second street is the Odneal Hotel, which empties its sewage into Travertine Creek, near a fresh water spring, from which perhaps 20 families obtain their domestic supply. Near the corner of Davis avenue and Division street stands the Deaf Institute, a state institution with 200 attendants, the sewage of which courses down a ravine through the most picturesque portion of East Central Park to Travertine Creek, at a point frequented by thousands of visitors annually. At the corner of Davis avenue and First street west, in the boulevard, and immediately adjoining the park boundary, is an unsightly septic tank, which is, however, but little better than a cesspool, and which discharges a large volume of sewage continually down the ravine, which is the natural boundary between East Central Park and West Central Park, into Travertine Creek, a few rods above Lincoln Bridge, just completed. The odor from this discharge is so offensive as to be an occasion of unfavorable criticism by visitors and the public generally. It discolors and contaminates the water to such a degree that thirsty animals refuse to drink it. At the south end of Third street west an artesian well, situated upon block 176, discharges its water through a ravine across the middle of West Central Park into Rock Creek, a short distance above the mouth of Travertine Creek. Near the corner of Fifth street west the discharge from one of the largest artesian wells of the city finds its way across the boundary and enters Rock Creek opposite the center of block 195. A short distance west of the latter is a slight depression in the surface, through which is discharged into Rock Creek a constant flow of sewage from the Frisco depot and vicinity. Rock Creek itself, at the crossing from Davis avenue, is contaminated by sewage from the north part of town to such a degree as to make the surface highly offensive in appearance and the water so impure that domestic animals refuse to drink it. Immediately west and but a few rods from the bank of Rock Creek, is another septic tank in the middle of the boulevard, the discharge from which aggravates the conditions in Rock Creek referred to. From the latter point, following the whole course of the park boundary, the conditions are most insanitary and offensive. Hotels and private houses, barns, livery stables, and outbuildings of every character find their drainage across the park into Rock Creek.

"Manifestly such a condition as I have herein stated can not long exist without destroying the value of the park as a health and pleasure resort."

Also in a letter to the department under date of July 5, 1909, I referred to the necessity for the construction of a sanitary sewer in the park. If you have any suggestions to make by which a temporary relief could be obtained from the insanitary conditions existing to date over until such time as money may be available for the construction of such a sewer I shall be glad to confer with you in regard to them.

Very respectfully,

A. R. GREENE, Superintendent.

HON. C. B. EMANUEL,
Mayor City of Sulphur, Okla.

EMANUEL & BROADBENT, ATTORNEYS AT LAW,
Sulphur, Okla., October 16, 1909.

DEAR SIR: On the 4th of October I received a letter from you, setting forth the insanitary conditions existing in the park on account of the drainage of the sewage of the city into same, and inviting suggestions as to a remedy. This letter I communicated to the city council immediately thereafter and appointed a committee to thoroughly investigate the matter.

Personally I have for a long time realized the seriousness of this condition, but have been at a loss to find a remedy, especially so since

there seems to be only one route whereby the city and park may be properly sewered.

A committee was appointed, and on the evening of the 11th of October, at a regular session of the council, they reported and handed in a resolution, a copy of which I hand you herewith. They adopted a portion of your letter to the department of March 18, which, in my judgment, covers the entire situation.

I assume that the department is entirely familiar with the surveys which have been made in the park looking to the installation of a proper sewage system, and if I am correct in this I am sure that they could do no better than to adopt your recommendation. The fact is the entire city council, as well as myself, believe that you are most eminently fitted to take hold of the entire situation, and believe if the plan which you have heretofore outlined is followed the situation will be relieved.

As to immediate temporary relief, a most difficult question is presented; the city is practically without funds, and in fact has no funds whereby it can take any steps to relieve the situation. If there is any way whereby the department may lawfully relieve this situation, in justice to the health of this community and to the large number of people who visit the park, it ought to be done.

If I can render any assistance to you or to the Government in solving this vexing problem, I shall, indeed, be glad to render it, and in this statement I am sure that I but voice the sentiment of the entire city council.

Very respectfully,

CHAS. B. EMANUEL,
Mayor, Sulphur, Okla.

Col. A. R. GREENE,
Superintendent Platt National Park, Sulphur, Okla.

OFFICE OF R. W. CHANEY, CITY CLERK,
Sulphur, Okla.

Whereas, under date of September 17, 1909, a communication from the state health officer was received by the mayor, calling attention to the insanitary condition of the city generally, on account of our defective sewerage system, and likewise threatening to start immediate condemnation proceedings; and

Whereas a committee was appointed to thoroughly investigate the matter and report at the next session of the council; and

Whereas said committee did report as follows: That after a thorough investigation, assisted by the city engineer and city health officer, we find that Col. A. R. Greene, superintendent of Platt National Park, did, on the 18th day of March, 1909, submit a detailed report to the Secretary of the Interior as to the condition, and so exact and exhaustive is the same that we have thought that we could not do better than to adopt the same as our report. We therefore take the following (Colonel Greene's letter of March 18) and submit it as our report upon the following condition, viz:

"Commencing at Fifth street east and extending to Fourteenth street west, including the whole semicircular sweep on the north side of the park, there is a dense settlement the whole drainage of which is emptied into Travertine and Rock creeks, through numerous ravines and gullies which make down from the steep hillsides of the town. This general condition is aggravated at certain points as follows: At the corner of Wapanucka avenue and Second street is the Odeon Hotel, which empties its sewage into Travertine Creek near a fresh-water spring, from which perhaps 20 families obtain their domestic supply. Near the corner of Davis avenue and Division street stands the deaf institute, a state institution with 200 attendants, the sewage of which courses down a ravine, through the most picturesque portion of East Central Park, to Travertine Creek, at a point frequented by thousands of visitors annually. At the corner of Davis avenue and First street west, in the boulevard and immediately adjoining the park boundary, is an unsightly septic tank, which is, however, but little better than a cesspool, and which discharges a large volume of sewage continually down the ravine, which is the natural boundary between East Central Park and West Central Park, into Travertine Creek, a few rods above Lincoln Bridge, just completed. The odor from this discharge is so offensive as to be an occasion of unfavorable criticism by visitors and the public generally. It discolors and contaminates the water to such a degree that thirsty animals refuse to drink it. At the south end of Third street west an artesian well situated upon block 176 discharges its water through a ravine across the middle of West Central Park into Rock Creek, a short distance above the mouth of Travertine Creek. Near the corner of Fifth street west the discharge from one of the largest artesian wells of the city finds its way across the boundary and enters Rock Creek opposite the center of block 195. A short distance west of the latter is a slight depression in the surface through which is discharged into Rock Creek a constant flow of sewage from the Frisco depot and vicinity. Rock Creek itself, at the crossing of Davis avenue, is contaminated by sewage from the north part of town to such a degree as to make the surface highly offensive in appearance and the water so impure that domestic animals refuse to drink it. Immediately west, and but a few rods from the bank of Rock Creek, is another septic tank in the middle of the boulevard, the discharge from which aggravates the conditions in Rock Creek referred to. From the latter points, following the whole course of the park boundary, the conditions are most insanitary and offensive. Hotels and private houses, barns, livery stables, and outbuildings of every character find their drainage across the park into Rock Creek.

"Manifestly such a condition as I have herein stated can not long exist without destroying the value of the park as a health and pleasure resort."

Whereas from the report it is manifest that we are in a deplorably insanitary condition and in great danger of an infectious disease breaking out in our midst; Therefore be it

Resolved by the mayor and council of the city of Sulphur, That we immediately impurte the Secretary of the Interior to take steps to install a proper sewage system.

That the mayor be instructed to attach a copy of this resolution to his letter in reply to Superintendent Greene's communication.

That a copy of this resolution be furnished to each Congressman and our Senators from this State.

I, R. W. Chaney, city clerk within and for the city of Sulphur, hereby certify that the foregoing is a true and correct copy of a resolution duly passed at a regular session of the city council on Monday night, the 11th of October, 1909.

R. W. CHANEY, City Clerk.

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

Mr. HALE. Now, Mr. President, I call the attention of the Senator from Georgia [Mr. CLAY] to the understanding arrived at last night, that when the bill reached the Senate the amendment which he offered should be taken up. The bill has now reached that stage when the understanding can be carried out.

Mr. CLAY. All other amendments have been agreed to in the Senate, have they not?

The PRESIDING OFFICER. The bill has been reported to the Senate as amended, and the amendments made as in Committee of the Whole have been concurred in.

Mr. HALE. Let the amendment of the Senator from Georgia be stated.

Mr. CLAY. The Senator from Indiana [Mr. BEVERIDGE], I think, desires to address the Senate.

Mr. HALE. Let the amendment of the Senator from Georgia be stated.

The SECRETARY. On page 1 it is proposed to strike out lines 8, 9, and 10, and on page 2 to strike out lines 1 to 11, inclusive, as follows:

To enable the President to secure information to assist him in the discharge of the duties imposed upon him by section 2 of the act entitled "An act to provide revenues, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, and the officers of the Government in administering the customs laws, including such investigations of the cost of production of commodities, covering cost of material, fabrication, and every other element of such cost of production, as are authorized by said act, and including the employment of such persons as may be required for those purposes; and to enable him to do any and all things in connection therewith authorized by law, \$250,000.

Mr. HALE. That is the pending amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Georgia [Mr. CLAY], which has just been stated.

Mr. BEVERIDGE. Mr. President, both the language and the appropriation in the provision which the Senator from Georgia has moved to strike out are the subjects upon which I wish to detain the Senate, I hope very briefly.

This provision is the first fruit of the seed sown now almost three years ago for a tariff commission. It is the beginning of the harvest which as time goes on will be more abundantly gathered.

At last, by authority written into the law itself, we are to have an investigation of the facts upon which a just and accurate tariff can be built, and that investigation is to be made by men especially equipped for that work.

At last the authority itself is given, though, as I shall point out in a moment, hardly any power.

At last, Mr. President, the men who have thus been specially trained and chosen for this work are to have the necessary funds to carry it on.

The scientific gathering of facts by men specially trained for that particular work was the central idea of the whole tariff-commission movement. To the extent to which this provision goes, it is a realization of that idea, and of that idea alone. It is a recognition in formal written law of the beginning of this great business reform—a small beginning, it is true, but a real one.

BEGINNING OF THE TARIFF COMMISSION MOVEMENT.

Nearly three years ago, Mr. President, when I presented to the Senate a tariff-commission bill, which I believe is better understood now than it was then, I said, in explaining that measure to the Senate:

Personally I am not wedded to this or any other bill. I am determined only upon the idea. If a wiser plan can be thought of than the one which this bill proposes, I shall work and vote for it as heartily as for this plan. But some plan to get the facts and to classify articles must be made, and made at once, for Congress itself can not get these facts or make these classifications.

The bill which I then presented to the Senate, which is even now pending before this body, provided for a commission or board of experts, whose sole duty it should be to gather the facts and to make the classifications of articles and to lay the results of their investigations before Congress, and nothing but that.

It was at the time inaccurately—I say "inaccurately," for I want to use moderate words—stated that that bill provided for a fixing of rates by the commission; that I was suggesting that Congress should part with some of its legislative powers. Yet I find that the very first words I uttered on introducing this bill were these:

Mr. President, this bill seeks to create a commission of tariff experts to find out the facts upon which Congress builds a tariff and to make a classification of articles to which Congress can plainly and accurately fix customs duties.

By this bill the commission itself is not allowed to fix duties or even to suggest any rate. By this bill the fixing of duties is left to Congress and to Congress alone. Congress parts with no legislative power.

The commission is kept strictly to the task of gathering facts and making clear classifications; the first is expert investigating work, the second, expert clerical work. Neither is properly legislative work.

In short, by this bill, the commission is an assistant of Congress. It is to Congress as a whole what his secretary is to each Member of Congress; it is necessary to Congress for the same reason that the secretary is necessary to each Member.

Mr. President, "the stone rejected by the builder has become the chief of the corner," and those who have been ceaselessly fighting for the idea of the investigation of tariff facts by experts especially equipped for the work may well rejoice to-day, for this provision, to the extent which it goes, is the beginning of that great reform.

The whole Nation knows that not one line or word or syllable or punctuation mark of this provision ever would have been written into law and that not one dollar or cent or mill of this appropriation ever would have been even considered but for the long and ceaseless battle for this necessary business measure.

Suppose, Mr. President, that no bill embracing this idea ever had been presented, suppose arguments and facts had not been adduced to support it; suppose the great controlling and compelling considerations that have at last brought us this provision had not been advanced to the Nation; suppose the great business interests of this country—manufacturing, stock raising, agricultural, and all of them—had not ceaselessly agitated for the writing into the law of this idea, which is so necessary to their own and the country's welfare—does anybody suppose that if all these things had not been done during the last three years we would have had an opportunity to-day even to vote to pass a measure which begins this reform?

But, Mr. President, although "the stone rejected by the builder has become the chief of the corner," that does not end the progress of this idea. With the adoption of this provision, the triumph of that idea begins its resistless march, a march which will not be stayed until the idea has been thoroughly consummated; until a genuine, permanent, nonpartisan tariff commission, with definite duties and powers fixed in the law itself, shall finally have been created.

HISTORY OF INTERSTATE COMMERCE COMMISSION PARALLEL.

We will see repeated the history of the development of the powers and the duties and the authority of the Interstate Commerce Commission. The biblical parallel of the stone rejected by the builder being made the chief of the corner presupposes that upon that corner stone, which was a prophesy of the structure to come, the great building which it was to support would be erected. That was true of that. That will be true of this.

Nothing could be more grotesque than the placing of a corner stone without building upon that foundation. And so with this provision, Mr. President. It is imperfect. It falls short of what it ought to be and finally will be. But it is the beginning, and that beginning, Mr. President, is the result of three long years of determined work, growing out of men's convictions.

I know, Mr. President, that Congress has written this provision grudgingly. This reform is not singular in that respect. That has been throughout all history the story of reforms. As little as possible is granted to a new idea which the people demand for their prosperity and for their welfare.

Everybody knows that many of the men in Congress who to-day are supporting this provision have been driven to it, not so much by the overwhelming mass of argument, as by the iron hand of circumstances. Everybody knows that this provision, which begins to-day a historic reform, has been brought about at the point of the bayonet.

I think it is only fair that we should review briefly the history of this legislation, so that we may have before us, and the country may understand, the steps that have led up to it. Then we may better appreciate not only the significance of this provision, but what is more important, the things that inevitably must come afterwards.

As so often is the case in great reforms that must express themselves in definite plans, students of economics were advocating the idea simultaneously. In my debate with Mr. Bryan on the tariff three years ago I proposed a tariff commission to investigate the facts upon which a tariff might be builded intelligently and honestly.

VITALITY OF MOVEMENT DUE TO NECESSITIES OF AMERICAN PEOPLE.

But the vitality of this movement is due to the fact that it grew spontaneously out of the necessities of the American peo-

ple. The requirements of our international trade began it; the crude and absurd methods of "logrolling" in making our tariffs began it.

The National Stock Raisers' Association, the National Manufacturers' Association, the National Grange, and scores of commercial bodies throughout the Republic put themselves on record in favor of building our tariffs by modern up-to-date and scientific methods.

The stern facts of the people's daily existence forced it; and I rather think that was its origin—its deep and elemental origin.

It sprang from the minds of the people themselves, from their cruel necessities; and it is so that every movement must come that lasts and works itself into effective law.

Finally this idea crystallized itself in a definite form in the bill presented in this body.

It is true, as I shall explain later on, that many years before this the same idea had been bruited—but it did not come with the compelling and increasing force of a great popular demand created by the requirements of millions of people—the people were not then as well instructed in the methods of tariff building as they now are. Neither did the idea have back of it the persistent, self-sacrificing fervor of any one man who was willing to battle through long years for it. So there was no momentum behind it. There was no force behind it. It did not then amount to a crusade.

So this idea, Mr. President, after debate throughout the country, in newspapers and periodicals, on the stump, on the lecture platform, finally resulted in the bill which I wrote and introduced into Congress. It was urged by nearly every economic student in the whole land. I do not now recall, and I have carefully read the considerable and growing literature upon this subject, a single economist—I mean an educated, trained, and equipped economist, not a partisan on one side or another of a political question, but an economist—who has not indorsed and written and argued and labored for this great reform.

Finally, Mr. President, when this bill was in the Senate and the explanation of it was made, I might say that rivers of literature poured through every channel of intelligence in the whole Republic. The producing interests which I have named, who felt that their welfare and the welfare of the Nation depended upon this great business reform, circulated one speech and many other documents throughout the whole Republic.

NOT A SINGLE ARGUMENT AGAINST IT.

I was amazed when I first presented this case in this Chamber that neither here nor elsewhere in the Capitol was a single answer made to a single argument adduced; not a reply made to a single fact presented. Yet the idea was opposed violently by the then mighty ones. It was attacked by misrepresentations and scoff and sneer—but never by argument or fact. No; the idea was resisted merely by the old method of denunciation and ridicule and the contempt of the powerful.

But, Mr. President, in this case reason and conviction have had their way, as reason and truth always must have their way. And so at last we are about to write into law the first acquiescence to the appeal which reason and the people have made for three long years to Congress.

A PERMANENT REFORM—NOT A TEMPORARY IDEA.

I have spoken of this as a beginning. This moment is a historic hour. Let no man suppose that it will end with this, its first realization. Let no one deceive himself by the dream that we have taken hold of an idea which we can lay aside at our convenience.

Ideas do not have that habit. Ideas which grow out of the nature of things are the only irresistible force in all this universe. You may oppose them with your organizations, political and social, you may attack them, as has been done throughout the history of the race by unparked batteries and marching bayonets. Yet the idea will prevail.

Let no man think that what we are now beginning will be temporary. We are laying the foundation for an institution which finally and soon will be completed into a genuine, permanent, nonpartisan tariff commission or board, whose authority, powers, and duties will be steadily increased and definitely defined in law as time proceeds and events compel. The story of the growth of the power and authority of the Interstate Commerce Commission will be repeated.

THE FIRST STEP—THE HOUSE RESOLUTION.

The first result of the beginning of this fight was notable, and, when I observed it, to my mind prophetic. At the very time, I think possibly within two or three days from the time

we understand excepts labor organizations, seeming to us to be class legislation, which is objectionable and unwise.

Yours, truly,

THE IMPERIAL BRASS MFG. CO.,
W. S. NOYES, Secretary.

SIOUX FALLS, S. DAK., June 8, 1910.

Hon. JACOB H. GALLINGER,
Washington, D. C.

DEAR SIR: We are taking the liberty of addressing you in connection with the amendment passed by the House which provides that no part of the appropriation of \$100,000 to enforce the Sherman antitrust law shall be spent in the prosecution of any organization or individual for entering into any combination or agreement having in view the increasing of wages, shortening of hours, or bettering the condition of labor, or for any act done in furtherance thereof not in itself unlawful.

From our view point this amendment is manifestly unfair; the employer of labor is unquestionably discriminated against, not alone in its immediate effects, but in the far-reaching influence of the adoption of such a measure.

We respectfully solicit your influence in an endeavor to have this amendment omitted.

Yours, very truly,

BROWN & SAENGER,
Per J. P. ADAMS.

CHICAGO, June 8, 1910.

Hon. JACOB H. GALLINGER,
Care of United States Senate, Washington, D. C.

DEAR SIR: We note that the Senate Committee on Appropriations is considering the sundry civil bill, and in this bill is an appropriation of \$100,000 to enforce the Sherman antitrust law, and that an amendment has been passed providing as follows:

"That no part of this money shall be spent in the prosecution of any organization or individual for entering into any combination or agreement having in view the increasing of wages, shortening of hours, or bettering the condition of labor, or for any act done in furtherance thereof, not in itself unlawful."

We would respectfully protest against any such class legislation to discriminate grossly in favor of certain organizations and individuals giving them a right to combine with a view of bettering conditions which is absolutely unlawful and is denied absolutely to business men, and we would respectfully urge you to kill any such discriminating amendment. Will you not use your most earnest efforts to cut out any such clause favoring one class of people in this country against another?

The old principle of one man being as good as another and no better would still hold good in this free country.

Thanking you in advance for your courteous attention to above, we beg to remain,

Yours, very truly,

MORAN & HASTINGS MFG. CO.,
Per FRANK HORTON, President.

CLEVELAND, OHIO, U. S. A., June 9, 1910.

Hon. JACOB H. GALLINGER,
United States Senate, Washington, D. C.

DEAR SIR: As large manufacturers employing a considerable amount of hands, we desire to go on record as being emphatically opposed to the action taken by Congress as a Committee of the Whole, as refers to matters pertaining to the \$100,000 appropriation for the Sherman antitrust law; that is, the amendment thereto providing:

"That no part of this money shall be spent in the prosecution of any organization or individual for entering into any combination or agreement having in view the increasing of wages, shortening of hours, or bettering the condition of labor, or for any act done in furtherance thereof not in itself unlawful."

We appeal most strongly to your honorable committee to omit this amendment, and to take a decided stand against it, and enter our vigorous protest accordingly. We believe it to be grossly discriminatory, and feel that it threatens departments, which would entail dangers that could not be foreseen, and we respectfully submit this protest accordingly.

Respectfully, yours,

GLAUBER BRASS MFG. CO.,
P. M. AMAN.

CHICAGO, June 9, 1910.

Hon. JACOB H. GALLINGER,
Care United States Senate, Washington, D. C.

DEAR SIR: I want to enter an earnest protest against the amendment concerning the appropriation of \$100,000 to enforce the Sherman antitrust law being passed. The amendment is as follows:

"That no part of this money shall be spent in the prosecution of any organization or individual for entering into any combination or agreement having in view the increasing of wages, shortening of hours, or bettering the condition of labor, or for any act done in furtherance thereof not in itself unlawful."

Yours, truly,

FRANK B. COOK.

WESTERN PAPER BOX MANUFACTURERS' ASSOCIATION,
Chicago, June 8, 1910.

Hon. JACOB H. GALLINGER,
Member Committee on Appropriations,
United States Senate, Washington, D. C.

DEAR SIR: Our organization, representing nearly 200 manufacturers, desires to register a most emphatic protest with your committee against the passage of the House amendment to the sundry civil bill, which provides that no part of the \$100,000 appropriated for enforcing the Sherman antitrust law shall be spent in prosecution where a violation of said law is for the benefit of labor.

It is hard for us to conceive of any condition that justifies such an amendment, and we can not believe that your honorable body will lend itself to any such discriminatory legislation.

We shall be pleased to have your advice in reference to the matter.

Yours, respectfully,

GEO. H. TOMPKINS, Secretary.

INTERNATIONAL ASSOCIATION OF CAR WORKERS,
Chicago, Ill., June 9, 1910.

Hon. JACOB H. GALLINGER,
Senate Chamber, Washington, D. C.

DEAR SIR: The House of Representatives when passing sundry civil bill, known as H. R. 25552, adopted a proviso which is as follows: "That no part of this money should be spent in the prosecution of any organization or individual for entering into any combination or agreement having in view the increasing of wages, shortening of hours, or bettering the conditions of labor, or for any act done in the furtherance thereof not in itself unlawful."

The Senate committee has seen fit to strike this proviso out of the bill, and it is now before your honorable body for consideration. You are urgently requested in behalf of labor to insist that this House proviso be reinserted in the bill before being passed by the Senate.

Thanking you for your support in this matter, and also asking for your vote in favor of the bill with the proviso inserted, I remain,

Respectfully, yours,

G. W. GIBSON, Secretary-Treasurer.

PORTSMOUTH, N. H., June 9, 1910.

Hon. J. H. GALLINGER,
Senator, Washington, D. C.:

The Central Labor Union of this city at regular meeting to-night voted unanimously to request that the proviso to House bill 25552 as passed by the House be maintained in said bill if not eliminated as has been done by the Senate committee.

ROBT. V. NOBLE, Secretary.

QUINCY, MASS., June 9, 1910.

JACOB H. GALLINGER,
United States Senate, Washington, D. C.:

We strongly urge and request you to vote to restore to H. R. 25552 the House clause eliminated therefrom by Senate committee, which provides "that no part of this money shall be spent in the prosecution of any organization or individual for entering into any condition or agreement having in view the increasing of wages, shortening hours, or bettering the condition of labor, or for any act done in furtherance thereof not in itself unlawful." Workmen are entitled to this protection and protest against passage of bill without it.

JAMES DUNCAN,
Granite Cutters' Association.

REPORTS OF COMMITTEES.

Mr. SCOTT, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 2195) to provide for the enlargement of the federal building at Salina, Kans., reported it with amendments and submitted a report (No. 822) thereon.

Mr. JOHNSTON, from the Committee on Military Affairs, to whom was referred the bill (H. R. 19857) for the relief of Bartholomew Cronin, reported it without amendment and submitted a report (No. 823) thereon.

Mr. HUGHES (for Mr. CHAMBERLAIN), from the Committee on Public Lands, to whom was referred the amendment submitted by Mr. CHAMBERLAIN on the 24th ultimo, proposing to appropriate \$15,000 for surveying, locating, plating, and preparing specifications, plans, and estimates for a comprehensive system of roads and trails in Crater Lake National Park, Oregon, etc., intended to be proposed to the sundry civil appropriation bill, reported favorably thereon and moved that it, with the accompanying papers, be referred to the Committee on Appropriations, which was agreed to.

Mr. CLAPP, from the Committee on Patents, to whom was referred the bill (H. R. 20585) to repeal section 4902 and to amend section 4934 of the Revised Statutes, relating to caveats, reported it with an amendment and submitted a report (No. 824) thereon.

Mr. CARTER, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 8643) to prevent collusion among bidders on contracts for furnishing supplies to the Post-Office Department or to the postal service, and for other purposes, reported it without amendment and submitted a report (No. 825) thereon.

Mr. DIXON, from the Committee on Conservation of National Resources, submitted a report (No. 826) to accompany the bill (S. 3719) for the appointment of a national commission for the conservation of natural resources and defining its duties, heretofore reported by him.

BILLS INTRODUCED.

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

By Mr. FLINT:

A bill (S. 8646) to amend section 5190 of the Revised Statutes of the United States; to the Committee on the Judiciary.

By Mr. ALDRICH:

A bill (S. 8647) granting an increase of pension to Ellen Tracy;

A bill (S. 8648) granting an increase of pension to Andrew Burns;

A bill (S. 8649) granting an increase of pension to Catharine Rowley;

A bill (S. 8650) granting an increase of pension to Mary H. Christian;

A bill (S. 8651) granting an increase of pension to Caroline F. Hart;

A bill (S. 8652) granting a pension to Abby M. B. Hayes;

A bill (S. 8653) granting an increase of pension to Mary A. Brown;

A bill (S. 8654) granting an increase of pension to Mary E. Lynch; and

A bill (S. 8655) granting an increase of pension to Samuel P. Thurber (with an accompanying paper); to the Committee on Pensions.

By Mr. OLIVER:

A bill (S. 8656) granting an increase of pension to James A. Grove (with accompanying papers); to the Committee on Pensions.

By Mr. HALE:

A bill (S. 8657) granting an increase of pension to Thomas J. Holmes (with accompanying papers); to the Committee on Pensions.

By Mr. BRADLEY:

A bill (S. 8658) granting an increase of pension to George W. Morgan; to the Committee on Pensions.

By Mr. McENERY:

A bill (S. 8659) for the relief of Annie C. Mathews; and
A bill (S. 8660) for the relief of the estate of Albert Scribner, deceased (with an accompanying paper); to the Committee on Claims.

By Mr. OWEN:

A bill (S. 8661) for the final disposition of the affairs of the Five Civilized Tribes, and for other purposes; and

A bill (S. 8662) providing for the appointment of trustees to dispose of the undistributed tribal property of the Choctaw and Chickasaw nations, and for other purposes; to the Committee on Indian Affairs.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL.

Mr. GAMBLE submitted an amendment proposing to appropriate \$2,599.99 to pay James D. Elliott for services performed as United States district attorney for the district of South Dakota from July 11, 1906, to March 4, 1907, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate \$300 to pay Leonard Underwood for extra services as clerk to the Committee on Enrolled Bills, intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. ELKINS submitted an amendment proposing to appropriate \$2,000 to pay G. F. Snyder and \$1,500 to pay J. W. Fenton, Jr., for extra services to the Senate Committee on Interstate Commerce, intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Interstate Commerce and ordered to be printed.

AGRICULTURAL ENTRIES ON COAL LANDS.

Mr. DIXON submitted the following report (S. Doc. No. 621):

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13907) to provide for agricultural entries on coal lands, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1, page 1, and agree to an amendment in lieu thereof as follows: Page 1, line 5, after the word "been," insert the words "withdrawn or."

That the House recede from its disagreement to the amendment of the Senate numbered 2, page 2, and agree to the same with an amendment as follows: Reinsert the matter stricken out by the Senate amendment, and in lieu of the matter inserted by the Senate amendment insert the following at the end of section 1, page 2:

"Provided, That those who have initiated nonmineral entries, selections, or locations, in good faith, prior to the passage of this act, on lands withdrawn or classified as coal lands may perfect the same under the provisions of the laws under which

said entries were made, but shall receive the limited patent provided for in this act;" and agree to the same.

JOSEPH M. DIXON,

C. D. CLARK,

CHARLES J. HUGHES, Jr.,

Conferees on the part of the Senate.

F. W. MONDELL,

A. J. VOLSTEAD,

A. M. BYRD,

Conferees on the part of the House.

Mr. HEYBURN. I ask that the report lie over and be printed as a document.

The PRESIDENT pro tempore. Without objection, the report will lie over and be printed as a document (S. Doc. No. 621), at the request of the Senator from Idaho.

PRESIDENTIAL APPROVALS.

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

On June 10, 1910:

S. 6173. An act to license custom-house brokers.

On June 11, 1910:

S. 5. An act providing for the reappraisal of unsold lots in town sites on reclamation projects, and for other purposes.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had passed the following bills with amendments, in which it requested the concurrence of the Senate:

S. 8086. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and wars other than the civil war, and certain widows and dependent relatives of such soldiers and sailors; and

S. 8399. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and wars other than the civil war, and certain widows and dependent relatives of such soldiers and sailors.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4179) to authorize the Omaha tribe of Indians to submit claims to the Court of Claims.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 5167) to provide for an enlarged homestead.

The message also announced that the House had agreed to the report of the second committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to 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, recedes from year ending June 30, 1911, and for other purposes, recedes from its disagreement to the amendment of the Senate No. 44 and agrees to the same; further insists upon its disagreement to the amendments of the Senate Nos. 28 and 45; asked a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. GILLETTE, Mr. GRAFF, and Mr. LIVINGSTON, managers at the conference on the part of the House.

The message further announced that the House had passed a concurrent resolution authorizing the appointment of a committee of Senators and Representatives to confer with the fiftieth anniversary of the battle of Gettysburg commission to take action relative to joining in the celebration of the fiftieth anniversary of the battle of Gettysburg, in which it requested the concurrence of the Senate.

FIFTIETH ANNIVERSARY OF BATTLE OF GETTYSBURG.

The PRESIDENT pro tempore laid before the Senate House concurrent resolution 47, which was read and referred to the Committee on Military Affairs.

House concurrent resolution 47.

Whereas the State of Pennsylvania has, by appropriate legislation, constituted a commission known as the fiftieth anniversary of the battle of Gettysburg commission to consider and arrange for a proper and fitting recognition and observance at Gettysburg of the fiftieth anniversary of the battle of Gettysburg, with authority to invite the cooperation of the Congress of the United States and of other States and Commonwealths, and the said commission has extended an invita-

Mr. CLAY. The Senator is again in error. The Senator, somehow or other, is not so accurate as he used to be. I doubt if the chairman of the Committee on Appropriations, of which committee I am a member, would make the statement which the Senator from Rhode Island has made. I doubt if any member of that committee would state that I have voted for and supported and urged appropriations that ought not to be made.

Mr. ALDRICH. I did not say that.

Mr. CLAY. I believe the Senator from Maine, the chairman of the committee, would say, on the contrary, that I have carefully guarded the interests of this country and have voted against unnecessary appropriations in every instance.

Mr. ALDRICH. Is the Senator willing to concede that there never has been in this body a division upon party lines on an appropriation bill?

Mr. CLAY. I am, to some extent.

I myself have stood here as a member of that committee and have moved to strike out items and have fought against them, and so has the Senator from Maine. I will do the Senator from Maine the credit to say that the Senate never had a more valuable member. He is extremely careful in the Committee on Appropriations in trying to hold them down. But he can not do it. He has tried to hold down the appropriations on your naval expenditures. He has stood here and told the country that \$32,000,000 for two battle ships was unjust to the American people. I doubt if he had the assistance of the Senator from Rhode Island.

Mr. President, I believe in economy, not only in words, but by votes. Not only that, I do not believe in a niggardly Government, either. I do not believe that even a private concern could run this Government for \$300,000,000 less every year than we run it for. I do not believe that. I believe, however, that by proper reductions in your naval bill, your army bill, your public buildings bill, we could save to the American people \$40,000,000 or \$50,000,000 per year. I do believe that.

Mr. President, I had not the remotest idea of occupying more than a few minutes of the time of the Senate when I rose. I am not at all well to-day.

Mr. ALDRICH. Mr. President—

Mr. CLAY. One moment.

Mr. ALDRICH. If it will not interrupt the convenience of the Senator, I would be glad to have him state, before he gets through, if he has not stated, what he thinks the President can do under this provision and what is the purpose of it.

Mr. CLAY. Yes; from the debates in the House I understand that the President has declared what his purpose is. I have perfect confidence in the integrity of the President of the United States and believe he will carry out in good faith his views as to the purpose of this appropriation.

Mr. ALDRICH. That hardly answers my question. What does the Senator think the President can do, or proposes to do, under this provision?

Mr. CLAY. I will read it to you.

Mr. ALDRICH. I do not care about this provision being read; but if the Senator has any knowledge of the purpose of the President outside—

Mr. CLAY. I have not, except from the debates in the House.

Mr. ALDRICH. Is that conclusive upon the Senate—

Mr. CLAY. No.

Mr. ALDRICH. As against the plain text of the bill itself?

Mr. CLAY. It is not.

Mr. ALDRICH. What does the Senator think the President can do under the provision?

Mr. CLAY. My idea is that the President of the United States is authorized to make an investigation in regard to foreign markets, and in regard to the cost of production, the cost of labor, and to secure such information as he may desire in regard to whether or not there can be a further revision of the tariff. He can do this under existing law, provided Congress makes an appropriation for that purpose.

Mr. CLAPP. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Minnesota?

Mr. CLAY. Certainly.

Mr. CLAPP. The Senator from Rhode Island asked two questions: First, what the President could do, in the opinion of the Senator from Georgia; and, secondly, what the President proposed to do. The President's purpose is clearly set out on page 23 of the message to Congress last fall, and was referred to with his accustomed frankness by the Senator from Maine yesterday.

Mr. ALDRICH. The Senator refers to what the President said five or six months ago. The provision itself is now here in definite terms, and therefore he could not then have expressed an opinion on it. The Senator refers to something the President said several months ago, when this proposition was not before the Senate and was not in existence at all. I am asking if the Senator has any knowledge as to what the President will do under the provisions of this clause as it stands. I assume he will follow its terms.

Mr. CLAPP. If the Senator from Georgia will pardon me for a moment—

Mr. CLAY. I will yield.

Mr. CLAPP. I will bring it down a little later than last December. The purpose of the President, as announced by the President, as foreshadowed by the President, in his own language, is fully represented in the message of March 28 of this spring.

Mr. ALDRICH. What does the Senator understand that to be? I assume it is simply a proposition to investigate these matters within the provisions of the law.

Mr. BACON. I hope the Senator from Minnesota will read that.

Mr. CLAPP. At the proper time I intend to read it. I did not want to take the time of the Senator from Georgia to read it.

Mr. CLAY. Mr. President, just a few words more.

I now conclude my remarks by simply saying there is no necessity for this appropriation. It will accomplish no good. It will give no facts that we can not secure without it, and that it does not come from those who desire any further revision of the tariff.

I repeat, if the Senator from Rhode Island is consistent and believes that the present tariff is a proper one, and he ought, for he supported it—I have nothing but the kindest feeling toward the Senator from Rhode Island—but, I say, if he believes it is a proper tariff and there ought not to be any further revision, he ought to step forward and assist us in saving the American people a waste of \$250,000.

It was not my intention even to discuss the tariff. I simply intended to present in a practical way the fact, and it is an unanswerable fact, that this investigation can be made now without an additional appropriation, and that those who are the authors and supporters of it—not all of them, but 70 per cent of them—are not in favor of any further revision of the tariff. I have spoken the sentiments I know that prevail among a great many of the Republicans on the other side of the Chamber, and I have heard no Senator, except the Senator from Rhode Island, come forward and defend this appropriation of \$250,000; and the Senator himself says that he does not advocate a further revision of the tariff at an early day.

Mr. President, the truth of it is, if my party were in power, I would advocate the revision of the tariff upon lines that I believe to be right.

Mr. ALDRICH. If the Senator will allow me—

Mr. CLAY. Certainly.

Mr. ALDRICH. Is the Senator himself in favor of a revision of the tariff at an early day?

Mr. CLAY. I would be in favor of a revision of the tariff if my party was in power and there could be a revision on revenue lines.

Mr. ALDRICH. Does the Senator think it desirable, in the public interest, that there should be an agitation of the tariff question?

Mr. CLAY. Is the Senator trying to have this appropriation made with the view and purpose of giving aid to the Democratic party, if it comes into power, to revise the tariff?

Mr. ALDRICH. I was trying to find out what the attitude of the Senator from Georgia was, and I do not seem to be able to do so.

Mr. CLAY. Any Senator can understand it. My attitude is simply this: In the first place, this investigation is unnecessary. It is provided by law already. No additional expense ought to be incurred. The party in power in the Senate now is the party which will be in power when we convene at the next session, and probably the next. The Senate is a body that changes slowly, and it is not in favor of a revision of the tariff. I do not blame the Senator, from his standpoint. He thinks there ought not to be a further revision of the tariff. Then, why this waste of the public money?

Mr. ALDRICH. Does the Senator think if the Democratic party should come into power two years hence or four years hence it ought to have this information in reference to the tariff?

Mr. CLAY. We will take care of that matter, and have our President appoint the experts and make the investigations.

Mr. ALDRICH. That would delay tariff revision for months, if not for years perhaps. Does the Senator think—

Mr. CLAY. A great many people think if it had been delayed at the extra session the country would have been better off.

Mr. ALDRICH. Does the Senator think if the Democratic party was in the majority here and in the other House it has adequate and sufficient knowledge now to go into a revision of the tariff—I mean of practical details in reference to these matters?

Mr. CLAY. I am inclined to think that if the Democratic party was in power it would have enough ability to investigate schedules and prepare a tariff bill. It has done it before.

Mr. ALDRICH. It has done it to the country's loss, and I hope it will be spared such an infliction.

Mr. CLAY. A great many people think it was done for the country's loss in 1909; even some members of the party to which the Senator belongs think so. God spare us from another such revision.

Mr. ALDRICH. The number is rapidly diminishing, I will say to the Senator from Georgia.

Mr. CLAY. My opinion is that they are gradually growing. I do not desire to discuss any row among my friends upon the other side of the Chamber. I simply desire to say in conclusion that if this amendment is accepted, if it is adopted, Senators know, and the country knows—and it is the truth, nobody can successfully dispute it—it will be adopted to bridge over a political crisis in the history of the Republican party when an overwhelming majority of the Senate, in my judgment, is against it. It will be adopted purely for political purposes; to enable Republican orators to deceive the people that investigation is being made to ascertain if a further revision of the tariff shall be made after the next election, the supporters of this amendment knowing at the same time no such revision will be made.

Mr. OWEN. Mr. President, I greatly regret that I do not find myself in accord with my colleague from Georgia [Mr. CLAY]. I believe that this provision ought to be made for an examination of the cost of the production of these commodities. I am not willing to believe, and I do not believe, that those who will be charged with this duty will falsify the records. I think that they will perform their duty in a reasonable manner and with integrity of purpose, and I think it is absolutely essential that there should be experts provided who will ascertain the exact cost of the production of these various commodities, the cost of the labor involved, together with the purchasing power of the wages paid to labor in connection therewith, the cost of the materials which enter into the commodities, the cost of transportation to our shores.

But I do think that the scope ought to be somewhat enlarged from what it is, because we have all been proposing that the difference in the cost of production at home and abroad should be ascertained, and this provision is not sufficiently large, in my opinion, to cover the cost of commodities at home. Since the Republican national platform has expressly declared its adherence to the doctrine of providing a tariff which shall equal the difference in the cost of production at home and abroad, it is essential in order to carry that out, if the Republican party remains in power, that the difference in the cost of production at home and abroad shall be ascertained, so that the Executive at some time will be in the possession of facts which may be submitted to the legislative branch of the Government for such modification of these schedules as may be shown necessary.

Mr. HEYBURN. Mr. President—

Mr. OWEN. I respectfully request that I be not interrupted.

Mr. HEYBURN. Then the Senator will not be.

Mr. OWEN. I ask that the following words shall be added to the paragraph. On page 2, line 10, after the word "there-with," I move that there shall be inserted the words:

As will determine the difference in the cost of the production of such commodities at home and abroad.

I can see no just ground of objection to that interlineation, because the section as it is drawn would seem to confine this inquiry to the cost of these commodities abroad, and since a comparison of the cost at home and abroad ought obviously to be made in order that the Republican leaders may carry out the pledge of the national convention, I ask them now to agree to the interlineation of these words.

Mr. ALDRICH. If the request of the Senator should be acceded to, we would probably have 500 amendments to this

proposition, and all of a different nature. This provision proposes to carry out the terms of the existing law and nothing else. It has no provisions in it that are not contained in the law as it now stands. If we are going to legislate with reference to these matters at all, we are entering upon a sea which has no limits. Therefore I think we should confine ourselves, and must confine ourselves, to the provisions of existing law.

Mr. BAILEY. As a matter of fact, the Senator from Rhode Island knows perfectly well that under this provision as it stands in the bill the President is not authorized to obtain any information about the cost of commodities either here or abroad.

Mr. ALDRICH. Oh, the Senator is mistaken.

Mr. BAILEY. I am not.

Mr. ALDRICH. Under the eleventh section—

Mr. BAILEY. But this is to carry out section 2, as I read it.

Mr. ALDRICH. Oh, no; it is to carry out section 11, and section 11 provides precisely for the ascertainment of that fact. I have the law here, if the Senator would like to have it read.

Mr. OWEN. The Senator—

Mr. BAILEY. In the way I read it, it is—

To enable the President to secure information to assist him in the discharge of the duties imposed upon him by section 2 of the act entitled "An act to provide revenues, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, and the officers of the Government in administering the customs laws, including such investigations of the cost of production of commodities, covering cost of material, fabrication, and every other element of such cost of production, as are authorized by said act, and including the employment of such persons as may be required for those purposes; and to enable him to do any and all things in connection therewith authorized by law, \$250,000.

Section 2 of the act of 1909 is the minimum and maximum provision of the tariff law, and under that the President is specifically authorized to employ such assistants as may be necessary to provide the information on which he is to act.

Mr. ALDRICH. And also—

Mr. BAILEY. In section 2—

Mr. ALDRICH. No; and also—

Mr. BAILEY. And also what?

Mr. ALDRICH. To assist the officers of the Government in administering the customs laws. That is in section 2, but section 11 is what I—

Mr. BAILEY. No; in section 2. That is not provided in this bill. That is plainly intended as an addition to the authority conferred to carry out section 2. I myself would have no objection to such an appropriation as is necessary to execute the existing law, and while I do not believe in the doctrine of the maximum and the minimum tariff, I think it is more a regulation of commerce than it is a revenue matter. Still as long as that is the law I would consent to an appropriation.

Mr. ALDRICH. Will the Senator allow me to read both section 2 and section 11?

Mr. BAILEY. I understand section 11, but I do not quite understand that there is any provision in the bill before me for section 11.

Mr. ALDRICH. In section 2—

Mr. BAILEY. Of course, I am trespassing on the time of the Senator from Oklahoma [Mr. OWEN].

Mr. OWEN. I yield to the Senator from Rhode Island.

Mr. ALDRICH. In section 2 this provision is contained:

To secure information to assist the President in the discharge of the duties imposed upon him by this section—

That is, the maximum and minimum section—

and the officers of the Government in the administration of the customs laws, the President is hereby authorized to employ such persons as may be required.

There are two distinct propositions. One of them refers to the maximum and minimum provision and the other to assistants.

Mr. BAILEY. I know; but I am sure the Senator from Rhode Island does not imagine that it is necessary to acquire any information as to the cost of production in this or any other country to enable the customs officers to enforce the laws, that that is necessary—

Mr. ALDRICH. I was about to read the provision of section 11 with reference to that matter:

Such officer—

That is, the customs officer, the appraising officer—

shall use all available means in his power to ascertain the cost of production of such merchandise at the time of exportation to the United

States, and at the place of manufacture, such cost of production to include the cost of materials and of fabrication, and all general expenses to be estimated at not less than 10 per cent, covering each and every outlay, of whatsoever nature, incident to such production, together with the expense of preparing and putting up such merchandise ready for shipment, and an addition of not less than 8 nor more than 50 per cent upon the total cost as thus ascertained.

That is the law now, section 11, and under that section an investigation of this kind is made. That is the act quoted and referred to, "as provided by law," in the provision now before the Senate. So, all these inquiries are covered in the terms of the existing law and limited to existing law, and the appropriation is made for the purpose of carrying on those investigations.

Mr. BAILEY. Will the Senator then tell me why the committee specifically referred to section 2, and not to section 11?

Mr. ALDRICH. That is a matter of construction, I take it. My own feeling is that all this phraseology is unnecessary, and that a plain appropriation of \$250,000 to carry out the provisions of the existing law would have been equally as efficacious.

Mr. BAILEY. I can not agree that the executive department of the Government can be given money to carry out one section of the law specifically named and use it in carrying out a different one.

Mr. ALDRICH. The Senator is mistaken about that. If he will read the—

Mr. BAILEY. I may have read it hurriedly.

Mr. ALDRICH. I think the Senator has read it hurriedly, because what it says is this:

Such investigations of the cost—

Mr. OWEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. PAGE in the chair). The Senator from Oklahoma suggests the absence of a quorum. The Secretary will call the roll.

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

| | | | |
|-----------|-------------|-----------|--------------|
| Aldrich | Clapp | Frazier | Owen |
| Bacon | Clark, Wyo. | Frye | Page |
| Bailey | Clay | Gallinger | Paynter |
| Beveridge | Crane | Gamble | Percy |
| Borah | Crawford | Hale | Perkins |
| Bourne | Cummings | Hayburn | Scott |
| Bradley | Curtis | Hughes | Smith, S. C. |
| Bristow | Depew | Johnston | Smoot |
| Brown | Dick | Jones | Stephenson |
| Bulkeley | Dillingham | Kean | Sutherland |
| Burkett | Dolliver | Nixon | Warner |
| Burnham | Elkins | Oliver | Wetmore |
| Carter | Flint | Overman | |

Mr. JONES. I desire to announce—the announcement to apply not only to this individual roll call, but to any other that may be taken to-day—that my colleague [Mr. PILES] is necessarily absent from the city.

The PRESIDING OFFICER. Fifty-one Senators have answered to their names. A quorum is present.

Mr. OWEN. Mr. President—

Mr. ALDRICH. If the Senator from Oklahoma will excuse me for a moment, I wish to call the attention of the Senator from Texas [Mr. BAILEY] to the language of this provision. It reads:

Including such investigations of the cost of production of commodities, covering cost of material, fabrication, and every other element of such cost of production, as are authorized by said act.

Mr. OWEN. Mr. President—

Mr. BAILEY. I will detain the Senator from Oklahoma but one moment.

Mr. President, I am myself rather inclined to think that that section contains two different appropriations; but the trouble of it is, to whom is this money appropriated to enable these customs officers to carry out the law? The first is confined to the President undoubtedly, and is confined to the President to do what? To carry out "the duties imposed upon him by section 2." Section 2 is the minimum and maximum provision. The question of the customs officers, which is the last sentence of that section, imposes no duty on the President, but it simply gives him a power to employ such of these men as may be necessary. The second part of it begins undoubtedly in line 3:

And the officers—

But, Mr. President, it would read "and to enable the officers to do that." But who controls that appropriation? That, however, is a matter as to the use of language upon which I am not competent to give an opinion, and out of respectful defer-

ence to a coordinate branch of the Government I would not criticize that.

Mr. OWEN. Mr. President, I think the Senate ought to be aware of the proposed amendment which I have offered to this provision on page 2, in the first clause after line 10, to insert words so as to make the section read:

And to enable him—

The President—

to do any and all things in connection therewith as will determine the difference in the cost of the production of such commodities at home or abroad or as authorized by law.

If this clause means that now, there can be no reason why those words should not be added. I assert that it does not mean that, that it can not be forced to be so interpreted, and that the language as written in the statute does not mean that. Therefore I ask the Senate to give me their voice upon this issue. In asking it, it may be defeated in either of two ways—either by an open vote in the Senate or by a point of order made by those in charge of affairs in the Senate. I assume that the point of order will preferably be made in order to save a record. I submit it to the Senate.

Mr. ALDRICH. Mr. President, I feel constrained to make the point of order, on behalf of the Senator from Maine [Mr. HALE], who is in charge of the bill, who is temporarily absent.

The PRESIDENT pro tempore. The Chair is not advised that the Senator from Oklahoma has as yet offered his amendment.

Mr. OWEN. I now offer the amendment, after the word "therewith," on line 10, page 2, to insert:

As will determine the difference in cost of the production of such commodities at home or abroad or.

Mr. ALDRICH. Mr. President, the provision, as passed by the House of Representatives as it stands, will simply carry out the provisions of existing law, and it is so stated upon its face. The suggested amendment opens up the whole question of general legislation on an appropriation bill. It is clearly general legislation; and, in my judgment, clearly subject to the point of order which I make.

Mr. CLAPP. Mr. President, I take it, from the point of order being made by the Senator from Rhode Island, that the authority to get information as to the difference in the cost of products abroad and at home is not now in the law. If it is in the law—

Mr. ALDRICH. That depends upon the interpretation which is put upon it by the executive officers of the Government. If it is in the law, it can be used.

Mr. CLAPP. If it is in the law, then, it would not be new legislation.

Mr. ALDRICH. Well, it is certainly not in the law in the form in which it is offered here.

Mr. CLAPP. That is true.

Mr. ALDRICH. Therefore it is general legislation.

Mr. CLAPP. Under existing law, either the power does exist to make this investigation to cover the difference in cost of production at home and abroad or it does not. If it does not, it clearly ought to do so; and if it does, then this is not new legislation nor general legislation, but it is simply expressing in plain words, which can not be misunderstood, what is already the law.

Mr. ALDRICH. The Senator from Minnesota and I might disagree as to the interpretation of any statute relative to Indian affairs or anything else. But the Senator from Oklahoma offers an amendment which is clearly general legislation, it makes no difference whether he may think it is in the law now or I may think it is in the law now. The rule of the Senate does not go into any of those fine distinctions, but it provides that no general legislation shall be in order upon an appropriation bill. That is the point. It is not as to what is in the law now or what construction the Senator from Minnesota or myself might give the law.

Mr. CLAPP. Ah, Mr. President, it is true it would make no difference what the Senator from Rhode Island or myself or any other Senator thought; but if it is in the law it would not be new legislation, and, consequently, if it is not in the law and the Senator wants the information for the purpose for which he asserts, namely, to justify existing legislation, there could be no harm in this full and complete investigation. If it is in the law, then it is simply stating in other terms existing law.

The PRESIDENT pro tempore. The Chair sustains the point of order.

Mr. ALDRICH. Mr. President, I want to say a few words about this provision.

Mr. BACON. Mr. President, before the Senator from Rhode Island begins, will he kindly give us the page from which he read what he stated was section 11? In the volume which I have section 11 relates to a different matter.

Mr. ALDRICH. The Senator is probably referring to section 11 of the general law. It is section 11 of the administration part of the law.

Mr. BACON. What page is that?

Mr. ALDRICH. Page 98 of the compilation which I have.

Mr. President, the tariff act of 1909 imposed very important duties upon the President of the United States with reference to the maximum and minimum provisions. It required him to examine the facts and ascertain whether discriminations existed against our products on the part of any or all of the great countries with which we are transacting business.

That duty was a continuous duty. It did not end at all with his proclamation that no discrimination existed at the time the proclamation was issued with reference to any of these countries. Any country is likely to-day or to-morrow or next week to impose, by legislation or by regulation or by executive order, restrictions or limitations upon American products going into its borders which would be clearly in violation of the second section of the tariff act. So that it is extremely important that the President should not only be advised as to possible or probable discriminations, but he must have the machinery by which to investigate all the alleged discriminations against the United States on the part of the different countries. The Congress, recognizing that fact, made an appropriation at its last session of \$75,000 to be used by the President in making these examinations for the purpose of disclosing any discriminations which might exist. As I have said, that is a continuing responsibility and a continuing power.

The act of 1909, in the second section, put the obligation upon Congress to make appropriations to assist the officers of the Government in the administration of the customs law. There is no limitation upon that. Anything that the President thinks will assist him or assist the officers of the Government in the administration of the customs laws is open under that clause. The tariff act of 1909 further provided that in the ascertainment of foreign values the officers of the customs should investigate the cost of production, and it goes into great detail as to how the cost of production shall be ascertained.

The appropriation in the pending bill, as I understand, is to give the President a right to continue in the future the investigations which he has inaugurated and which he has been conducting under the appropriation made last year. The purpose for which the result of the investigation shall be used hereafter is not involved in the appropriation which we seek to make.

The Senator from Georgia [Mr. CLAY] undertook to say that having passed a bill which was satisfactory to us, that was the end of the matter. I know of no man, protectionist or otherwise, who has any such idea as that at all. Interests and conditions in this country change from day to day. We do not know, according to statements made in this body, what the existing conditions are. Our committee got at the existing conditions in the best way they could—with testimony and evidence which was presented to them from all kinds of sources as to the elements entering into cost and production in this country as compared with foreign countries; but the avenues to find out the cost of production in foreign countries are necessarily limited. The investigations are sure to be conducted by the President of the United States in a manner which no man can criticize, because I think no man who knows the present President of the United States would venture to make the suggestion that these inquiries or investigations would be made unfairly and with reference to any particular and preconceived notions of his or of his party upon the tariff question.

I stated when I was on the floor before that, so far as I am concerned personally, I would be glad to have this investigation made as broad as possible, because I believe that the act of 1909 was not only based upon the best information that we could get, but that in all of its provisions no case can be pointed out where the rates were excessive from a protective standpoint. I concede at once, of course, that from a revenue standpoint, a great many of those rates are higher than they should be. We were not engaged, so far as the Congress was concerned—I am speaking now for the Senators upon this side of the Chamber—in the enactment of a revenue tariff. We were not trying to carry out merely the pledges of a party platform, if you please, because the protective policy is much older and much greater than any party platform. It is a policy which has given the people of this country prosperity in

the past, as it will in the future. According to our information—and I am speaking for a majority of Senators upon this side of the Chamber—we applied the correct principles of a protective policy to the preparation and adoption of that act; but I am only too glad, so far as I am concerned, that there should be the fullest possible investigation as to whether any of those rates are excessive.

It is quite common in the public press and in the minds of the people to assume that those of us who voted for the act of 1909 are "standpatters," that having passed the tariff bill—which is not exactly what I wanted, and which is not exactly what any man in this Chamber wanted, but which represented the consensus of opinion of a majority of the Senate—we are going to say, "We will have no more information on this subject; we will close our eyes and our ears so far as recognizing any changes which may take place in conditions here."

In my service in the Senate, extending over thirty years and including five tariff revisions, I am repeatedly on record, long before the adoption of this so-called principle in the Chicago platform of the last convention, that differences in the cost of production and of distribution; in other words, the effective cost of production in the relative countries, was the proper basis, and I have said over and over again in this body that I recognized the fact that the conditions in this country are constantly changing.

My first experience was with the act of 1883, when a large portion of the rates then in existence had no relation to the protective principle at all. I was strongly in favor of the revision in 1890 for reasons which I set forth at length in a report I made to this body from the Committee on Finance, in which I said distinctly that the time had come for a further revision of the tariff to meet existing conditions and to afford the workmen and the industries of the United States adequate protection.

I was also in favor of the revision in 1897. Of course there was another reason for it then, because we had had in the meantime a Democratic revision of the tariff. But the idea seems to be prevalent in some minds that those of us who are and who have been protectionists are in favor of a particular law remaining forever upon the statute books. I say, and I say distinctly, and the events will prove it, that the act of 1909 was the best protective tariff bill which has ever passed Congress. But when I say that I do not intend to be understood as closing my ears or thinking that Senators here, acting upon their oath of office, ought to foreclose their judgment from considering changes which take place in conditions with reference to all this great mass of industries.

I was not present yesterday when the Senator from Indiana [Mr. BEVERIDGE] made his remarks, and I was somewhat disappointed not to find them in the RECORD this morning, but my attention was called this morning to the fact that the Senator from Indiana had made this statement in the Senate: That there would not have been a word or a syllable or a punctuation mark with reference to this matter in the bill which passed, or in this provision, if it had not been for his efforts and the efforts of those who were with him.

Mr. BEVERIDGE. Mr. President—

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Rhode Island yield to the Senator from Indiana?

Mr. ALDRICH. I do not wish to misstate the Senator's position.

Mr. BEVERIDGE. I know the Senator does not want to.

Mr. ALDRICH. Oh, no; I do not.

Mr. BEVERIDGE. Possibly he was told that. What I did say, and what I repeat, and what the whole country knows is the truth, was that but for the great battle that for three years has been waged for the idea of having the facts relating to the tariff found out by experts, not one line or syllable or punctuation mark of this legislation would have been written, and not one dollar, cent, or mill would have been appropriated.

Mr. ALDRICH. I accept the changes suggested by the Senator from Indiana.

Mr. BEVERIDGE. That is what I stated.

Mr. ALDRICH. I want to say this; I think I am bound to say it as a historical fact; and I can speak, I think, with absolute knowledge upon this subject. There are not many, perhaps, on which I can, but I can speak with absolute knowledge upon this subject. The provision which went into the Senate bill was written by me. It had no suggested changes by anybody with reference to it. It was written by me. It was put into the bill on my motion in the Senate.

SENATE.

MONDAY, June 13, 1910.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.
The VICE-PRESIDENT resumed the chair.
The Journal of the proceedings of Saturday last was read and approved.

METHODIST EPISCOPAL CHURCH SOUTH, CORINTH, MISS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting certified copies of the finding of fact filed by the court in the cause of the trustees of the Methodist Episcopal Church South, of Corinth, Miss., v. United States (S. Doc. No. 622), which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Brownling, its Chief Clerk, announced that the House had passed the following bills, each with amendments, in which it requested the concurrence of the Senate:

S. 1021. An act to appoint James B. Ferguson a first lieutenant in the Medical Corps of the Army and to place him on the retired list; and

S. 4473. An act for the relief of Rasmus K. Hafso.

The message also announced that the House had passed the following bills, each with an amendment, in which it requested the concurrence of the Senate:

S. 1056. An act for the relief of Benjamin Hyde; and

S. 3082. An act for the relief of Elizabeth G. Martin.

The message further announced that the House had passed the following bills, in which it requests the concurrence of the Senate:

H. R. 971. An act for the relief of Joseph R. Reichardt;

H. R. 1883. An act for the relief of John G. Stauffer & Son;

H. R. 4093. An act for the relief of the owners of the American schooner *Wilson and Hunting* and cargo;

H. R. 4345. An act to reimburse the city of Chicago for damage done the Chicago Avenue Bridge by the U. S. light-house tender *Dahlia*;

H. R. 5015. An act for the relief of Clarence Frederick Chapman, United States Navy;

H. R. 9431. An act for the relief of the Barse Live Stock Commission Company;

H. R. 11374. An act to reimburse Dr. M. K. Knauff;

H. R. 14760. An act to authorize and direct the President of the United States to place upon the retired list of the United States Navy Lieut. Commander James H. Reid, with the rank of commander;

H. R. 18542. An act for the relief of Thomas C. Clark;

H. R. 18978. An act to authorize the Secretary of the Interior to issue a patent to the city of Anadarko, State of Oklahoma, for a tract of land, and for other purposes;

H. R. 19685. An act to compensate William P. Williams for losses sustained by him while assistant treasurer of the United States at Chicago, Ill.;

H. R. 21090. An act authorizing the President of the United States to appoint Commander Kenneth McAlpine a commander in the navy on the active list;

H. R. 22739. An act for the relief of James W. Evans;

H. R. 23081. An act for the relief of the family of Samuele Badolato;

H. R. 24291. An act for the relief of Cooper Walker; and

H. R. 24358. An act to relieve George West & Son (Incorporated), of Stockton, Cal., from an internal-revenue tax on brandy destroyed by accidental fire.

PETITIONS AND MEMORIALS.

Mr. CULLOM presented petitions of the Moline Retail Merchants' Association and of sundry citizens of Sandoval and Hanover, all in the State of Illinois, praying that an appropriation be made for the extension of the work of the Office of Public Roads, Department of Agriculture, which were ordered to lie on the table.

He also presented a petition of Confidence Lodge, No. 19, Amalgamated Association of Iron, Steel, and Tin Workers of America, of Madison, Ill., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a resolution adopted by the Rock River conference of the Baptist Church, in session at Marengo, Ill., relative to the charges of corruption in the election of Hon. WILLIAM LORIMER as a Senator from the State of Illinois, which was referred to the Committee on Privileges and Elections.

Mr. BURNHAM presented a petition of Delegate Lodge, No. 513, Brotherhood of Locomotive Firemen and Engineers, of Nashua, N. H., praying for the adoption of an amendment to the sundry civil appropriation bill to prohibit the use of money in prosecuting wage-earners in their efforts to better their condition, which was ordered to lie on the table.

Mr. PILES presented petitions of Local Grange No. 327, of Derby, and of Alert Grange, No. 240, of Olympia, Patrons of Husbandry, and of sundry citizens of McKinley, all in the State of Washington, praying that an appropriation be made for the extension of the work of the Office of Public Roads, Department of Agriculture, which were ordered to lie on the table.

Mr. WARREN presented a memorial of Local Union No. 2282, United Mine Workers of America, of Rock Springs, Wyo., remonstrating against the establishment of a national department of health, which was referred to the Committee on Public Health and National Quarantine.

EXEMPTION OF LABOR ORGANIZATIONS.

Mr. BURTON. I ask unanimous consent to have printed in the RECORD certain telegrams favoring a retention of the provision in the sundry civil appropriation bill relating to prosecutions under the antitrust law. As telegrams on the other side have been printed, I think it but fair that these should be printed also.

There being no objection, the telegrams were ordered to lie on the table and to be printed in the RECORD, as follows:

CLEVELAND, OHIO, June 9, 1910.

HON. THEO. E. BURTON,
Washington, D. C.

I understand Senate committee considering same has stricken following provision from sundry civil bill dealing with antitrust law: "That no part of this money shall be spent in the prosecution of any organization or individual for entering into any combination or agreement having in view the increasing of wages, shortening of hours, or bettering the conditions of labor, or for any act done in furtherance thereof not itself unlawful." The striking out of this provision is resented and objected to by over 100,000 members of the Brotherhood of Railroad Trainmen affected by it, and these men will appreciate any influence and assistance you may render toward its restoration in the bill.

WM. G. LEE, *President.*

CLEVELAND, OHIO, June 9, 1910.

HON. THEODORE E. BURTON,
Senator, Washington, D. C.

DEAR SIR: The Cleveland Federation of Labor requests that you do everything possible to get inserted in the sundry civil bill, known as H. R. 25552, the following paragraph stricken out by the Senate committee: "That no part of this money shall be spent in the prosecution of any organization or individual for entering into any combination or agreement having in view the increasing of wages, shortening of hours, or bettering the condition of labor, or for any act done in furtherance thereof not in itself unlawful."

H. D. THOMAS, *Secretary.*

CINCINNATI, OHIO, June 9, 1910.

HON. THEODORE E. BURTON,
Washington, D. C.

SIR: The House, in the sundry civil bill (H. R. 25552) for an appropriation to enforce the antitrust law, adopted the following proviso: "That no part of this money shall be spent in the prosecution of any organization or individual for entering into any combination or agreement having in view the increasing of wages, shortening of hours, or bettering the condition of labor, or any act done in furtherance thereof not in itself unlawful." This proviso has been stricken out by the Senate committee. On behalf of the organization which I represent, I respectfully urge you to see that the House proviso is reincorporated in the bill before its passage in the Senate.

Respectfully,

JOSEPH F. VALENTINE,
*President International Molders'
Union of North America.*

CANTON, OHIO, June 9, 1910.

THEODORE BURTON,
Senate Chamber, Washington, D. C.

DEAR SENATOR: In behalf of the Canton Central Labor Union and its affiliated locals, I respectfully request and urge you to lend your support in having the House provision remain as a part of the sundry civil bill, known as H. R. 25552.

Very respectfully,

WM. R. HORDEN, *Secretary.*

ST. PAUL, MINN., June 10, 1910.

Mr. THEODORE E. BURTON,
United States Senator, Washington, D. C.:

I urge your support for passing the Dodds bill; also your influence to restore the proviso in the sundry civil bill prohibiting the use of money in prosecuting labor in their efforts to better conditions.

A. I. STRAUN,
*Lodge 630, Brotherhood of Locomotive Firemen
and Enginemen, Alliance, Ohio.*

HAMILTON, OHIO, June 9, 1910.

THEODORE E. BURTON,
Senator, Washington, D. C.:

We urge you to assist in maintaining House provision in bill known as H. R. 25552.

LEO RIPPERGER,
Recording Secretary Trades and Labor Council.

SPRINGFIELD, OHIO, June 13, 1910.

Hon. THEODORE E. BURTON:

Springfield Trades and Labor Assembly unanimously urges you to support sundry civil bill (H. R. 25552) on appropriation to enforce antitrust law as passed by House; proviso eliminated by Senate committee renders bill unsatisfactory.

W. H. MORRIS.

CINCINNATI, OHIO, June 9, 1910.

THEODORE E. BURTON,

Senate, Washington, D. C.:

Ohio State Federation of Labor insists upon the maintenance of the House provision on sundry civil bill known as H. R. 25552.

JOHN B. CONNELLY.

REPORTS OF COMMITTEES.

Mr. CURTIS, from the Committee on Indian Affairs, to whom was referred the bill (S. 2430) for the relief of the heirs of John W. West, deceased, reported it without amendment and submitted a report (No. 827) thereon.

Mr. CUMMINS, from the Committee on Patents, to whom was referred the bill (H. R. 21481) to amend section 4916 of the Revised Statutes, relating to patents, reported it without amendment and submitted a report (No. 828) thereon.

Mr. CUMMINS. I am directed by the Committee on Patents, to whom was referred the bill (S. 5634) authorizing the Commissioner of Patents to issue certificates of correction, to report it adversely. I move that the bill be postponed indefinitely, as it relates to the same subject contained in the House bill just reported by me.

The motion was agreed to.

Mr. CUMMINS, from the Committee on Patents, to whom was referred the bill (S. 5633) to amend sections 4893 and 4917 of the Revised Statutes, submitted an adverse report (No. 829) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. CARTER, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 8583) for the relief of Malcolm Gillis, reported it without amendment and submitted a report (No. 830) thereon.

Mr. CURTIS, from the Committee on Pensions, to whom was referred the amendment submitted by Mr. BURNHAM (for Mr. McCUMBER) on the 10th instant, proposing to appropriate \$1,500 to pay Robert W. Farrar and \$1,500 to pay Dennis M. Kerr for extra services to the Committee on Pensions, intended to be proposed to the general deficiency appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

Mr. DEPEW, from the Committee on the Judiciary, to whom was referred the bill (H. R. 22317) to authorize quo warranto proceedings in regard to offices in national banks, reported it without amendment.

Mr. BRANDEGEE (for Mr. DILLINGHAM), from the Committee on the Judiciary, to whom was referred the bill (H. R. 15812) relating to liens on vessels for repairs, supplies, or other necessities, reported it with an amendment and submitted a report (No. 831) thereon.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (S. 3923) for the relief of D. M. Carman, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims, which was agreed to.

BILLS INTRODUCED.

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

By Mr. FRYE:

A bill (S. 8663) granting an increase of pension to Edward Higgins (with accompanying papers); to the Committee on Pensions.

By Mr. CLAY:

A bill (S. 8664) for the relief of the Catholic Church at Dalton, Ga.; and

A bill (S. 8665) for the relief of John L. Martin, administrator of the estate of John B. Wright, deceased; to the Committee on Claims.

By Mr. BURNHAM:

A bill (S. 8666) granting an increase of pension to Leonard N. George; to the Committee on Pensions.

By Mr. BULKELEY:

A bill (S. 8667) granting an increase of pension to Edwin Illsbury (with an accompanying paper); to the Committee on Pensions.

By Mr. OLIVER:

A bill (S. 8668) amendatory of the act approved April 23, 1906, entitled "An act to authorize the Fayette Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of Brownsville, Fayette County, to

a point in the borough of West Brownsville, Washington County;" to the Committee on Commerce.

By Mr. CURTIS:

A bill (S. 8669) granting an increase of pension to Daniel Riley (with an accompanying paper); to the Committee on Pensions.

By Mr. DICK:

A bill (S. 8670) granting an increase of pension to William Christy; and

A bill (S. 8671) granting an increase of pension to James Harvey; to the Committee on Pensions.

By Mr. WARREN:

A bill (S. 8672) to authorize the Secretary of the Interior to secure a site in Juneau, Alaska, and to erect thereon and fit and furnish a residence and office for the governor of the District of Alaska, and for the Alaska Historical Library and Museum; to the Committee on Public Buildings and Grounds.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL.

Mr. CUMMINS submitted an amendment proposing to appropriate \$75 to pay C. P. Schenck for reporting hearings before the Committees on Civil Service and Retrenchment and Interstate Commerce, intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. MONEY submitted an amendment proposing to appropriate \$1,161.60 to pay Thomas W. Keller for services while acting as acting assistant doorkeeper of the Senate from December 4, 1908, to December 6, 1909, intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. OWEN submitted an amendment providing that the clause in the general deficiency appropriation law of 1906 relating to the payment of item 2 of the judgment of the Court of Claims in favor of the Eastern Cherokees shall be so construed as to carry interest thereon from December 29, 1906, to March 15, 1910, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. DEPEW submitted an amendment proposing to appropriate \$25,000 to carry on the work of the Division of Information in the Bureau of Immigration and Naturalization, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Immigration and ordered to be printed.

He also submitted an amendment proposing to give jurisdiction to the Court of Claims to hear, try, and determine, and render judgment in the claims of Henry A. V. Post individually and as liquidating partner of H. A. V. Post, Archer N. Martin, Clarence H. Clark, and others, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. HEYBURN submitted an amendment proposing to appropriate \$500 to reimburse the state board of regents of the University of Idaho for the premium paid on an indemnity bond on account of the loss of a United States draft for \$25,000, intended to be proposed by him to the general deficiency appropriation bill, which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. WARREN submitted an amendment proposing to appropriate \$40,000 for a suitable site in Juneau, Alaska, for a residence and office for the governor of the District of Alaska, etc., intended to be proposed by him to the general deficiency appropriation bill, which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Public Buildings and Grounds and ordered to be printed.

WITHDRAWALS OF PUBLIC LANDS.

Mr. DIXON submitted an amendment intended to be proposed by him to the bill (H. R. 24070) to authorize the President of the United States to make withdrawals of public lands in certain cases, which was ordered to lie on the table and be printed.

REFUNDING CLAIMS OF INSURANCE COMPANIES.

Mr. OLIVER submitted the following resolution (S. Res. 255), which was considered by unanimous consent and agreed to:

Senate resolution 255.

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to require the Commissioner of Internal Revenue to examine the refunding claims of the American Fire Insurance Company, of Philadelphia, Pa., and the Insurance Company of North America, of Philadelphia, Pa., and report to the Senate the amount twice paid as taxes on the same identical income or profits by said companies under the acts of Congress approved July 1, 1862, June 30, 1864, and July 14, 1870, and amendments thereof.

purpose of the investigation for which this \$250,000 is to be expended. The one thing certain is that this amount is authorized. The next thing certain is that this sum will be expended. If it is to be used to secure information to enable the President to enforce the maximum and minimum provisions of the tariff act of 1909, it is an unnecessary expenditure. Our Government is equipped with its diplomatic representative at the capital of every foreign country in the world, who can easily secure and transmit correct translations of the import duties, export bounties, trade regulations, and everything necessary under that provision of the act of 1909. If it be to ascertain the difference between the cost of products at home and abroad, the Department of Commerce and Labor is now bound by statute to procure and report the cost of the product at home, and a letter of instruction to our consular representatives at all the principal points of industry in other countries will bring the information as to the cost abroad, in so far as it is practicable to secure such information in either instance. To say the Department of Commerce and Labor has not sufficient inquisitorial power might be a protection reason to confer additional power, but is not a good reason to create an additional body of tax eaters. As to our consular agents, their functions are commercial in character, and to these the best commission of so-called experts that could be devised would at last be compelled to resort for much, if not all, of their information as to cost abroad. So that from the standpoint of protection the pending provision is unnecessary. From the Democratic standpoint it is irrelevant, immaterial, and inconsequential to the proper exercise of the federal taxing power. Industry is social, not political, in character. Wealth is a social, not a political, product. It is born of brawn of muscle, skill of hand, and vigil of brain, not of the breath of Congresses. Industrial prosperity is a social, not a political, product. It is born of the energy and genius of man applied to the bounties of nature, not of the craft and cunning and greed of man applied to the powers of government. Tariffs, like other taxes, transfer property; they do not produce it. The difference between the cost of the article to the buyer in the market and what it would cost him to produce or fabricate it himself is the consideration that makes trade. It is what makes commerce a time-saving, labor-saving, capital-saving institution. The theory on which Congress is asked to vote this appropriation is that the wider the difference of cost in a given case the heavier must be the draft on the profits and earnings of the nonprotected, nonprotectable, self-helping, self-sustaining industries, occupations, and professions of the country to make profitable the otherwise unprofitable venture against which such difference should appear. Moreover, it is advanced only on the notion of the weakness, feebleness, and helplessness of the American people, and their inability to successfully compete with the outside world. I only add that this is a total misinterpretation of the economic history of the country from the early colonial days to the present hour.

Mr. HALE. Question, Mr. President.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Georgia [Mr. CLAY].

Mr. BEVERIDGE.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. HALE. I move that the Senate proceed to the consideration of House bill 25552, the sundry civil appropriation bill.

The motion was agreed to, and the Senate resumed the consideration of the bill (H. R. 25552) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1911, and for other purposes.

The VICE-PRESIDENT. The Secretary will state the pending amendment.

The SECRETARY. The pending amendment is the amendment offered by the Senator from Georgia [Mr. CLAY], on page 1, after the heading "Executive," to strike out all of the bill down to and including line 11, on page 2, in the following words:

To enable the President to secure information to assist him in the discharge of the duties imposed upon him by section 2 of the act entitled "An act to provide revenues, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, and the officers of the Government in administering the customs laws, including such investigations of the cost of production of commodities, covering cost of material, fabrication, and every other element of such cost of production as are authorized by said act, and including the employment of such persons as may be required for those purposes; and to enable him to do any and all things in connection therewith authorized by law, \$250,000.

absent and is paired with the Senator from North Dakota [Mr. McCUMBER].

The roll call was concluded.

Mr. PAGE. I wish to announce the absence of my colleague [Mr. DILLINGHAM], who is unavoidably detained. He is paired

with the senior Senator from South Carolina [Mr. TILLMAN]. If my colleague were present and at liberty to vote, he would vote "nay."

Mr. CLARK of Wyoming (after having voted in the negative). I have a general pair with the Senator from Missouri [Mr. STONE]. In his absence I inadvertently voted. I transfer the pair to the Senator from Illinois [Mr. LORIMER] and allow my vote to stand.

Mr. GALLINGER. I have been requested to announce a pair between the senior Senator from Michigan [Mr. BURROWS] and the senior Senator from Virginia [Mr. DANIEL].

Mr. ALDRICH. I am paired with the senior Senator from Arkansas [Mr. CLARKE]. I transfer the pair to my colleague [Mr. WETMORE] and will vote. I vote "nay."

Mr. ELKINS. I transfer my pair with the Senator from Texas [Mr. BAILEY] to the Senator from Ohio [Mr. DICK] and will vote. I vote "nay."

Mr. CLAPP (after having voted in the negative). I have a general pair with the senior Senator from North Carolina [Mr. SIMMONS]. He being absent, I transfer the pair to the senior Senator from Wisconsin [Mr. LA FOLLETTE] and allow my vote to stand.

Mr. BRIGGS. I have a pair with the junior Senator from North Dakota [Mr. PURCELL]. If he were present, I should vote "nay."

Mr. CLAPP (after having voted in the negative). I find, on account of some arrangement having been made, that I shall withdraw the transfer of my pair and I therefore withdraw my vote.

Mr. BEVERIDGE. May I inquire whether the junior Senator from Michigan [Mr. SMITH] is recorded as having voted or being paired?

The VICE-PRESIDENT. The Chair thinks not.

Mr. BEVERIDGE. I do not see the senior Senator from Michigan here, and I feel, therefore, that I am authorized to say that the junior Senator from Michigan, if here, would vote "nay" on this motion.

Mr. JOHNSTON. I am paired with the junior Senator from Michigan [Mr. SMITH]. I transfer the pair to my colleague [Mr. BANKHEAD] and will vote. I vote "yea."

Mr. BACON. I have been requested to announce that the senior Senator from Kentucky [Mr. PAYNTER] is paired with the Senator from Colorado [Mr. GUGGENHEIM]. If the senior Senator from Kentucky were present he would vote "yea."

Mr. CLAPP. Before the vote is announced I desire to state on behalf of the senior Senator from Wisconsin [Mr. LA FOLLETTE], who is unavoidably detained, that if he were present he would vote "nay."

Mr. KEAN. The junior Senator from West Virginia [Mr. SCOTT] is necessarily absent. He is paired with the Senator from Florida [Mr. TALIAFERRO]. If the Senator from West Virginia were present he would vote "nay."

The result was announced—yeas 13, nays 44, as follows:

| | | | |
|----------------|-------------|-------------|--------------|
| YEAS—13. | | | |
| Bacon | McEnery | Percy | Smith, S. C. |
| Davis | Martin | Rayner | |
| Frazier | Money | Shively | |
| Johnston | Overman | Smith, Md. | |
| NAYS—44. | | | |
| Aldrich | Carter | Flint | Nixon |
| Beveridge | Clark, Wyo. | Frye | Oliver |
| Borah | Crane | Gallinger | Owen |
| Bourne | Crawford | Gambell | Page |
| Brandegee | Cullom | Gore | Perkins |
| Brown | Cummins | Hale | Piles |
| Bristow | Curtis | Heyburn | Smoot |
| Bulkeley | Depew | Jones | Stephenson |
| Burkett | Dixon | Kean | Sutherland |
| Burnham | Dolliver | Lodge | Warner |
| Burton | Elkins | Nelson | Warren |
| NOT VOTING—35. | | | |
| Bailey | Cuberson | La Follette | Scott |
| Bankhead | Daniel | Lorimer | Simmons |
| Bradley | Dick | McCumber | Smith, Mich. |
| Briggs | Dillingham | Newlands | Stone |
| Burrows | du Pont | Paynter | Taliaferro |
| Chamberlain | Fletcher | Penrose | Taylor |
| Clapp | Foster | Purcell | Tillman |
| Clarke, Ark. | Guggenheim | Richardson | Wetmore |
| Clay | Hughes | Root | |

So Mr. CLAY's amendment was rejected.

Mr. BEVERIDGE. I propose an amendment to be added to the last word of the provision, which is the tariff-commission bill modified, to fit into this language, but preserving all the features of the original, and which must some time, and soon, be added to this beginning.

Mr. KEAN. It is subject to a point of order.

Mr. HALE. It covers the point that has been already decided. I must make the point of order against it.

The amendment was, to add, after the word "dollars," line 11, on page 2, the following:

Seven of the persons whom the President is authorized to employ for said purposes shall be appointed by the President, by and with the advice and consent of the Senate, for a period of five years, and shall constitute and be known as the tariff board. The members of said board shall be appointed solely with a view to their qualifications, as hereinafter specified, and without regard to political affiliations. As nearly as possible, the composition of said board shall be as follows:

First, three members identified with the producing interests; second, one member a lawyer who has made a special study of the customs and tariff laws of the United States; third, one member who has had special experience in connection with the administration of customs and tariff laws in the United States; fourth, one member familiar with industrial and commercial conditions in foreign countries affecting competition of foreign products with products of the United States and thoroughly conversant with the customs and tariff laws of those countries; fifth, one economist and statistician who has given special attention to the subject of prices and cost of production as affecting the tariff. No member shall belong to either branch of Congress. Any member of said board may be removed by the President for inefficiency, neglect of duty, or malfeasance in office. The President shall designate the chairman of the board. Each member of said board shall receive an annual salary of \$7,500. The board shall appoint a secretary, who shall receive a salary of \$5,000. The board shall have the power to employ and fix the compensation of such other employees as it may find necessary to the proper performance of its duties.

It shall be the duty of said board to investigate immediately the cost of production of all articles covered by the tariff, with special reference to the prices paid American labor in comparison with the prices paid foreign labor, the prices of raw materials, whether domestic or imported, entering into manufactured articles, the condition of domestic and foreign markets as affecting American products, and all other facts which, in the judgment of said board, may be necessary or helpful to Congress in providing equitable rate of duties on any article; and, in general, to thoroughly investigate all the various questions relating to the manufacturing, agricultural, commercial, and mining interests of the United States so far as the same may be necessary or helpful to Congress in enacting customs tariff laws.

That said board shall tabulate the results of said investigation and submit the same to Congress, together with an explanatory report of said facts so ascertained; and said tabulation of said facts and report in explanation of the same shall be laid before Congress at the earliest possible moment for the use, information, and guidance of Congress; and at the request of the Ways and Means Committee of the House and the Finance Committee of the Senate, or by the direction of Congress by resolution, said board shall sit with said above-named committees of the House and of the Senate during the sessions of said committees when said committees are drafting or considering any bill affecting the customs tariff laws of the United States.

That it shall be the duty of said board to study and investigate all rulings and classifications of the Treasury Department by which new articles not specifically provided for in the customs tariff law are now included in the operation of said law; and also make a study of the classifications recently adopted in the customs tariff laws of the leading commercial nations of the world; and to submit to Congress the result of said investigations, together with a draft of a scheme for the scientific classification of tariff schedules.

That said board shall have the power to sit and hold hearings in any part of the country, and it shall be the duty of said board, through one or more members thereof, to personally visit every section of the country and personally investigate the conditions of each section with reference to the tariff; it shall also have the power to visit, through one or more of its members or employees, such foreign countries as may be found necessary in the prosecution of its work; that the board shall have the power to call upon any of the existing government departments or bureaus for information on file in such departments or bureaus which it may require in connection with the work it is authorized to do by this act. Said board in pursuing its investigations, as above provided, shall have the power to take testimony, administer oaths, and require the production of books and papers for the purpose of the accurate ascertainment of the facts which it shall be the duty of said board to investigate and report to Congress, as hereinbefore provided.

That, in addition to the other duties herein provided, it shall be the duty of said board to continuously study the tariffs of other countries with especial reference to their effect upon the foreign trade of the United States, and at his request to advise the President from time to time as to the state of the commerce of the United States with foreign countries, and the effect which the tariffs of said foreign countries and our own tariff have upon such trade, to the end that the President of the United States may take such steps in the application of the maximum and minimum tariffs and other administration of our tariff laws as in his opinion will best protect the interests of the United States.

That the principal offices of said board shall be in the city of Washington, and said board may hire suitable offices for its use and procure all necessary office supplies. Should said board require the attendance of any witness, either in Washington or at any other place not the home of said witness, said witness shall be paid the same fees and mileage that are paid witnesses by the courts of the United States.

That all of the expenses of the board, including all necessary expenses for transportation incurred by the members thereof, or by their employees under their orders, in making any investigations, or upon official business in any other places than in Washington, shall be paid on the presentation of itemized vouchers, approved by the chairman of the board.

The VICE-PRESIDENT. The Senator from Maine raises the point of order against the amendment. The point of order is sustained.

Mr. BEVERIDGE. I offer another amendment, which is the same provision in a little different but rather important form. Of course, the Senator from Maine will make the same point of order against it.

The amendment was to add after the word "dollars," in line 11, on page 2, the following:

Seven of the persons whom the President is authorized to employ for said purposes shall be appointed by the President, by and with the advice and consent of the Senate, for a period of seven years, and shall constitute, and be known as, the tariff commission. The members of

said commission shall be appointed solely with a view to their qualifications as hereinafter specified, and without regard to political affiliations. As nearly as possible the composition of said commission shall be as follows:

First, three members identified with the producing interests; second, one member a lawyer who has made a special study of the customs and tariff laws of the United States; third, one member who has had special experience in connection with the administration of customs and tariff laws in the United States; fourth, one member familiar with industrial and commercial conditions in foreign countries affecting competition of foreign products with products of the United States and thoroughly conversant with the customs and tariff laws of those countries; fifth, one economist and statistician who has given special attention to the subject of prices and cost of production as affecting the tariff. No member shall belong to either branch of Congress. Any member of said commission may be removed by the President for inefficiency, neglect of duty, or malfeasance in office. The President shall designate the chairman of the commission. Each member of said commission shall receive an annual salary of \$7,500. The commission shall appoint a secretary, who shall receive a salary of \$5,000. The commission shall have the power to employ and fix the compensation of such other employees as it may find necessary to the proper performance of its duties.

It shall be the duty of said commission to investigate immediately the cost of production of all articles covered by the tariff, with special reference to the prices paid American labor in comparison with the prices paid foreign labor; the prices of raw materials, whether domestic or imported, entering into manufactured articles; the condition of domestic and foreign markets as affecting American products; and all other facts which, in the judgment of said commission, may be necessary or helpful to Congress in providing equitable rate of duties on any article; and, in general, to thoroughly investigate all the various questions relating to the manufacturing, agricultural, commercial, and mining interests of the United States so far as the same may be necessary or helpful to Congress in enacting customs tariff laws.

Sec. 4. That said commission shall tabulate the results of said investigation and submit the same to Congress, together with an explanatory report of said facts so ascertained; and said tabulation of said facts and report in explanation of the same shall be laid before Congress at the earliest possible moment for the use, information, and guidance of Congress; and at the request of the Ways and Means Committee of the House and the Finance Committee of the Senate, or by the direction of Congress by resolution, said commission shall sit with said above-named committees of the House and of the Senate during the sessions of said committees when said committees are drafting or considering any bill affecting the customs tariff laws of the United States.

That it shall be the duty of said commission to study and investigate all rulings and classifications of the Treasury Department by which new articles not specifically provided for in the customs tariff law are now included in the operation of said law; and also make a study of the classifications recently adopted in the customs tariff laws of the leading commercial nations of the world; and to submit to Congress the result of said investigations, together with a draft of a scheme for the scientific classification of tariff schedules.

That said commission shall have the power to sit and hold hearings in any part of the country, and it shall be the duty of said commission, through one or more members thereof, to personally visit every section of the country and personally investigate the conditions of each section with reference to the tariff; it shall also have the power to visit, through one or more of its members or employees, such foreign countries as may be found necessary in the prosecution of its work; that the commission shall have the power to call upon any of the existing government departments or bureaus for information on file in such departments or bureaus which it may require in connection with the work it is authorized to do by this act. Said commission in pursuing its investigations, as above provided, shall have the power to take testimony, administer oaths, and require the production of books and papers for the purpose of the accurate ascertainment of the facts which it shall be the duty of said commission to investigate and report to Congress, as hereinbefore provided.

That in addition to the other duties herein provided, it shall be the duty of said commission to continuously study the tariffs of other countries with especial reference to their effect upon the foreign trade of the United States, and at his request to advise the President from time to time as to the state of the commerce of the United States with foreign countries, and the effect which the tariffs of said foreign countries and our own tariff have upon such trade, to the end that the President of the United States may take such steps in the application of the maximum and minimum tariffs and other administration of our tariff laws as in his opinion will best protect the interests of the United States.

That the principal offices of said commission shall be in the city of Washington, and said commission may hire suitable offices for its use and procure all necessary office supplies. Should said commission require the attendance of any witness, either in Washington or at any other place not the home of said witness, said witness shall be paid the same fees and mileage that are paid witnesses by the courts of the United States.

That all of the expenses of the commission, including all necessary expenses for transportation incurred by the commissioners, or by their employees under their orders, in making any investigations, or upon official business in any other places than in Washington, shall be paid on the presentation of itemized vouchers, approved by the chairman of the commission.

Mr. HALE. I make the point of order against the amendment.

The VICE-PRESIDENT. The Senator from Maine raises the point of order against the amendment, which the Chair understands is conceded to be good, and he sustains the point of order.

Mr. BACON. I have an amendment which I desire to offer and on which I desire to say a few words. I ask to have it read. I hope Senators will give attention to it. I offer it in good faith.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. Add, after the word "dollars," on page 2, line 11, the following proviso:

Provided, That in making the selections of such persons to be employed under this paragraph not more than two-thirds of them in num-

Sec. 3. That the court, or judge thereof, in vacation may order a grand jury for either term of the court herein provided for at the city of Rolla.

Sec. 4. Prosecution for crimes or offenses hereafter committed in any part of said division shall be cognizable at either of the terms of court held in the city of St. Louis or the city of Rolla.

Sec. 5. That suits may be brought in the court held at the city of St. Louis or at the city of Rolla, as the plaintiff may elect; and causes, civil and criminal, may be transferred by the court or judge thereof from St. Louis to Rolla or from Rolla to St. Louis, in said division and district, when the convenience of parties or the ends of justice would be promoted by the transfer; or such transfer may be made upon the written stipulation of the parties or their attorneys; and any interlocutory order may be made by the court or judge in either place.

Sec. 6. That all causes removed from state courts held within said division to the circuit court of the United States shall be sent to said court at St. Louis or at Rolla, at the option of the adverse party, and be subject to transfer as prescribed in section 5.

Sec. 7. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed to the extent of such inconsistency, but not otherwise.

The amendments were agreed to.

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

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

The bill was read the third time and passed.

The title was amended so as to read:

An act to provide for sittings of the United States circuit and district courts of the eastern division of the eastern district of Missouri at the city of Rolla, in said district.

Mr. WARNER. I am also directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 23094) to provide for sittings of the United States circuit and district courts of the western division of the western judicial district of Missouri, at the city of Chillicothe, in said district, to report it favorably with amendments, and I submit a report (No. 833) thereon. For the reason just stated, I ask unanimous consent for the present consideration of the bill.

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

The amendments were on page 1, line 5, after the word "western" to strike out the word "judicial," and after line 10 to add sections numbered 2, 3, 4, 5, 6, and 7, so as to make the bill read:

Be it enacted, etc., That from and after the passage of this act there shall be held at the city of Chillicothe, in the western division of the western district of Missouri, a term of both the circuit and district courts of said division and district on the fourth Monday in May and the first Monday in December of each year: *Provided,* That suitable rooms and accommodations are furnished for the holding of said courts at said city free of expense to the Government of the United States.

After line 10, insert the following new sections Nos. 2, 3, 4, 5, 6, and 7:

"Sec. 2. That the clerks of the district and circuit courts for the western division of the western district of Missouri and the marshal and attorney of the United States for said district shall perform the duties appertaining to their offices, respectively, in and for the courts held at the city of Chillicothe; and the clerks' offices for said courts shall be at Kansas City, where all the records of said courts shall be kept and all the office duties performed, except when said courts are in session at Chillicothe.

"Sec. 3. That the court, or judge thereof, in vacation, may order a grand jury for either term of court herein provided for at the city of Chillicothe.

"Sec. 4. Prosecutions for crimes or offenses hereafter committed in any part of said division shall be cognizable at either of the terms of court held in the city of Kansas City or the city of Chillicothe.

"Sec. 5. That suits may be brought in the court held at the city of Kansas City or at the city of Chillicothe as the plaintiff may elect; and causes, civil and criminal, may be transferred by the court or judge thereof from Kansas City to Chillicothe or from Chillicothe to Kansas City, in said division and district, when the convenience of parties or the ends of justice would be promoted by the transfer; or such transfer may be made upon the written stipulation of the parties or their attorneys, and any interlocutory order may be made by the court or judge at either place.

"Sec. 6. That all causes removed from state courts held within said division to the circuit court of the United States shall be sent to said court held at Kansas City or at Chillicothe at the option of the adverse party and be subject to transfer, as prescribed by section 5.

"Sec. 7. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed to the extent of such inconsistency, but not otherwise."

The amendments were agreed to.

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

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

The bill was read the third time, and passed.

The title was amended so as to read:

An act to provide for sittings of the United States circuit and district courts of the western division of the western district of Missouri at the city of Chillicothe, in said district.

ST. VINCENT'S ORPHAN ASYLUM.

Mr. BRADLEY. From the Committee on the District of Columbia, I report back favorably without amendment the bill (H. R. 17871) to amend an act entitled "An act to incorporate St. Vincent's Orphan Asylum, in the District of Columbia,"

approved February 25, 1831, and I submit a report (No. 834) thereon. I ask for its immediate consideration.

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

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

COLLECTION DISTRICT IN OREGON.

Mr. PILES, from the Committee on Commerce, reported the following concurrent resolution; which was considered by unanimous consent and agreed to:

Senate concurrent resolution 36.

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill S. 538, "to amend sections 2586 and 2587 of the Revised Statutes of the United States, as amended by the acts of April 25, 1882, and August 28, 1890, relating to collection districts in Oregon," the enrolling clerk of the Senate be, and he is hereby, authorized and directed to strike out, on page 2, line 20, of the engrossed bill, "and including," and insert "but excluding;" also, on page 3, line 4, of the engrossed bill, to strike out "including" and insert "excluding."

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. BEVERIDGE:

A bill (S. 8673) to provide for an additional appropriation for the erection of a public building in the city of Columbus, Ind.; to the Committee on Public Buildings and Grounds.

By Mr. BORAH:

A bill (S. 8674) granting an increase of pension to Calvin L. Johnson (with an accompanying paper); and

A bill (S. 8675) granting a pension to Malinda Wilson (with an accompanying paper); to the Committee on Pensions.

By Mr. LODGE:

A bill (S. 8676) for the relief of John Fowler; to the Committee on Claims.

By Mr. FLETCHER:

A bill (S. 8677) for the relief of Fred Blum and others; to the Committee on Claims.

By Mr. CLAPP:

A bill (S. 8678) granting a pension to George Sword (with accompanying papers); to the Committee on Pensions.

By Mr. GAMBLE:

A bill (S. 8679) providing for the allotment of lands to certain members of the Ponca tribe of Indians, and for other purposes; to the Committee on Indian Affairs.

By Mr. ALDRICH:

A bill (S. 8680) granting an increase of pension to Ellen M. Bellows (with an accompanying paper);

A bill (S. 8681) granting an increase of pension to Elmina J. Bliss (with an accompanying paper);

A bill (S. 8682) granting an increase of pension to Timothy Cullen (with an accompanying paper);

A bill (S. 8683) granting an increase of pension to Luke Gray (with an accompanying paper);

A bill (S. 8684) granting an increase of pension to Eliza C. Johnson (with an accompanying paper);

A bill (S. 8685) granting an increase of pension to Susan F. Nicholas (with an accompanying paper);

A bill (S. 8686) granting an increase of pension to George R. Saunders (with an accompanying paper);

A bill (S. 8687) granting an increase of pension to Elisabeth Smith (with an accompanying paper);

A bill (S. 8688) granting an increase of pension to Annie S. Waterman (with an accompanying paper);

A bill (S. 8689) granting an increase of pension to Catharine J. Warren;

A bill (S. 8690) granting an increase of pension to Maria L. Greene;

A bill (S. 8691) granting an increase of pension to Abby E. Perkins;

A bill (S. 8692) granting an increase of pension to Mary E. Hoard;

A bill (S. 8693) granting an increase of pension to Lewis Watts; and

A bill (S. 8694) granting an increase of pension to Hattie E. Lawton; to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 8696) authorizing the Secretary of the Interior to permit the relinquishment of lands in certain Choctaw and Chickasaw coal leases and the substitution of other lands therefor, and for other purposes; to the Committee on Indian Affairs.

By Mr. FLINT:

A bill (S. 8697) to authorize the Stockton Terminal and Eastern Railroad Company, a corporation organized under the laws of the

State of California, to construct a bridge across the Stockton diverting canal, connecting Mormon Channel with the Calaveras River, in the county of San Joaquin, State of California; to the Committee on Commerce.

By Mr. SMOOT:

A joint resolution (S. J. Res. 107) limiting the editions of the publications of the Bureau of Mines; to the Committee on Printing.

By Mr. CULLOM:

A joint resolution (S. J. Res. 108) providing for the postponement of the payment of the corporation tax until January 1, 1911; to the Committee on Finance.

By Mr. GORE:

A joint resolution (S. J. Res. 109) providing for a joint committee to investigate alleged persecutions of Mexican citizens by the Government of Mexico, which was referred to the Committee on the Judiciary.

AMENDMENT TO DEFICIENCY APPROPRIATION BILL.

Mr. OLIVER submitted an amendment proposing to appropriate \$23,057.89 to cover expenditures made by the Pennsylvania Railroad and the lines in its system east of Pittsburg and Erie in complying with the imperative quarantine regulations established by the Department of Agriculture, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. BURKETT submitted an amendment proposing to appropriate \$12,000 for the suppression of the traffic in intoxicating liquors among the natives of Alaska, intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

OMNIBUS PUBLIC BUILDINGS BILL.

Mr. RAYNER submitted an amendment intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

WITHDRAWALS OF PUBLIC LANDS.

Mr. BEVERIDGE submitted an amendment intended to be proposed by him to the bill (H. R. 24070) to authorize the President of the United States to make withdrawals of public lands in certain cases, which was ordered to lie on the table and be printed.

LISTS OF CLAIMS, JUDGMENTS, ETC.

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

Senate resolution 258.

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to transmit to the Senate the following schedule and lists of claims, judgments, and awards requiring appropriations by Congress not heretofore reported to Congress at the present session, namely:

First. Schedule of claims allowed by the accounting officers of the Treasury under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874.

Second. List of judgments rendered by the Court of Claims against the United States.

Third. List of judgments rendered by the Court of Claims in favor of claimants and against the United States under the act to provide for the adjudication and payment of claims arising from Indian deprivations, approved March 3, 1891.

Fourth. List of judgments rendered against the United States by the circuit and district courts of the United States under the act to provide for bringing suits against the Government of the United States, approved March 3, 1887.

Fifth. List of awards made by the Spanish Treaty Claims Commission under the act to carry into effect the stipulations of article 7 of the treaty between the United States and Spain concluded on the 10th day of December, 1898, approved March 2, 1901.

WITHDRAWAL OF PAPERS—SAMUEL B. HORNE.

On motion of Mr. BULKELEY, it was

Ordered, That the papers in the case of the bill S. 2720, Fifty-fourth Congress, second session, and prior Congresses, for the relief of Samuel B. Horne be withdrawn from the files of the Senate, no adverse report having been made thereon.

WITHDRAWAL OF PAPERS—JACOB SOUDER.

On motion of Mr. CULLOM, it was

Ordered, That the papers in the case of the bill (S. 303) granting an increase of pension to Jacob Souder be withdrawn from the files of the Senate, no adverse report having been made thereon.

SPEECH OF SENATOR BRADLEY.

Mr. CARTER. I ask unanimous consent that there be printed in the RECORD the remarks of the Senator from Kentucky [Mr. BRADLEY] at Arlington on Memorial Day.

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

SPEECH DELIVERED BY SENATOR W. O. BRADLEY AT ARLINGTON, MAY 30, 1910.

This beautiful and impressive service should not be characterized alone by sadness. It is, indeed, a sad thought that

we are surrounded by the graves of so many brave men who died that our country might live. Nevertheless, we rejoice that they did not die in vain.

Nor is this the time or place to indulge in bitterness or hate. Such feelings have long since been consigned to oblivion by all patriotic Americans. If there be one who fought for the Union or who sympathized with the cause, or if there be one who fought or sympathized with those who fought against it, who has not forgotten the heartburnings of the past, and who to-day cherishes malice or ill-will against his brother, he merits the anathemas of mankind, should receive Divine pity and be born again.

The war having ended nearly half a century ago, for the instruction of the rising generation it is appropriate to refer to its causes without entering into their discussion, for they have been settled forever by the sword. These causes were a difference in constitutional construction and the contention concerning the justice of slavery. The overwhelming majority of the white people of the South owned slaves or sympathized with those who did, and believed the institution to be just and right. They believed, also, that the States were the source of all power, could rightfully control the Nation, and might resist it even to the extent of withdrawing from it.

Happily in my State there had lived a statesman who differed from the large majority of the great statesmen of the South, Henry Clay, who many years before had taught the people of Kentucky that they owed their first duty to the Nation, and their next to the State, consequently when the supreme moment arrived the State of Kentucky, true to his teachings, loyally stood by the Union, contributing more than 86,000 of her sons to the Union army.

Let no man say that the people of the South were actuated by a desire to destroy this country purely from malice or wickedness, for it is not true. We but do them simple justice when we say that they believed in the teaching of their statesmen, while those who opposed them believed in the teachings of theirs. These differences of opinion alone were the occasion of the bloodiest war in all history, a war whose pathway was marked by the graves of dead heroes and the broken hearts of their widows and little ones. And yet, that war was a supreme blessing. We never could have settled the controversy except by the sword, and now it is settled forever, and no man but an enemy to his country's peace and welfare will ever attempt to unsettle the fact that this Nation is sovereign, and that no State can withdraw from it without its consent. Nor will any sane, honest, or patriotic man ever attempt to again place the blot of slavery upon the American flag. And the Spanish-American war, too, was a blessing to our country, because, when the swords of Grant and Lee no longer flashed over contending hosts, but reflected their blended light beneath the old flag, the whole world knew that while the swords of our countrymen were thousands, "their bosoms were one." Nothing can be gained by recalling the animosities of the past. This is our home, this is our country, and if we are to succeed we must live as brothers and cultivate peace. I am not here to revile the soldiers who fought on the other side; but, on the contrary, I concede that their bravery and prowess entitle them to the admiration of mankind. They fought for what they believed to be right; we fought for what was right. It can not be possible to-day that any sane man doubts that those who in their silent chambers surround us battled for the right.

As we contemplate this great country, its network of railroads, telegraph, and telephone lines; its great cables laid through the chainless waters of the mighty deep, across which flash messages from every country of the world; when we appreciate that the United States is the most wonderful Nation of the earth, the workshop and granary of the world; when we see our broad fields of waving grain, our almost endless carpeting of grass and foliage lifting their rich fruit offerings unto God; as we behold our flag waving in the distant Philippines and Hawaii, carrying with it religion, morality, and education; as we see it floating from the ancient battlements of Porto Rico, and but a short while ago saw it waving triumphantly from the ancient wall of China; when we behold our splendid navy riding the waves of every sea, and our country with all its power at peace with all the world—what manner of man must he be who would say that the settlement of that contest was not right?

On the battlefield of Chickamauga stands a monument erected by the State of Kentucky. The commission conferred the very great honor of selecting from a message delivered by me as governor the inscription on that monument. You will pardon me for reading it, for I believe it epitomizes the feeling of every liberty-loving American citizen:

As we are united in life and they are united in death, let one monument perpetuate their deeds and one people, forgetful of all asperities, forever hold in grateful remembrance all the glories of that terrible

fantry, war with Spain, and pay her a pension at the rate of twelve dollars per month and two dollars per month additional on account of each of the minor children of said David Waters until they reach the age of sixteen years."

REED SMOOT,
CHARLES CURTIS,
ROBT. L. TAYLOR,
Managers on the part of the Senate.

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

The report was agreed to.

COLLECTION DISTRICTS IN OREGON.

Mr. BOURNE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 538) to amend sections 2586 and 2587 of the Revised Statutes of the United States, as amended by the acts of April 25, 1882, and August 28, 1890, relating to collection districts in Oregon, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, page 4, line 3, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "and storage charges not exceeding three hundred dollars per annum in lieu of all compensation now allowed by law;" and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House, page 4, line 5, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "in lieu of present salary;" and the House agree to the same.

JONATHAN BOURNE,
S. H. PILES,
WILLIAM J. STONE,
Managers on the part of the Senate.

SERENO E. PAYNE,
W. R. ELLIS,
EDWARD W. POU,
Managers on the part of the House.

The report was agreed to.

SETTLEMENT OF LANDS IN OKLAHOMA.

Mr. GORE. I ask unanimous consent for the present consideration of the bill (H. R. 8914) to open to settlement and entry under the general provisions of the homestead laws of the United States certain lands in the State of Oklahoma, and for other purposes.

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

Mr. CLAPP. I offer an amendment which I send to the desk, which is supported by a letter from the secretary of the agency.

Mr. KEAN. If this bill is going to occasion any delay, I shall have to ask for the regular order.

Mr. CLAPP. It will not take any time.

Mr. KEAN. I mean a long time; of course it will take some time.

Mr. CLAPP. It will not take two minutes.

The VICE-PRESIDENT. The amendment proposed by the Senator from Minnesota will be stated.

The SECRETARY. It is proposed to add at the end of the last section of the bill the following proviso:

Provided, That the Secretary of the Interior is hereby authorized and directed to issue a patent in fee for northwest quarter of section 30, township 2 north, range 11 west, Indian meridian, Comanche County, Okla., to James F. Rowell, a full member of the Kiowa, Comanche, and Apache tribes of Indians of Oklahoma, who has heretofore received no allotment of land from any source; this to be in lieu of all claims to an allotment of land or money settlement in lieu of any allotment.

The amendment was agreed to.

Mr. GORE. In connection with the bill I ask to have printed in the RECORD a letter from the superintendent and special disbursing agent of the Kiowa Agency, Anadarko, Okla.

The VICE-PRESIDENT. Without objection, the request of the Senator from Oklahoma will be complied with.

The letter is as follows:

Subject: Recommending sale of lands no longer required for agency purposes.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Kiowa Agency, Anadarko, Okla., January 7, 1909.
The HONORABLE COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

SIR: I have the honor to recommend that congressional authority be obtained to sell the following described tracts of land in such manner

as may be hereafter prescribed, the same being no longer required for the purposes for which they were reserved:

1. Southeast quarter of section 20, township 6 north, range 15 west; 160 acres set aside as Rainy Mountain issue station. (Letter, land 72431, 1902.)

2. East half of southeast quarter section 2, township 7 north, range 12 west; 80 acres. (Caddo subagency.)

3. Southwest of southwest quarter of section 2, township 7 north, range 12 west; 40 acres, cemetery Fort Cobb. See letter, "Land 36264, 1908," inclosed herewith.

4. Southwest quarter of section 5, township 4 north, range 9 west; Little Washita issue station, 160 acres.

5. Southeast of northwest quarter of section 32, township 2 north, range 11 west; 40 acres, part of Fort Sill School Reserve.

6. Lots 1 and 2 and south half of southeast quarter of section 17, township 2 north, range 11 west, and lots 3 and 4 and south half of southwest quarter of section 17, township 2 north, range 11 west; 261.68 acres, part of Fort Sill Subagency Reserve.

7. All land in southwest quarter of section 14, township 7 north, range 10 west, and all land in west half of southeast quarter of section 14, township 7 north, range 10 west, lying south of the Chicago, Rock Island and Pacific Railway right of way. Part of Kiowa Agency Reserve. This land was recommended for sale in my letter of December 14, 1908.

Lands described in paragraphs 2 and 3 were set aside for subagency reserve in accordance with act approved March 2, 1892. (28 Stats., 843.) (Letter, land, March 11, 1901.)

Lands described in paragraphs 4 to 7, inclusive, set aside in accordance with act approved June 6, 1900. (Land, July 11, 1900.)

I urgently request that when this land is sold the proceeds of same be placed at interest under such regulations as the Secretary of the Interior may direct; the interest only to be used in the construction and maintenance of a hospital and home for aged Indians on the Mount Scott Agency Reserve, as set forth in my letter of December 10, 1908, a copy of which is hereto attached.

Very respectfully,

ERNEST STECKER,
Superintendent and Special Disbursing Agent.

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

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

The bill was read the third time and passed.

PUBLIC BUILDING AT COLORADO SPRINGS, COLO.

Mr. OWEN. Mr. President—

Mr. GUGGENHEIM. I ask unanimous consent for the present consideration of the bill (S. 4199) to increase the limit of cost of the United States post-office and court-house at Colorado Springs, Colo. It is a brief bill, in which there is deep interest in the locality where the building is situated.

Mr. CARTER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Montana object?

Mr. CARTER. Mr. President, I observe this bill is but a very short one. I wish, however, to give notice that I shall feel constrained to object to granting further unanimous consent for the consideration of bills at this time, allowing this bill, however, to pass.

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

Mr. OWEN. Mr. President, I should like to ask the Senator from Montana to permit just one other little bill, that is only a few lines long and will not take any time at all, also to be passed. There is no objection to it from any quarter, but it is a very important local matter.

Mr. KEAN. Let the bill of the Senator from Colorado be disposed of first.

Mr. OWEN. Very well.

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

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to increase the limit of cost of the United States post-office and court-house at Colorado Springs, Colo., from \$290,000 to \$310,000, the increase to be employed in building a balustrade and for inside betterments of the building.

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

SAVANNA COAL COMPANY, OKLAHOMA.

Mr. OWEN. I ask unanimous consent for the present consideration of the bill (S. 8008) granting to the Savanna Coal Company right to acquire additional acreage to its existing coal lease in the Choctaw Nation, Pittsburg County, Okla., and for other purposes.

The VICE-PRESIDENT. The Secretary will read the bill for information, subject to objection.

Mr. BAILEY. I inquire of the Senator from Oklahoma if this is the bill about which I spoke to him and which affects my constituents?

Mr. OWEN. It is.

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

The VICE-PRESIDENT. Objection is made.

POSTAL SAVINGS DEPOSITORIES.

Mr. BRADLEY. Mr. President, I ask the Senator from Montana to allow me to call up a little bill, which it will only take a moment to pass.

Mr. BACON. Mr. President—

Mr. CARTER. I fear that the request of the Senator from Kentucky will be followed by others, and I have no doubt objection will be made by others if not by me.

The VICE-PRESIDENT. The Senator from Montana objects.

Mr. CARTER. I feel compelled to insist on my motion that the Senate concur in the House amendment to the bill (S. 5876) to establish postal savings depositories for depositing savings at interest, with the security of the Government for repayment thereof, and for other purposes.

The VICE-PRESIDENT. The Senator from Montana renews his motion that the Senate concur in the amendment to the bill named by him.

Mr. BAILEY. Mr. President, I suppose that motion is in order, but I rise to ask if a motion to disagree to the House amendment and to appoint conferees would not have precedence of a motion to concur?

Mr. CARTER. I understand that a motion to concur always has precedence.

Mr. BAILEY. I am inclined to think that is true, because it removes all differences between the Houses.

Mr. President, I want to say to the Senator from Montana that this matter is going to occupy a somewhat longer time than he thinks. I feel that the Senate was practically committed to the proposition that no other important matter, and certainly no other matter, excepting appropriation bills, should intervene between the conservation bill and the statehood bill. I think the Senator from Montana ought to allow this bill to take the usual course and go to conference. The House has rewritten the bill, and it is distinctly and essentially different from the Senate bill. I do not want to interpose any captious or factious objection, much as I am opposed to the passage of it; but I hope the Senator, instead of calling on the Senate now to debate and dispose of it, which will occupy more time, I think, than the Senator now imagines, will let it take the usual course, so that the Senate may live up to what I understand to be, not an agreement, but an understanding, that as soon as the conservation bill is disposed of we will proceed to consider the statehood bill.

Mr. CARTER. Mr. President, my impression is that the motion made will not lead to very protracted debate.

Mr. BAILEY. I will say this to the Senator—

Mr. CARTER. I do not understand, Mr. President, that the transaction of routine business of the Senate will in any manner interfere with the understanding tacitly reached that the statehood bill should follow the conservation bill as the unfinished business of the Senate.

Mr. BAILEY. This would hardly be considered routine business. It is rather an extraordinary proceeding.

Mr. CARTER. Mr. President, I rather think that it is routine business to move to concur in a House amendment to a Senate bill.

Mr. BAILEY. But it is so unusual that it hardly could be considered routine business. I will say to the Senator from Montana that, so far as I am concerned, I think we could dispose of the statehood bill within the time that his motion will occupy, and the Senator from Tennessee [Mr. FRAZIER] tells me that, in his opinion, the statehood bill could be disposed of within two sessions of the Senate.

Mr. CARTER. Mr. President, I am quite anxious that the statehood bill shall be disposed of, and will cheerfully cooperate with the Senator from Texas to bring about that result.

Mr. BAILEY. This is a strange kind of cooperation, though.

Mr. CARTER. But, Mr. President, the statehood bill can not now be brought forward to displace the unfinished business of the Senate. I understand the rule to be that the unfinished business would take its proper place at the hour of 2 o'clock, at the close of the morning hour.

Mr. BAILEY. But as you postpone the consideration of the unfinished business by projecting this debate into it and in front of it, you delay its consideration; and, delaying its consideration, delays the consideration of the statehood bill.

Mr. CARTER. Mr. President, my observation is that there is about so much debate in the Senate, and it matters little on what subject the debate is expended. If we take the wire edge off of it on this proposition, less time will be left for the debate on the conservation bill and the statehood bill to follow.

Mr. President, the motion made is one made almost each and every day.

The VICE-PRESIDENT. The Chair holds the motion to be in order.

Mr. BAILEY. Ah! There is no question about that. I concede that.

Mr. BACON and Mr. OWEN addressed the Chair.

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Oklahoma or to the Senator from Georgia? Both Senators are asking for the floor.

Mr. BACON. I am not asking for the floor. I first addressed the Chair. I am claiming that I have the floor.

The VICE-PRESIDENT. The Senator from Montana has never surrendered the floor for a moment.

Mr. BACON. When he made the motion, I addressed the Chair.

The VICE-PRESIDENT. The Senator from Montana, the Chair holds, has the floor.

Mr. CARTER. I will yield to the Senator from Oklahoma if he desires to ask a question. I do not, however, yield for any other purpose.

Mr. OWEN. Mr. President, I rise to a parliamentary inquiry.

The VICE-PRESIDENT. The Senator from Oklahoma will state it.

Mr. OWEN. For a number of days I have postponed the action of the Senate on Senate joint resolution 41. I had a unanimous-consent agreement that it should come up after the morning business at this hour. I want to know whether the unanimous-consent agreement is to be set aside without consideration.

The VICE-PRESIDENT. The Chair finds on the calendar no entry of such an agreement. The Chair can not by any ruling—and he has no authority or desire to—set aside a unanimous-consent agreement. The Chair does not find a unanimous-consent agreement entered here.

Mr. OWEN. The Record ought to show it.

The VICE-PRESIDENT. The Chair thinks that is so.

Mr. SMOOT. I think the Senator gave notice that he would speak upon the subject—

Mr. OWEN. I asked unanimous consent.

Mr. SMOOT. I do not think there was any unanimous-consent agreement.

Mr. BURTON. On page 7907, in the second column, the matter will be found.

The VICE-PRESIDENT. The Record shows that the Senator from Oklahoma is correct in his statement. The Chair will read the Record. The Senator from Oklahoma said:

I ask unanimous consent that the motion which was set for to-day immediately after the morning business be postponed until to-morrow, or until after the morning business of the day subsequent to the disposition of the sundry civil appropriation bill.

The VICE-PRESIDENT. The Senator from Oklahoma makes the request which he has stated. Is there objection? The Chair hears none, and the order is entered as per that request.

That seems to be a unanimous-consent agreement, although it was not so entered upon the calendar.

Mr. CARTER. Mr. President—

Mr. SMOOT. Was that request made yesterday or—

The VICE-PRESIDENT. The request was made yesterday.

Mr. CARTER. I should like to have the unanimous-consent agreement again read.

The VICE-PRESIDENT. The Senator from Oklahoma asked:

I ask unanimous consent that the motion which was set for to-day immediately after the morning business be postponed until to-morrow, or until after the morning business of the day subsequent to the disposition of the sundry civil appropriation bill.

The VICE-PRESIDENT. The Senator from Oklahoma makes the request which he has stated. Is there objection? The Chair hears none, and the order is entered as per that request.

The sundry civil bill was disposed of yesterday.

Mr. CARTER. Was not the motion, then, in order yesterday, after the disposal of the sundry civil bill?

The VICE-PRESIDENT. The Senator from Oklahoma included in his request:

Or until after the morning business of the day, subsequent to the disposition of the sundry civil bill.

It seems to the Chair that that is an agreement which was entered into by the Senate yesterday.

Mr. GALLINGER. Mr. President—

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

Mr. OWEN. I yield.

Mr. GALLINGER. Mr. President, while I am quite anxious to have the motion entered by the Senator from Montana acted upon, yet I was in my seat yesterday at the time the request of the Senator from Oklahoma was made, and unquestionably he is right in claiming that he is entitled to have the matter considered now. The Senator from Oklahoma has been very courteous in passing this over from day to day, and I think we ought not to interpose any obstruction.

The VICE-PRESIDENT. The Chair thinks it is an agreement made by the Senate.

Mr. GALLINGER. That is precisely my view.

Mr. CARTER. If it is believed by the Senate that there was a unanimous-consent agreement, I should in no manner, shape, or form intrude any business to interfere with it. I was not aware of the unanimous-consent agreement at the time the motion was made, and I had not heard of it until it was called to the attention of the Chair.

The VICE-PRESIDENT. The Chair now recalls that the Senator from Oklahoma was asking for recognition at the time the Chair recognized the Senator from Montana, and presumably for this purpose.

Mr. CARTER. Under the circumstances, I surrender the floor.

The VICE-PRESIDENT. The Senator from Oklahoma, then, is recognized, in conformity with the unanimous-consent agreement of yesterday.

ELECTION OF SENATORS BY DIRECT VOTE.

The VICE-PRESIDENT. The Senator from Oklahoma calls up a motion, which will be stated.

The SECRETARY. The Senator from Oklahoma [Mr. OWEN] moves that the Committee on Privileges and Elections be directed to report the joint resolution (S. J. Res. 41) proposing an amendment to the Constitution of the United States on the first day of the next regular session of Congress.

Mr. OWEN. I now perfect the motion by inserting the word "favorably," so as to read that the committee is "directed to report favorably."

The VICE-PRESIDENT. The modification of the motion will be entered.

Mr. OWEN. Mr. President, I shall not detain the Senate, because I know that everyone is anxious to bring the business of the Senate to a conclusion. I shall therefore only detain the Senate a very few moments, and will be content to have a record of the will of the Senate in this matter.

On the 31st of May I brought up Senate joint resolution 41, for the submission of a constitutional amendment providing for the election of United States Senators by direct vote of the people. I called the attention of the Senate to the very important fact that 37 States of the Union had, either by a resolution of their respective legislatures requested Congress to submit this amendment, or an amendment of like purport, or by the practice of nominating through the direct primaries had adopted the custom of authorizing the people of the State to nominate the Senators to represent the State in this body.

There are excluded from the number of States which have expressed their acquiescence in this manner only 9 States—Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, Delaware, and West Virginia. In West Virginia a number of counties instruct their representatives to the legislature on the question of the senatorship. In Delaware, I am informed, a like practice in effect prevails; and so in some of the other 9 States it is well understood that the choice of the people is to be recognized.

I call the attention of the Senate again to the fact that all of the great political parties of this country have expressed themselves favorably to it with the sole exception of the Republican party.

Mr. GALLINGER. A trifling exception.

Mr. OWEN. And even here a large majority of the Republican States have acted favorably, to wit, Pennsylvania, New Jersey, Ohio, Indiana, Illinois, Michigan, Minnesota, Iowa, Nebraska, Kansas, Wyoming, North and South Dakota, Montana, Utah, Idaho, Washington, Oregon, California, and so forth.

Mr. HEYBURN. Mr. President—

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

Mr. OWEN. I do.

Mr. HEYBURN. Is it not a fact that the greater part of the States having expressed themselves on this question have asked for a constitutional convention rather than the submission of a constitutional amendment?

Mr. OWEN. Some of them have included in their call a call for a constitutional convention, but on this ground, and for the very reason that the States wanted this reform, and also desiring to bring up other matters. So they are entirely committed to this proposition, and for this particular purpose have acted as fully as they could act.

The Democratic party has stood for it; the Independent party has stood for it; the Prohibition party has stood for it; the Populist party has stood for it; and it is generally the sentiment of the people of the United States.

The great nonpartisan organizations, such as the American Federation of Labor, with 2,000,000 workmen, and probably representing 10,000,000 people; the great organizations of

farmers in the country—the Farmers' Cooperative and Educational Union, the Society of Equity, the National Grange, and other bodies of that character, representing probably 50,000,000 people—have expressed themselves favorably to this matter, and I do not think the Senate of the United States ought to be callous to the opinion of nine-tenths of the people of the United States.

All that I desire now is that the Senate may record its will in the light of that which I have presented. I will not detain the Senate longer in regard to this matter.

Mr. BEVERIDGE. Mr. President, I, of course, like others, am impelled by the same sentiment that convinces the Senator from Oklahoma, that no one ought to take very much time of the Senate now upon a matter which probably will not pass, and so I shall not take any more time than the Senator did.

But, Mr. President, even if it were necessary, I should not feel that an apology was due even at this hour, because no larger question has been, is, or can be before the American Congress than this. It goes to the roots of popular government. This is a business in whose conclusion all the other measures which we are considering and will consider are wrapped up.

So, Mr. President, I feel it my duty, before a vote is taken, to crave a few moments of the Senate's valuable time for some remarks which shall be largely historical in character, for, Mr. President, of all that I have read and heard the chief defense of the present plan of electing Senators rests in tradition. It is said that this was the plan of the fathers; that it grew out of their carefully balanced wisdom; that it has lasted for a hundred years, and so forth, and so forth, and therefore we should not disturb it.

Mr. President, there were four plans of electing Senators proposed to the Constitutional Convention. The first one was the appointment of Senators by the Executive from a number of men nominated by the state legislatures. The second was the election of Senators by the House from a number of candidates nominated by the legislatures. The third was the election of Senators by the legislatures; and the fourth, advanced by the ablest man in the Constitutional Convention—at least the man who I believe is now recognized as the greatest lawyer—James Wilson, of Pennsylvania, the election of Senators by the direct vote of the people.

Of those four plans the one of the election of Senators by the legislatures prevailed, although, as I shall show in a moment, it did not prevail by reason of either the weight of wisdom or the public spirit of the times. I showed the other day what, of course, every student of our history knows, that the present plan was forced through by the smaller States, which wanted, as some of them said, to "come in on equality"—as though there could be an equality in strips of territory, as though this Republic was not one people, rather than a group of artificial boundary lines. But that was compelling circumstance, and that prevailed.

Otherwise, Mr. President, objection to the election of Senators by the people was based upon reasons which have since disappeared. For example, Sherman, of Connecticut, in opposing in the Constitutional Convention the proposition that Senators should be elected by the people, used language like this. I think perhaps I can quote his exact language. He said that "the Government should be removed as far from the people as possible." He said: "I would have the people have as little as possible to do with the Government." And his reason was, in his own words, that "the people are lacking in information, and they are easily misled."

Mr. President, that was the opinion of a large number of men in the Constitutional Convention, and at that time there was some ground for that opinion. They did not have the postal service, for example, such as we have now. It had not yet been fairly established. Telegraphs were undreamed of, whilst imagination never foresaw the telephone. The newspaper was a local affair, and so there might have been some substance to Sherman's opinion that the people were not informed.

But those conditions do not exist to-day. I think it is true that the average citizen is as well informed to-day as the average member in either House. I recall that the man, whom, I think, all of us revered as perhaps the most commanding intellect in this body, Senator Orville H. Platt of Connecticut, said to me that while he could speak without fear in this forum, yet he never rose to address a crossroads New England audience that he did not tremble.

That is the experience of everybody of sound sense or delicacy of perception. So the reason for the election of Senators by the legislatures instead of by the people, which was advanced at that day, does not now obtain. The news as to legislation and, indeed, as to everything all over the world that occurs in any

country on earth as well as here, is read in the evening by almost every farmer in the Republic—rural free delivery has come you see.

Think of rural free delivery, think of the telegraph, the telephone, even of the railroad at the time the Constitution was adopted, and you can comprehend the "light" the fathers had.

So the argument that the people are not informed and therefore ought to have nothing to do with government, has disappeared. Of course, if in the constitutional convention the conditions which I describe had then existed, that argument never would have been advanced.

I want to drive it home to Senators who do not look with favor upon a direct election of Senators by the people, and who excuse their vote upon the ground that we are overturning traditions, that one of the two reasons advanced in the constitutional convention against the election of Senators by the people was that the people ought not to have anything to do with government, that they did not know enough, and that they were easily misled.

I know there are some Senators who look upon a proposition of this kind, or of any kind that sweeps forward the great movement of popular government, with distrust and often with laughter, but I shall cut from under the feet of those Senators the ground that the election of Senators in the way that they are now elected is supported by a tradition justified by a continuance of the reasons on which the tradition was established.

Mr. President, that was one of the grounds. The other one was expressed by Dickinson, of Pennsylvania, and that is the only one that could have any genuine sympathy in the breast of any man either in this Chamber or in the country. I think, also, that I can quote his words in his speech before the Constitutional Convention.

Dickinson said that the Senate should be composed of characters who were the most distinguished. Distinguished for what? "Why," said Dickinson, "the Senate should be composed of characters most distinguished for rank and wealth, and," he continued—and I am sure this quotation is correct—"I would have the Senate made as nearly to resemble the British House of Lords as possible."

He wanted it to be an aristocratic body; rank and property were to be its insignia, and in the end that was the notion which, with the influence of the smaller States, who were actuated only by selfish considerations, prevented the adoption of the plan for the election of Senators by a direct vote of the people at the time the Constitution was adopted.

But will any man who resists the election of Senators by a direct vote of the people more than a hundred years later than that time dare take the floor to-day and advance as a reason for his vote the most influential consideration which was then advanced? Will any man say that to-day he, like Dickinson in 1787, wants Senators elected by the legislatures instead of by the people for the reason that he wants men here who "are distinguished for rank and wealth?" Will any man justify his vote to-day upon the ground that Dickinson urged and that was most persuasive in the Constitutional Convention, to wit, that this body should be made "as nearly as possible like the British House of Lords?"

Mr. President, why did Dickinson and those who believed with him, excluding the arguments of the smaller States, take this position?

Mr. GALLINGER. Mr. President—

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

Mr. BEVERIDGE. Certainly.

Mr. GALLINGER. The Senator has several times, I think, to-day and on a former occasion, suggested that the smaller States opposed this plan. I should like to have the Senator explain what difference it made to the smaller States whether Senators were elected by the people or by the legislatures, provided the number was fixed.

Mr. BEVERIDGE. As I explained the other day, the way the smaller States were brought so earnestly into this was in the two following matters: First, as I showed the other day, the proposition of James Wilson, for instance, and others of the weightier men, was that this being a government of the people and not a government of areas, Senators should be elected from senatorial districts and not from States, and by the people and not by legislatures. There is where the interest of the smaller States began. The smaller States, as not only the history but the actual records of the Constitutional Convention show, threw themselves with all their might along the line of Mr. Dickinson and Mr. Sherman.

Mr. GALLINGER. There were a dozen different propositions submitted in the Constitutional Convention, and I can not

for the life of me see what difference it made to the smaller States whether the Senators were elected by the people or by the legislatures, provided the number was fixed; and there is no reason why the number should not have been fixed uniformly if elected by the people as well as if elected by the legislatures. That is what troubles me.

Mr. BEVERIDGE. For the purpose of the argument let us eliminate that consideration.

Mr. GALLINGER. I think it ought to be eliminated.

Mr. BEVERIDGE. Very well; let it be done for the purposes of this argument, because it makes the point I am making much stronger. It then leaves the situation as follows: That the election of Senators by legislatures instead of by the people was determined upon by the convention upon the grounds advanced by Mr. Dickinson and Mr. Sherman. Of course there were other people besides the two that I have quoted.

Mr. GALLINGER. Of course those of us who are living in the present age are not bound by the views held by Mr. Dickinson or Mr. Sherman, or anyone else at that time, in the Constitutional Convention.

Mr. BEVERIDGE. I hope not. That is what I am pointing out.

Mr. GALLINGER. I will suggest to the Senator if any contribution I have made strengthens his argument, I have no objection, because I think it needs strengthening.

Mr. BEVERIDGE. Before the Senator says that, he had better produce some argument on the other side. That is like the mote and the beam proposition.

Mr. GALLINGER. I probably will not do that, because we are economizing time this morning, and I hope the Senator will do likewise.

Mr. BEVERIDGE. We had better spend more time on this than on certain other things, for this is bigger and more important. I have listened to these debates for a good many years, and it has been curious to me that those who to-day object to the election of Senators by a direct vote of the people do not base their objection upon the argument upon which the present plan was adopted, although these same men will say that this is an established custom and rests upon tradition, and so forth, and therefore should not be disturbed.

A moment ago I asked whether there is a Senator who will arise to-day and give as his reason for voting against the proposition of the election of Senators by a direct vote of the people the reasons that were given for that proposition in the Constitutional Convention; first, that the people did not know enough to run the Government, that they were uninformed and easily misled; and, second, that of Dickinson that this should be an aristocratic body and, to use his words, that it should be made up of characters "distinguished for rank and wealth, and be made as nearly as possible like the British House of Lords."

Now, will any man rise here and defend his vote against this proposition upon the ground upon which it was opposed when the Constitution was adopted? I should like to have him do so, for if he gives a hundred reasons that is all—

Mr. WARREN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Wyoming?

Mr. BEVERIDGE. Certainly.

Mr. WARREN. Not going into the issue itself, does the Senator think that the motion now before the Senate ought to prevail against an important standing committee—one of the senior committees? Here is a committee that unquestionably has a large subject before it. This has been a busy session. The members of the committee, I assume, will have their vacation and have some time to give this subject attention. This motion forestalls whatever their judgment may be, based upon consideration during the time from now until the next session, and instructs them to report at that time, and to report favorably.

Mr. BEVERIDGE. It would have been much more appropriate if the Senator, instead of right in the midst of my argument, had asked me that question at the close.

Mr. WARREN. I fear I never have been able to quite suit the Senator.

Mr. BEVERIDGE. Oh, almost universally, as the Senator does so many others.

Mr. WARREN. I am quite sure of it now, since the Senator smiles. I never object to an interruption by the Senator from Indiana, and I hope I shall not in the future.

Mr. BEVERIDGE. I apologize to the Senator.

Mr. WARREN. No apology is necessary. I wish to say that, so far as I am concerned, I shall now and at all times vote against any proposition which proposes to tie the hands of a great committee of the Senate to which we have intrusted

certain business, and say to the members of such committee that on a given day they shall report something a certain given way.

Mr. OWEN. Mr. President—

Mr. BEVERIDGE. In just a moment. I must say to the Senator from Wyoming that that is a consideration which had not presented itself to me. His point is sound and weighty, but it is the large question I am discussing which interests me. There is a good deal of force in what the Senator says. But this business has been here before. It was here two years ago. It is not a sudden matter, neither is it a question of complex legislation. It is a large question.

But the practical aspect of this technical motion, which the Senator from Wyoming raises, is, as an immediate legislative matter, very important. I was thinking so intently on the real question that I overlooked the technicality.

It is a subject upon which I have had convictions, and I think those convictions are based on reason. I am not going to let the Senator take me off on a side question. The question I have brought here is, Will any Senator base his vote against the proposition of the election of Senators by a direct vote of the people upon the grounds advanced in the Constitutional Convention, either by Mr. Sherman, who said that he wanted the people as far away from the Government as possible because they lacked information and were misled, or the fundamental argument by Mr. Dickinson, of Pennsylvania, that this should be an aristocratic body, and that they should be characters distinguished for rank and wealth and as nearly like the British House of Lords as possible?

I want at this juncture to point out why Mr. Dickinson took that position. We are a hundred years away from that time. We are very busy with other legislation, and I think possibly we may overlook the historical conditions then existing.

Mr. Dickinson's argument was the voice of what was then known and really was in America a ruling class that developed at that time. It grew out of extensive grants of land along the Virginia waterways, grants of land so great that the planters became a sort of feudal lord, and in the imitation of the ruling class in England, the nobility there, they gradually developed what were called "great families." Those families were supposed to have a peculiar aptitude for governing the people. So in New York, where Holland proposed and carried out the patroon system. For example, I think there was one estate along the Hudson granted by Holland to one man which was 25 miles on the river and as far back as was convenient to him.

The patroon system of New York under the Dutch rule developed almost independent governments of their own. It is true that they actually fortified their vast estates. It is true that they had flags of their own. It was even worse in the grants in New England. Some day I want to make a speech about the origin of the States. New Jersey, for example, was granted by the Duke of York to Carteret and Berkeley in an evening of more or less jollity. That is the origin of this "sovereign" and "immortal" entity. So we go on. The grants of land in New England to the land companies were as absurdly enormous.

So there had developed a ruling class in this country. They were men of great distinction and great power, though their origin was almost as humble as the most exalted Member of the Senate to-day. This ruling class developed on account of their great land holdings, they were masters of tenants, and naturally they imitated the nobility of the Old World. It is literally true that one of the great patroons of New York became so wealthy that he attempted and actually did succeed in outdoing the richest noble of Holland.

Mr. President, it was this class which Dickinson represented when he said that he wanted this body to be as nearly like the British House of Lords as possible. It was to be aristocratic. It was to represent power. It was to be as far away from the people as possible. That was Dickinson and Sherman's notion, and the idea that prevailed.

When I shall hear some person rise here and as frankly give to us to-day the reason for his present vote as those which those men boldly advanced, then we can deal with this thing perhaps more frankly.

Mr. President, it is said that the primary system which prevails in so many States has substantially accomplished this same purpose. But everybody knows that where a primary sweeps throughout a State and Senators are elected in that way, as I pointed out the other day, the people can not be gotten out to vote at the primary, because they must vote at a later election. If you get them out to the primary they neglect the main election. Their energies are exhausted. They can not be voting all the time. It doubles the number of elections, of

which there are now too many, and, therefore, Mr. President, instead of trying to get at this in an indirect way, the true and philosophical thing to do is to get at it in a direct way.

I have never heard in the eleven years I have been here and listened to these debates one single fundamental argument based on merit against this proposition.

There is a far larger question than that, Mr. President. This is only one manifestation of a mighty movement which the Senate or any human force is powerless to withstand. It may be called a movement of the nineteenth and twentieth centuries more than of any other period of human history. It is not confined to any one country. It grows out of a widening intelligence and a more definite and determined spirit of liberty; and that is the movement to place the government of the people in the hands of the people.

It was for that that Cromwell's statesmanship was manifested, for that that Garibaldi's sword was drawn. It has given a constitution to Germany and has changed the face of Europe. It is the force which has compelled the Russian Empire to begin to be a constitutional monarchy. Any man a few years ago who would have prophesied that Russia would have a Douma would have been considered so foolish as not to be worthy of attention. And yet it has come. This force has deposed a Sultan of Turkey—it was not a cabal that did that, but it was the determination of a people. It has given a constitution to Persia; it is awakening China. It has re-created Japan, and made from that ancient Empire a modern and puissant power in the world.

Mr. Dickinson said in the Constitutional Convention that he wanted that we should not elect Senators by direct vote of the people in this country, because he would have this body as nearly like the British House of Lords as possible; and yet the greatest parliamentary and popular contest, with one single exception, in the United Kingdom, within a century, is turning on the very existence of the House of Lords. The very consideration that was back of the original provision, that the people should not elect their Senators, to wit, that this body should resemble the British House of Lords, is now swept away by the great flood that is undermining the British House of Lords itself. It is in the atmosphere, it is a part of the elements.

So, Mr. President, while I ask again that any Senator shall tell us whether he justifies his vote upon this proposition upon any of the arguments advanced when the present plan was adopted, nevertheless I say that, convincing as that is, the great argument is the argument for the government by the people themselves. It feebly manifests itself by primaries in an effort to accomplish the result.

It has manifested itself, Mr. President, by a modification of our Constitution through the practice of the people. For example, the Constitution provides for the election of President and Vice-President by an electoral college. The electoral college, by reason of this great force of public opinion which is modifying the governments of the whole world, has practically been abrogated, and the will of the people themselves has made the college of presidential electors a college of manikins, without will or judgment, who obey the voice of those who elect them.

I could for a long time point out modifications of a practical nature in our Constitution, which modifications have been written by the people themselves. Why? Merely because the idea which began at Bunker Hill is marching on. The people are more and more taking their government into their own hands, and they ought to, because more and more the people are more capable and enlightened.

When the telegraph was invented, when steam was applied, when railroad tracks were laid, when these great improvements of human intelligence from East to West and from the Lakes to the Gulf, knit millions of people into a single community, the triumph of government by the people directly, as nearly as practicable, was made possible and necessary.

The telegraph, the railroad, the postal service, the rural free delivery, the newspapers, the magazines, and all the agencies and channels of human intelligence which illuminate the mind of the people on the one hand and bring them closer together on the other hand are far greater arguments for this and every similar reform than any man can adduce from his own unaided intellect.

It must be remembered that when the Constitution was adopted Pittsburg was farther from the city of Washington than New York is to-day from San Francisco; that Boston was in those days farther from New York than New York is to-day from Omaha. Littré said, "This is a very inferior planet; it is very small;" and yet Littré lived before the period of these inventions. Human ingenuity has knit the people into a single

household, almost everyone of whom is well informed or may be well informed.

Gentlemen, when you stand against this, you are standing against an elemental force as restless as the Gulf stream; when you stand against this, you are standing against an enemy which is as powerful as the processes of nature. More than that, you are standing against a thing which, from a moral and intellectual point of view, is fundamentally right.

The old conditions have passed away; the sun of a new day, which rose at the time that Liberty Bell announced its coming, still continues to mount toward the meridian.

Mr. President, it is for these large reasons that I am for this proposition, and have been for years, and have said so with tongue and with pen. I shall again ask any Senator to defend his vote against this proposition upon the ground that was put either by Mr. Sherman or by Mr. Dickinson, which were the controlling reasons, outside of the influence of the smaller States, that caused the election of Senators by direct vote of the people to be abandoned in the constitutional convention.

Do Senators think, no matter how great their intellect, how extensive their learning, that they can prevail against a great movement of this kind, which has for its purpose and result that the people shall conduct the Government which belongs to them? If so, they imagine a vain thing—they imagine that they can do something that armies and navies and monarchs and all the organized forces of the world have not been able to do in any place on earth—overcome and kill a sound and righteous idea.

Mr. LODGE. Mr. President, I do not rise to discuss the merits of the proposition, but the question of order which seems to be raised by the form of the motion made by the Senator from Oklahoma [Mr. OWEN]. The Senator moves that the committee be instructed to report and that it also report favorably. Of course, Mr. President, I do not suppose the Senator will insist on that modification.

Mr. OWEN. Mr. President—

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

Mr. LODGE. Certainly; I yield.

Mr. OWEN. I wish to withdraw the proposed amendment inserting the word "favorably." I think that is not parliamentary in order.

The VICE-PRESIDENT. The Senator from Oklahoma modifies his motion by withdrawing the word "favorably."

Mr. LODGE. I am glad the Senator has withdrawn that, because it is obviously impossible for the Senate by any action to compel Senators individually or as members of a committee to hold certain opinions on any measure. Each Senator is the master of his own opinions, and he can not be compelled by resolution of the Senate to announce a different opinion from that which he holds.

But I do not think, Mr. President, that this is the correct method of reaching the purpose at which the Senator from Oklahoma aims. The bill has been committed to a committee and is now under consideration by that committee. Of course the committee is the creature of the Senate and can be instructed, but I think the only way to remove a subject from the consideration of a committee is by a motion to discharge, which is the universal motion in both Houses.

I have been running roughly over the precedents, both in the House and Senate, and also looking into Cushing and other authorities, and the motion always is to discharge. That results in the same way. It brings the bill back before the body which committed it to the committee. Then the body can take any action with it they please. They can commit it with instructions to another committee; they can recommit it with instructions to the original committee, or they can take action upon it themselves; but I think, Mr. President, that the proper form is as stated by Cushing:

If the House thinks proper to withdraw a subject from the consideration of the Committee of the Whole, the course is to move that the order be discharged.

That is the practice with the Committee of the Whole, as of course the President is well aware, and I think it is the course with other committees. Here where a committee has a bill which it thinks has been improperly referred and should go to another committee, the motion is always that the committee be discharged from the further consideration of such and such a measure, and it then is referred to the appropriate committee. But of course it is then open to any action the body chooses to take. I do not think the result is different. It brings the measure back into the control of the body, which is what I understand to be the purpose of the Senator from Oklahoma. If the Senate instructs the committee to report it, that amounts to the

same thing. The committee simply brings it back to the body. You can not dictate what their action shall be.

I have never, since I have been in the Senate, seen a matter taken from a committee which had it under consideration and over which it had jurisdiction. But that is a mere matter of practice. There is no question about the right of the Senate, of course, to take the matter from the committee.

Mr. BEVERIDGE. The Senator contends that the proper motion is to discharge?

Mr. LODGE. That is the motion.

Mr. BEVERIDGE. I think that is undoubtedly correct.

Mr. LODGE. The proper motion is that the committee be discharged.

Mr. BEVERIDGE. Yes; that is true.

Mr. WARREN. Mr. President—

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

Mr. LODGE. Yes.

Mr. WARREN. The Senator from Massachusetts is an old member, from point of seniority, and is familiar with parliamentary law and tactics. I ask him if he thinks it is good policy, in a body where we do not have cloture, to put a rule of cloture upon a committee and direct at what time they shall report and how they shall report to the Senate on a subject that is before them? Of course it can be done, but I ask whether it is good policy.

Mr. LODGE. The Senate has always refused to adopt a rule of cloture. It has never adopted the previous question, as is practiced in the House. This motion, of course, is to compel action; as the Senator from Wyoming suggests, it is to put a cloture rule upon a committee and to compel them to take action. I have no question of the power of the Senate to do it. I do object to the form; and, as far as the custom goes, I have never known the Senate to treat any committee in this way. Certainly, I have never known it done in the absence of the chairman of the committee.

Mr. BEVERIDGE. I have listened to the Senator from Massachusetts, who is always so accurate, and whose information on this subject is so full, and he says he has looked over the precedents. Without having myself studied the precedents, I think it undoubtedly true that the correct motion, and perhaps the only motion recognized by parliamentary law, is that the committee be discharged.

Mr. OWEN. Mr. President—

Mr. BEVERIDGE. Pardon me a moment.

In other words, under parliamentary law, a motion to report does not exist. It is a motion to discharge, and I think that is undoubtedly correct. Especially should it not be before, in view of the fact that it will accomplish precisely the same result. That is the method by which a legislative body brings before it from its servant, the committee, a measure on which it wishes to act.

Mr. LODGE. If the Senator will allow me just on that point, the motion to report, of course, as he says, is in the nature of an instruction.

Mr. BEVERIDGE. Of course.

Mr. LODGE. An instruction always accompanies a motion to commit or recommit.

Mr. BEVERIDGE. Yes.

Mr. LODGE. And that is the proper stage at which to make it; restore the bill to the possession of the body, and then commit or recommit it with any instructions you please.

Mr. BEVERIDGE. The body refers a measure to its committee for the purpose of securing the advice of the committee, and then if the committee does not do what the body wants it to do, it moves to discharge the committee, and discharges it from the further consideration, the result of which is that the measure again comes before the body and can be taken up.

Maybe the Senator is right about it, but the trouble about that situation, I regret to say to the Senator from Oklahoma, is that if that motion were made, that motion is not comprehended in the unanimous-consent agreement. The motion that was comprehended in the unanimous-consent agreement was the motion to report, but if that motion should not be in order—and under parliamentary law I very much fear that that is the case—then a new motion would have to be made; that is to say, a motion to discharge; and that motion would not come within the unanimous-consent agreement. There is the predicament in which we find ourselves if the Chair should rule, as seems to me probably to be right, that the true motion is a motion to discharge.

Mr. OWEN. Mr. President, I was aware that the ordinary method of procedure was to move to discharge the committee, but as the committee has had only two years since I first submitted this matter to the committee, and as it has not yet been

able to have a meeting on it or to consider it any time within two years, I thought it might be precipitate to ask to discharge the committee. I did not want to urge unseemly haste on the part of the committee, and for that reason I drew this resolution, to require them to report to the Senate at the first day of the next session; and notwithstanding that there are many precedents for discharging a committee, since I have too much respect for the committee to desire their discharge, I preferred the more courteous and considerate method of having them report at their convenience, and I supposed that three or four months might suffice to enable them to generate sufficient motion within the body of their inertia to arrive at the point where they might be willing to return the proposal to the Senate. I do not think it is an unreasonable motion to offer; and upon that motion I ask for the yeas and nays.

Mr. BEVERIDGE. The question is whether it is in order.

The VICE-PRESIDENT. The Chair did not understand that the Senator from Massachusetts raised any point of order against it.

Mr. LODGE. I do raise the point of order. I raise the point of order that it is not in order to instruct a committee at this stage; that a committee can be instructed on committal or re-committal; and that an order to report is equivalent to an order to instruct, and that the proper method, as I tried to explain, was to discharge the committee, so as to bring the measure once more within the control of the Senate, and that it is then open to such instructions as the body chooses to give.

Mr. BEVERIDGE. Or to any other action.

Mr. LODGE. Or to any other action.

Mr. BEVERIDGE. Or to take it up and vote at once.

Mr. LODGE. Absolutely.

The VICE-PRESIDENT. The Senator from Massachusetts now raises that point of order?

Mr. LODGE. Yes; I raise that point of order.

The VICE-PRESIDENT. Heretofore the Senator made but a suggestion. The Chair is inclined to think the point of order is well taken. If the Senator from Oklahoma desires to discuss it, the Chair will be glad to hear him. The Chair does not absolutely rule. He simply makes the suggestion.

Mr. OWEN. Since the Chair is of that opinion, and since I desire action upon this matter, I move to substitute—

The VICE-PRESIDENT. The Senator withdraws the motion?

Mr. OWEN. Under the circumstances I will withdraw it and substitute the following motion in lieu of it. The Senator from Indiana [Mr. BEVERIDGE] has suggested that the unanimous-consent agreement does not cover the substitute, but I am on the floor, and have a right to offer a substitute for my own motion.

The VICE-PRESIDENT. The Chair thinks it is in order.

Mr. OWEN. I substitute this motion: That the Committee on Privileges and Elections be discharged from the further consideration of Senate joint resolution 41, and that the Senate proceed to the consideration thereof.

The VICE-PRESIDENT. The first proposition is that the committee be discharged—

Mr. LODGE. From the further consideration of the joint resolution.

The VICE-PRESIDENT. You can not do two things at once. When you get the joint resolution back into the Senate, if you get it, then you can further dispose of it.

Mr. OWEN. I think the motion to discharge will sufficiently elicit the views of the Senate. Of course the Senate can obstruct my effort to obtain action in this matter by parliamentary tactics, if it wishes to; and I therefore make the motion to discharge the committee from further consideration of the joint resolution (S. J. Res. 41) proposing an amendment to the Constitution of the United States providing for the election of United States Senators by direct vote of the people.

The VICE-PRESIDENT. The Secretary will state what the motion now is.

The SECRETARY. The Senator from Oklahoma moves that the Committee on Privileges and Elections be discharged from the further consideration of the joint resolution (S. J. Res. 41) proposing an amendment to the Constitution of the United States.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Oklahoma.

Mr. LODGE. Mr. President, I have no desire to obstruct in any way the motion, which of course is absolutely proper in form; but I do wish to say this as a mere matter of frankness to the Senate: A motion to discharge a committee—that is to say, a hostile motion in this form—is very unusual, and I have never seen one carry in the Senate in the absence of the chairman of the committee charged with the work. The chairman

of the committee charged with the bill has always been present heretofore when such motions have been made. The motion, if adopted, would be a most serious reflection on the committee, and especially on the chairman of the committee, and I think at least the chairman of the committee should have an opportunity to be heard, to express his willingness to have the motion passed or his objection to it, before the Senate takes action.

Mr. OWEN. I ask unanimous consent to postpone this matter until the chairman of the committee is present.

The VICE-PRESIDENT. The Senator from Oklahoma asks unanimous consent to postpone the consideration of his motion until the presence of the chairman of the committee—

Mr. GALLINGER. I object, Mr. President.

The VICE-PRESIDENT. Objection is made. The question is on agreeing to the motion of the Senator from Oklahoma.

Mr. BEVERIDGE. I suggest, in all friendliness to the Senator from Oklahoma, that he make the motion at a time when the chairman of the committee is present. I think the circumstance pointed out by the Senator from Massachusetts, which is familiar to us all, might impair his cause upon a vote. He has it within his power to make this motion when the chairman is present.

This suggestion is merely made from a practical point of view, and made, too, from earnest sympathy with the general proposition that the Senator from Oklahoma has in mind.

Mr. OWEN. I should like to modify the motion so as to move the discharge of the committee and that the Senate proceed to the consideration of the joint resolution.

The VICE-PRESIDENT. The Senator must first get the joint resolution into the hands of the Senate. His motion to discharge the committee is in order, but he can not couple with it a motion as to what shall be done with the joint resolution when it comes into the Senate, if it ever does.

The question is on agreeing to the motion of the Senator from Oklahoma.

Mr. HEYBURN. Mr. President, for ten years the Democratic platform has contained a declaration in regard to this subject, not always in the same terms or to the same purpose. Instead of being ancient history, it is 10 years old in the Democratic party, and has not yet been born in the Republican party. So I fail to see those marks of antiquity that would give such large measure of respectability to this proposition.

Mr. President, if I am not mistaken in my recollection, more than half of the States which have expressed themselves in regard to this matter have favored the submission of this question to a constitutional convention. Some have favored the submission of the amendment, but the majority of them have favored the calling of a constitutional convention in order that this question might be dealt with by the convention.

I wonder if representatives from smaller States have considered the effect of such a proceeding. If you ever open the door in a constitutional convention to dealing with this question, when it closes you will have representation in the Senate in proportion to your population, and the larger States will have a proportionate representation. About three or four of the larger States would control the United States Senate.

Now, just bear that in mind, those members of this body who are from States that would be in the minority under those conditions. You could never close the door until that was gained by the larger States, because in the constitutional convention the membership would be in proportion to the population of the States. It must be. Do you see where you would stand then in the constitutional convention? Suppose you provide that no State shall have less than two members or representatives in that convention, but that the States under certain limitations shall have representation according to their population. You would have a constitutional convention in which not to exceed six States would absolutely control the convention. I made some figures on this on a former occasion when it was before the Senate.

Now, can anything be more impractical from the standpoint of equal representation, the very thing you are clamoring for, equal representation on the part of the people, than for the Western States or the smaller of the Eastern States to propose to go into a constitutional convention for the purpose of reconsidering the action of the convention that made the Constitution of the United States?

Mr. WARREN. The Senator is right about that.

Mr. GALLINGER. And absolutely destroy themselves.

Mr. HEYBURN. And absolutely destroy themselves, and destroy their equal voice and vote in this body, aside from every other consideration.

I care nothing for what John Dickinson or Roger Sherman may have said about it. This will be determined by the wisdom of this age, the wisdom of living men who know all those

men knew that was worth recording and have learned something since from experience.

Mr. WARREN. Mr. President—

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

Mr. HEYBURN. I do.

Mr. WARREN. I agree perfectly with the proposition laid down by the Senator from Idaho that when it is provided, if ever, that Senators shall be elected by direct vote of the people, immediately following will be a redistribution of Senators among the States according to population. I desire to ask him if he does not believe that such far-reaching subjects and matters are important enough to warrant us in allowing the great Committee on Privileges and Elections to take a reasonable time to consider the subject in all its ramifications, and report on it accordingly?

Mr. HEYBURN. I entirely agree with the general principle that a measure of this importance, having been sent to a standing committee of this body, should remain for their consideration, and that to undertake to instruct them to report the joint resolution, or to take it out of their consideration and project it upon the consideration of this body, would accomplish no good purpose. It would simply result in interminable debate. It is not a matter that can be taken up during the morning hour, which will expire now within a minute and a half. It is a question very far-reaching.

The basis being fixed, as it necessarily would be fixed by the Constitution, would remain for a very long period of time, during which time perhaps the States in the West would grow, but so do the States in the East grow, and you would establish a condition of affairs that would destroy that feeling of equality which every State enjoys in regard to representation in this body. One State is as large as another in the Senate, and it should be, because it represents the geographical divisions of the country, with all the changes that come and recur.

Mr. President, that is the practical side of it. It is the side that ought to appeal to States. Some of the States in the East, the smaller States, will not perhaps ever have very much larger population than they have now. Some of the States—

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is House bill 24070.

WITHDRAWAL OF PUBLIC LANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 24070) to authorize the President of the United States to make withdrawals of public lands in certain cases.

The VICE-PRESIDENT. The pending amendment is the amendment offered by the Senator from Idaho [Mr. HEYBURN], which will be read.

The SECRETARY. Strike out all of the proposed committee amendment and in lieu insert:

The President is authorized to cause an investigation to be made of the lands of the United States from time to time for the purpose of determining the character and availability for use and settlement of such lands, and may cause to be examined the waters on the lands of the United States and the use and possible use and disposal of the use of the same; also to cause to be examined for the purpose of classification and determination as to values for different uses when such lands are a part of the lands of the United States. Said report shall be accompanied by the recommendation of the President as to any further legislation that in his judgment may be desirable or necessary for the preservation of the natural resources of the United States, to the end that Congress may in the performance of its constitutional duty enact such legislation as may in its judgment be advisable.

Mr. HEYBURN. Mr. President, I think the Senate is not ready to vote upon this question yet.

Mr. LODGE. It is the conservation bill?

Mr. HEYBURN. The Senator asks if this is the conservation bill. I do not credit it with that title. It is the withdrawal bill. It may tend to conserve for one person at the expense of another. The question whether it will conserve anything to any good purpose is a very serious one.

I do not intend to enter into a lengthy discussion of it at this time, because when the bill was before the Senate on a former occasion I expressed myself at length, but there have some things transpired since that time.

If a measure for the conservation of the natural resources of the United States were to come from any source, especially from the administrative branch of the Government, if they would begin at the right place I might take up the consideration of the question with a feeling of more comfort and greater assurance that there was some sincere purpose in the measure.

Conservation should begin at home, like some other virtues. Here at the door of the capital of the United States is a greater water power, so far as its practical and profitable use is concerned, than any that are being or have been considered

in connection with this measure west of the Mississippi River. This reminds me of a not uncommon performance, where the reformer is proposing to reform everyone but himself. These people are proposing to conserve as against every person but themselves. Here the people of this capital pay out very large sums of money for the use of public utilities because of the fact that those who are in control of those public utilities are entitled to compensation for the use of the natural resources which they have taken unto themselves. There are falls within sight of this Capitol that would furnish the power to move every wheel in and about the District of Columbia. It would furnish the power for the railroads, the street railroads, electric lights, gas works, or any other public utility. Yet, having lifted their heads high up in the inspiration of a great purpose, they have overlooked it, and they are looking away out to the West, toward the sunset, and their eyes fall upon one of the most tempting landscapes of possibility and opportunity that the world offers. Their vision seems to go like a rocket far up into the air over everything that lies between, and lights upon a community that they think is least able to defend itself against the consequences of this ambitious scheme, while right here at their door, if they would bring their vision down to the level of everyday concerns, the first thing they would see is that the Government of the United States is taking no concern in regard to the conservation of the natural resources in and about the national capital.

It is a scandal. I suppose that we have not in all of our past history a condition that reflects so little credit upon the community as the condition surrounding the Anacostia River. Every element of value that nature incorporated in and about that river has been lost sight of, and we are trying to take possession of streams and water power within the range of which no human being has settled. We are proposing to spend millions of dollars to conserve that power. There is not nor will there ever be any market or any use during the lifetime of any living person, because when men can get as a result of their own efforts under the law the right to use the water they are not going to pay somebody else for it.

Every Western State has a law regulating the right to the use of the waters in the streams for all the uses to which such water can be put, and under that law the citizen or person qualified may appropriate the water and use it. The reason why those great streams and those possibilities of power are lying idle is because the population of the country has not yet grown to the extent where it needs them or can use them profitably.

We have spent enough money in the last twelve months in connection with this matter to more than equal the rentals of the water or the power that they have professed to conserve in ten years, if there was any use for it. What use will there ever be for it if they tie up the land around it? If you make it inconvenient or expensive for people to acquire the land, they will not acquire it. The Government does not send out colonies to occupy the land and to cultivate it.

The individual goes, if he goes out of his own volition, for his own purposes and his own profits. The Government is not going into any business where it will need the use of this power or these waters aside from the legal proposition as to its right or the preference between its right and that of another. The Government is not going to build mills to grind the grain or saw the lumber. It is not going to open mines where the power might be applied to the moving of the machinery.

They are going to store up these valuable rights against a day that is not yet within the range of prophesy. Let the country settle up, and let it be settled by men who go there because they propose to do something with the land, to cultivate it, improve it, and adapt it to the uses for which nature intended it; and when the land is settled, the Government will be the beneficiary.

We were admonished a few days ago against drifting into socialism. If there is any principle involved in this proposed conservation of the natural resources, it is socialistic; it is against the individual ownership and control of property on the responsibility of the individual. It involves the subjection of the individual to supervision and control in all the affairs of business connected with or growing out of the use of these things.

Why did not some who now avow themselves in favor of the possession in the country of that which belongs to the people seek to apply this during their earlier life? Why did not our fathers place under the control of the Government the Susquehanna, the Delaware, the Potomac, the Ohio, and the Mississippi rivers? They were too busy taking advantage of the land laws and getting themselves settled upon the land, laying the foundations for the riches and the prosperity that have fol-

There was not, but there was a lead there which, on being followed, led to the ore; and they found it in such quantities and values as to constitute it, as I have said, one of the great mines. That story could be repeated in regard to a very great number of mines of this country, and always will be applicable unless the country is paralyzed by the enactment of this law.

Why do not Senators come in here and give this matter the consideration that they ask those of us who come from the West to give to the measures that interest them? Are we not entitled to ask it? Have they any more right to absent themselves from the legislative hall and refuse to advise themselves in regard to the facts than we would have if a question involving their interests were before this body? Every part of this country is entitled to the same consideration and the same legislative courtesy where its interests are concerned.

WITHDRAWAL OF PAPERS.

Mr. OWEN. Mr. President—
The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Oklahoma?

Mr. OWEN. I ask the Senator's consent just for a moment to secure the adoption of an order withdrawing from the files of the Senate letters of the Secretary of the Interior with regard to a Senate bill.

Mr. HEYBURN. Mr. President, I would have to yield the floor in order that the Senator might do that under the rules, and I will yield the floor in order that the Senator may make his request.

Mr. BEVERIDGE. Will the Senator yield the floor to me while he is yielding to the request of the Senator from Oklahoma?

Mr. HEYBURN. Let us dispose of one thing at a time.

Mr. OWEN. These letters are needed by the printer.

Mr. OWEN's request was reduced to writing and agreed to, as follows:

Ordered, That the papers accompanying the bill (S. 8008) granting to Savanna Coal Company right to acquire additional acreage to its existing coal lease in the Choctaw Nation, Pittsburg County, Okla., and for other purposes, be withdrawn from the files of the Senate, to be returned to the Public Printer.

CHILD LABOR.

Mr. BEVERIDGE. Mr. President, will the Senator from Idaho permit me?

Mr. HEYBURN. I yield the floor again.

Mr. BEVERIDGE. Mr. President, I ask that the report of the Secretary of Commerce and Labor, including the report of the Bureau of Labor, in response to a Senate resolution (S. Res. 259), which has come in to-day, shall be ordered immediately printed.

The PRESIDING OFFICER. Is there objection to the request?

Mr. SMOOT. What was the request?

Mr. BEVERIDGE. I ask that the report from the Department of Commerce and Labor, which was sent here in response to a Senate resolution, be printed immediately.

Mr. KEAN. It has been referred to the Committee on Printing.

Mr. BEVERIDGE. Perhaps it has been formally, but that does not make any difference. It is so material that I suppose no Senator objects to having it printed.

Mr. SMOOT. If the report was referred to the committee, I should not like to have that order made without an opportunity for the committee to act. I will state to the Senator that if it has been referred to the committee, the committee will look it over to-night and report to-morrow.

Mr. BEVERIDGE. I am very much obliged to the Senator, but this is a matter sent by the Department of Commerce and Labor in response to a Senate resolution unanimously adopted. It is material gathered in pursuance of a statute passed by Congress three years ago directing the Secretary of Commerce and Labor to make this investigation, and why any committee or any Senator should assume to delay for a moment the printing of it I do not know. Suppose the Senator did look over it, what good would it do? What would it matter? He can not stop its publication.

Mr. SMOOT. The only reason that I speak is this: If the Senator had asked unanimous consent—

Mr. BEVERIDGE. I never heard about it until this moment.

Mr. SMOOT. If the Senator had asked unanimous consent for the printing of it at the time when it was laid before the Senate, the matter could have been discussed; but now, inasmuch as it has been referred to the committee and the committee has it in charge, I certainly think it would be very improper to ask unanimous consent of the Senate now to have it printed

without an action of the committee. I promise the Senator that it will not be delayed, but I will bring the matter before the committee and report it to-morrow shortly after 12 o'clock, during the morning business.

Mr. BEVERIDGE. Mr. President, I had not the remotest idea that anybody would object to a request for the printing of a report from a department of this Government which had been called for by a resolution of the Senate, and which is a report of investigation made under a mandatory statute of the United States directing that department to make the investigation.

Mr. SMOOT. Mr. President—

Mr. BEVERIDGE. It is going to be printed, and no committee and nobody else can prevent the report from being printed. You can not keep this from the people of this Nation.

Mr. SMOOT. I want the Senator to distinctly understand that I am not stating that there will be an objection upon the part of the committee; but the report was referred to the committee, and it is before the committee. I think the committee has a perfect right to act upon the report before consent of the Senate is asked to print it—the very purpose for which it was referred.

Mr. BEVERIDGE. Does the Senator object to vacating that reference? If the Senator did investigate the report, which has been made under the direction of a mandatory statute of the United States, could the Senator or his committee prevent the printing of that report, which was made under the authority of a mandatory statute and which has been called for by a resolution of the Senate? Does the Senator think that he or his committee has any power over that subject?

Mr. SMOOT. Mr. President, inasmuch as the papers have been referred to the Committee on Printing, they certainly have the power over it to report it either favorably or unfavorably. I am not going to say to the Senator that we are going to report it unfavorably, because I know nothing at all about the matter contained in the report. I have not examined the papers and I know nothing of them, nor does any member of the committee. Of course, if the Senate wants to take the papers out of the hands of the committee and order them printed now, that is for the Senate to decide.

Mr. BEVERIDGE. I can not see why the Senator should object. It is a new doctrine that information, profoundly interesting to every man, woman, and child in this country, which, as I have said, has been collected by a department of the Government under the direction of a mandatory statute compelling it to collect that information, and finally called for by resolution of the Senate, should be prevented from being published in the interests of the American people by the ipse dixit of any committee. I am surprised that anybody makes any objection. It is the first time I have ever heard objection being made to a request for printing. The Senator has neither the right nor the power to prevent this public report from being printed. It is not his report; it is not his property. It is the American people's property.

Mr. SMOOT. I do not propose to be put in that position by the Senator from Indiana. I have not objected to the printing of the document. I know nothing of the contents of the report, but I do know the rules of the Senate. The document was referred to the Committee on Printing; it is now in the committee's possession, and the Committee on Printing has a perfect right to report adversely or favorably upon it. I have stated to the Senator more than once that the report will be made to-morrow, and I do not see why the Senator wants now to say that I am insisting upon keeping this information from the American people.

Mr. BEVERIDGE. I do not say so, but I do say that I am astounded that the Senator should object to the immediate printing of this report. It is outrageous to say that public information, gathered by a department of the Government in obedience to a law of Congress commanding that department to do that work, and the results of that investigation called for by a resolution of the Senate—it is outrageous that any Senator or any committee should assert that he or it has any control over it.

It is the first time in my eleven years' experience that I have ever heard refused a request for the printing of any document that any Senator sent up, much less a report of a department of the Government, made in response to a resolution passed by the Senate, and gathered under the authority of a mandatory law for the information of the Senate and the people of the United States.

Mr. BORAH. Mr. President—

Mr. BEVERIDGE. When the Senator says that his committee has the right to report adversely and keep this information from the people, I disagree with him. It is not his in-

formation—it is the people's information. It is not his business—it is the people's business.

Mr. BORAH. I call for the regular order, Mr. President.

The PRESIDING OFFICER. The Senator from Idaho demands the regular order.

Mr. BEVERIDGE. So far as that is concerned, I may say that the regular order, the senior Senator from Idaho having yielded the floor, happened to be the Senator who had the floor.

Mr. BORAH. The regular order did not happen to be the Senator who had the floor. It was the unfinished business before the Senate.

Mr. BEVERIDGE. And on that unfinished business it is perfectly competent for any Senator to speak as he chooses, and it is beyond the power of any Senator to direct the course of his remarks.

Mr. BORAH. But the Senator is addressing himself to a motion. I call for the regular order.

WITHDRAWALS OF PUBLIC LANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 24070) to authorize the President of the United States to make withdrawals of public lands in certain cases.

The PRESIDING OFFICER. The Senator from Idaho [Mr. HEYBURN] is entitled to the floor.

Mr. HEYBURN. Mr. President, I do not intend—

Mr. NEWLANDS. Will the Senator from Idaho yield to me for a request for unanimous consent? It will only take a moment.

Mr. HEYBURN. I intend to yield the floor in a few moments, and the Senator can wait until that time.

Mr. President, the situation in regard to this matter is desperate to the people who are interested in it; it is trivial to the people who have assumed to be interested in it and who have undertaken to usurp the rights of other people. I suppose that is in a measure human. The sufferings, the hardships, the privations, and the intrusions upon others seem to affect some people very little. I have been importuned not to occupy the time or attention of the Senate in this matter, because the conclusion is already determined upon.

Nevertheless, Mr. President, it is well that the people outside of these Chambers should know something of how they are being dealt with, and it may be that some echo of the words uttered in this Chamber may reach the outside world and, if not in this generation, in some other, may awaken the spark of justice, may awaken the conscience that will realize the fact that the people of this country, man for man, are entitled to equal rights under the law; that will realize the fact that the most important function of this Government is that of enlarging and sustaining its citizenship; that will realize the fact that the perpetuity of our institutions rests in the homes of the country that are owned by those who inhabit them—may awaken the conscience, I say, if not of this generation, of another.

It is because I realize the necessity for educating not only the minds and conscience of those who deal directly with the question here, but of the people who send their representatives here, that I have perhaps seemed to be overinsistent and persistent in behalf of the rights of our people.

A hundred thousand people to-day stand looking upon this promised land with longing hearts—not only those who are the heads of families, but the children whose inheritance and heritage will be measured by that of the parents—asking what? That they be given something? No; but that the hand of the great Government, of which they are a part, will not be extended to intercept them in possessing and enjoying that which is their own. That is all they are asking.

The tide of immigration to that country is being stayed. In whose behalf and for whose gain? The only hope that those people have is that the sentiment, or those who entertain and enforce the sentiment against them, may pass away. Is not that a most distressing condition in any country where justice must wait upon the angel of time to right them and protect them? Is not that a pitiable condition when people are told that this generation shall be discriminated against as compared with those who discriminate against them, and who have already enjoyed these rights?

It reminds me of the situation that confronted me a few years ago when a man came to me and said, "Can you not help me to get my boy an opportunity to learn a trade?" I asked why he did not learn a trade? "Well," was the reply, "he is barred out; the list is full. Only so many boys are permitted to learn a trade, and by the time he is reached, he will be too old." That was repeated again within a week by another man. I think every Senator understands the condition to which I

refer. It was the limitation that was put upon the youth of the land to equip themselves for the responsibilities and duties of life. Would this great Government approve of that policy? If not, why does it, exercising its potent power, treat the young men of this generation in the same way? They say, "You shall not have a home; you shall not share in the homes of the country at all. Probably in a few years from now we may change our mind and let you have an opportunity such as we enjoyed, but for the present stop right where you are."

They say, "What are we going to do?" They say, "Wait." "Yes," they say, "but time does not wait; we are growing older, and the necessity is one of this hour and not of years to come."

The first instance where the boy could not learn a trade was because of the unjust act of an individual against an individual. The second instance where the American citizen could not take a home was the action of his Government against him. A man may suffer or avoid injustice at the hands of a man, but when he is compelled to suffer injustice at the hands of his Government it is a scandal. If there were some part of a great community in the East that needed these resources and the profits to be derived from them, and could obtain them by starving out the West, we might comfort ourselves with the reflection that we were merely the victims of the greed of our fellow-man and that we were not strong enough to resent it.

But this preserves nothing to the people who are forcing the condition upon us. It adds nothing to their wealth, and gives them nothing that they are entitled to. It does deprive us of the wealth, and it takes away from us that to which we are entitled.

If these desks could vote, they are not so dumb but that they would vote right; but the trouble is that the voting power and intelligence will, perhaps, never know the facts or the right of this measure. I am appalled sometimes when I am compelled to recognize and observe the heartless tyranny that comes from the neglect of duty on the part of men. I am appalled when I think that millions of people are going to be inevitably stagnated because they will be deprived of the opportunities to which they are entitled in the way of making a home. If there were nothing at stake in this country but the maintenance of such principles of government as are represented by that kind of legislation, it would not be worth the energy or the sentiment that supports it.

I suppose the ax will fall. I suppose they are going to vote to withdraw these lands under a high-sounding title, a fraudulent pretense, and in absolute ignorance of the cause or effect of their action.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment of the committee, proposed by the Senator from Idaho.

The amendment to the amendment was rejected.

Mr. HEYBURN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Idaho suggests the absence of a quorum. The Secretary will call the roll. The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|-------------|-----------|------------|--------------|
| Bacon | Clay | Guggenheim | Perkins |
| Bailey | Crane | Heyburn | Piles |
| Beveridge | Crawford | Hughes | Purcell |
| Borah | Cullom | Johnston | Shively |
| Bourne | Cummins | Jones | Smith, Md. |
| Brandegee | Depew | Kean | Smith, S. C. |
| Briggs | Dick | Lodge | Smoot |
| Bristow | Dixon | McInery | Stephenson |
| Brown | Dolliver | Martin | Stone |
| Bulkeley | Elkins | Money | Sutherland |
| Burkett | Flint | Nelson | Warner |
| Burnham | Frazier | Newlands | Warren |
| Burton | Frye | Oliver | Wetmore |
| Carter | Gallinger | Overman | |
| Clapp | Gamble | Owen | |
| Clark, Wyo. | Gore | Page | |

The PRESIDING OFFICER. Sixty Senators have answered to their names. A quorum of the Senate is present. The question is on agreeing to the amendment proposed by the committee.

Mr. HUGHES. Mr. President, it had not been my purpose at this stage in the consideration of this measure to enter into a full discussion of all the important principles involved in it. There are amendments to be presented by the committee and some which have been presented by others which will probably lead to a discussion which is not now, I think, as pertinent as it will become when those amendments are taken up.

But this new departure from the established theory of our Government in the disposition of our public lands, contained in this bill, is so full of grave consequences to the people of a great section of this country—to the people of all of this country—that I should feel that I was in a large measure derelict in the

of Commerce and Labor to report upon the industrial, social, moral, educational, and physical condition of woman and child workers in the United States," be printed as a public document.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. BEVERIDGE. That includes the immediate printing of the partial report already sent in? It is not to be delayed for the rest?

Mr. SMOOT. It includes the printing of what has been sent to the Senate by the Secretary of the Department of Commerce and Labor, but, as the resolution shows, there are other reports coming in upon the same subject, and the Secretary desired that the resolution should be so framed that it would authorize the printing of those yet to come.

Mr. BEVERIDGE. That is true; but the only point I insist upon is that the partial report already in shall be printed at once.

Mr. SMOOT. It will be printed just as soon as the Public Printer can print it.

The resolution was agreed to.

COURTS IN CALIFORNIA.

Mr. CLARK of Wyoming. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 26318) establishing regular terms of United States circuit and district courts of the northern district of California at Sacramento, Cal., and of the southern division of the southern district of California at San Diego, Cal., to report it favorably without amendment. I call the attention of the junior Senator from California [Mr. FLINT] to the report.

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

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

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

COURTS IN IDAHO AND WYOMING.

Mr. HEYBURN. There is on the calendar a bill akin to the one the Senate has just acted upon. I ask unanimous consent for the present consideration of the bill (S. 3315) amending an act entitled "An act to amend an act to provide the times and places for holding terms of the United States court in the States of Idaho and Wyoming," approved June 1, 1898.

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

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

Mr. PAYNTER. I ask for the present consideration of House bill 19402.

Mr. GALLINGER. Let us have the regular order.

The VICE-PRESIDENT. The regular order is demanded. If there are no further reports of committees, the introduction of bills is in order.

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. BEVERIDGE:

A bill (S. 8698) granting an increase of pension to John A. McConnell; to the Committee on Pensions.

By Mr. DICK:

A bill (S. 8699) to incorporate the McKinley National Memorial Association; to the Committee on the Judiciary.

By Mr. GALLINGER:

A bill (S. 8700) providing for the establishment of a public park in the District of Columbia; to the Committee on Public Buildings and Grounds.

A bill (S. 8701) for the relief of certain officers on the retired list of the United States Navy (with an accompanying paper); to the Committee on Naval Affairs.

By Mr. GORE:

A bill (S. 8702) for the relief of the heirs of Calep H. Stevens (with accompanying papers); to the Committee on Claims.

By Mr. McENERY:

A bill (S. 8703) for the relief of heirs or estate of Elizabeth M. Ingraham, deceased (with an accompanying paper);

A bill (S. 8704) for the relief of Mrs. Joseph Duhon (with an accompanying paper);

A bill (S. 8705) for the relief of heirs or estate of Charles Lesseps, deceased (with an accompanying paper);

A bill (S. 8706) for the relief of heirs or estate of Adolph Dupuy, deceased (with an accompanying paper);

A bill (S. 8707) for the relief of heirs or estate of Aymar Mouton, deceased (with an accompanying paper);

A bill (S. 8708) for the relief of John D. Olivier and estates of Adelaide and Prosper Olivier, deceased (with an accompanying paper);

A bill (S. 8709) or the relief of heirs or estate of Daniel Holliday, deceased (with an accompanying paper);

A bill (S. 8710) for the relief of Marie Alexander (with an accompanying paper); and

A bill (S. 8711) for the relief of heirs or estate of Paul Pitre, deceased (with an accompanying paper); to the Committee on Claims.

By Mr. FRAZIER:

A bill (S. 8712) for the relief of the heirs of David W. Knight, deceased (with an accompanying paper); and

A bill (S. 8713) for the relief of the McKendree Methodist Episcopal Church South, of Nashville, Tenn.; to the Committee on Claims.

By Mr. BRADLEY:

A bill (S. 8714) for the relief of the Cameron Septic Tank Company (Incorporated); to the Committee on Claims.

By Mr. LODGE:

A bill (S. 8715) to permit William H. Moody, an associate justice of the Supreme Court of the United States, to retire; to the Committee on the Judiciary.

By Mr. PILES:

A bill (S. 8716) granting an increase of pension to Pedro B. de G. Fernandez (with accompanying papers); to the Committee on Pensions.

By Mr. CARTER:

A bill (S. 8717) to regulate the loss indemnity for registered mail matter, and for other purposes; to the Committee on Post-Offices and Post-Roads.

By Mr. LODGE:

A joint resolution (S. J. Res. 110) creating a commission to represent the United States at the celebration of the first centennial of the Republic of Mexico; to the Committee on Foreign Relations.

By Mr. CURTIS:

A joint resolution (S. J. Res. 111) for the relief of Ira Haworth (with an accompanying paper); to the Committee on Public Lands.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL.

Mr. BROWN submitted an amendment proposing to appropriate \$2,500 to pay Lee S. Warner for services in compiling and indexing testimony taken before the Committee on Indian Affairs, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. OWEN submitted an amendment proposing to appropriate \$5,000 to pay the expense of appealing the case of the United States v. James P. Allen and others in the United States circuit court, eighth circuit, to the Supreme Court of the United States, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. LODGE submitted an amendment proposing to appropriate \$20,000 for the expenses of the commission to attend the celebration of the centennial of the Republic of Mexico, to be held in the City of Mexico in September, 1910, intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. STONE submitted an amendment proposing to appropriate \$360, to pay James F. Edwards, a Senate messenger, his salary, at the rate of \$1,800 per annum, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

OMNIBUS PUBLIC BUILDINGS BILL.

Mr. BULKELEY submitted an amendment intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Appropriations and ordered to be printed.

MANUFACTURE AND SALE OF DRUGS.

Mr. PILES submitted an amendment intended to be proposed by him to the bill (S. 1130) for preventing the manufacture, sale, or transportation of adulterated or misbranded paint, turpentine, or linseed oil, which was ordered to lie on the table and be printed.

MAN AND ABNORMAL MAN.

Mr. FRYE (by request) submitted the following resolution (S. Res. 260), which was referred to the Committee on Printing:

Senate resolution 260.

Resolved, That Senate Document No. 187, Fifty-eighth Congress, third session, entitled "Man and Abnormal Man," and Senate Document No. 532, Sixtieth Congress, first session, entitled "Juvenile Crime and Reformation," be reprinted as one document, with omissions and additions.

WITHDRAWAL OF PAPERS—CHARLES L. LAVINNE.

On motion of Mr. LODGE, it was

Ordered, That leave be granted to withdraw from the files of the Senate the papers in the case of the bill S. 6844, Sixty-first Congress, second session, authorizing the President to appoint Charles L. Lavinne a second lieutenant, there having been no adverse report thereon.

WITHDRAWAL OF PAPERS—WILLIAM HERMAN.

On motion of Mr. LODGE, it was

Ordered, That leave be granted to withdraw from the files of the Senate the memorial of William Herman, of Quincy, Mass., presented to the Senate April 28, 1910, remonstrating against the adoption of the labor clause in the naval appropriation bill relative to the building of battle ships.

PAPER ON DIRECT LEGISLATION.

Mr. OWEN. I ask to have printed as a Senate document two pamphlets in relation to direct legislation.

The VICE-PRESIDENT. Is there objection?

Mr. SMOOT. What are the documents?

Mr. OWEN. They are documents relating to direct legislation. They bear on the remarks I made in the Senate with regard to the election of Senators by direct vote of the people. I do not want to take the time of the Senate to read them.

Mr. SMOOT. Who is the author of the documents?

Mr. OWEN. The author of one is a professor of civil engineering at Harvard University and the other is published by the Direct Legislation League of the State of Washington.

The VICE-PRESIDENT. Without objection, the papers will be printed as a document (S. Doc. No. 624), as requested by the Senator from Oklahoma.

REPORT ON IMMIGRANTS IN INDUSTRIES.

Mr. LODGE. On behalf of the chairman of the Immigration Commission, I present the first section of a report of the commission to Congress on immigrants in industries. The Senator from Vermont [Mr. DILLINGHAM] is detained from the Chamber by illness. I therefore present this report in his behalf, and ask that it, together with the illustrations, be printed as a document and referred to the Committee on Immigration. (S. Doc. No. 633.)

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

WAGES AND PRICES.

Mr. LODGE. I present a digest of recent foreign statistical publications relative to prices and wages and hours of labor in Austria, Belgium, Bulgaria, Finland, France, Italy, Norway, Sweden, and the United Kingdom. The digest is taken from bulletins of the United States Bureau of Labor. I move that it be printed as a Senate document and referred to the Select Committee on Wages and Prices of Commodities. (S. Doc. No. 631.)

The motion was agreed to.

Mr. LODGE. I present a statement on the cost of living of the working classes in the principal industrial towns of Great Britain, the German Empire, France, and Belgium. The statement is taken from bulletins of the United States Bureau of Labor. I move that it be printed as a Senate document and referred to the Select Committee on Wages and Prices of Commodities. (S. Doc. No. 629.)

The motion was agreed to.

Mr. LODGE. I present a statement on the wages and hours of labor of union carpenters in the United States and in English-speaking foreign countries during the first quarter of 1910. The statement is taken from Bulletin No. 87, March, 1910, of the United States Bureau of Labor. I move that it be printed as a Senate document and referred to the Select Committee on Wages and Prices of Commodities. (S. Doc. No. 630.)

The motion was agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 25552) making appropriation for the sundry civil expenses of the Government for the fiscal year ending June 30, 1911, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HALE. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed Mr. HALE, Mr. PERKINS, and Mr. CLAY the conferees on the part of the Senate.

COURT OF COMMERCE, ETC.

Mr. NEWLANDS. Mr. President, I offer for filing my dissenting statement as a conferee regarding the bill for the establishment of a commerce court. Such statement, pursuant to the order of yesterday, is to be printed in the Record. (S. Doc. No. 623, pt. 2.)

The VICE-PRESIDENT. The statement will be printed in the Record.

The statement is as follows:

IN THE SENATE OF THE UNITED STATES. REPORT OF CONFERENCE COMMITTEE—MINORITY STATEMENT OF FRANCIS G. NEWLANDS.

An act (H. R. 17536) to create a commerce court and to amend the act entitled "An act to regulate commerce," approved February 4, 1887, as heretofore amended, and for other purposes.

I dissent from the conference report on the following grounds:

1. The conference was not a full and free conference. The conferees of both Houses were appointed June 7, and on June 10 I was appointed in the place of the Senator from Louisiana [Mr. FOSTER], who declined to serve. From the time of the appointment of the conferees until June 13 the conference was confined to the conferees belonging to the dominant party. During this time frequent and protracted conferences were held, and it was not until the latter date that the minority members were invited to participate, and they then learned that the conference report was substantially shaped. On the following day it was filed. Whilst there is no occasion for complaint of any discourtesy, this practice of partisan conference should be condemned. It is true that this has been customary with both parties regarding the tariff, but it is a pernicious practice, which ought to be restricted, not enlarged. It constitutes a denial of the rights of the minority. Its logical sequence would be the exclusion of the minority from participation, except in the most formal way, in committee deliberations or Senate debate. Full and free conference involves open-mindedness and equal participation. It is a perversion of the functions of the conference committee to confine its deliberations to a few, so that when full conference comes the views of the majority are crystallized.

2. The creation of a special commerce court at Washington which is likely to dwarf the Interstate Commerce Commission is objectionable. Under recent decisions the interposition of the courts in reviewing and enjoining the execution of the orders of the commission would be infrequent. The new court will have but little business, and will be unable to justify its existence unless it harbors cases that would not be considered by the circuit courts. The aim of our legislation should be to make the commission an administrative tribunal of great character, dignity, and power, and not to establish near it an overshadowing judicial tribunal whose only function is to review its orders and whose only hope of sufficient work to warrant its continued life will depend on welcoming the consideration of suits against the commission's orders.

In addition to this grave objection is the contention, equally vital, that to remove a judge of the circuit court of the United States from his office for five years, during which time he is deprived of the right to exercise the powers of a judge of the circuit court of the United States and required to exercise solely the duties of a judge of the commerce court, is a violation of his life tenure of office, and unconstitutional.

3. The substitution of the United States for the Interstate Commerce Commission as the defendant in suits brought to enforce the enforcement of the orders of the commission and the control of the defense by the Attorney-General, instead of as hitherto by the commission itself, are also objectionable, notwithstanding the commission is permitted to intervene. The commission, as heretofore, should defend its own orders and should have, as heretofore, the aid of a body of lawyers trained as experts in transportation law, who will act under its direction. It should, of course, have the right to call the Attorney-General to its assistance, but a divided control and direction at the most vital stage of the commission's work may paralyze effective administration. Wherever litigation arises this bill puts the enforcement of the interstate-commerce act substantially in the hands of the Attorney-General. This will make

The Secretary proceeded to read the amendment, and read down to the word "authorized," in line 3.

Mr. GALLINGER. Mr. President, I have a general pair with the junior Senator from Oregon [Mr. CHAMBERLAIN]. I am advised that if he were present, he would favor this amendment. I will therefore vote. I vote "yea."

Mr. SMOOT. I move that the Senate proceed to the consideration of the unfinished business, being House bill 24070. The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 24070) to authorize the President of the United States to make withdrawals of public lands in certain cases.

The VICE-PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Montana [Mr. CARTER] to the amendment of the committee. [Putting the question.] The ayes appear to have it.

Mr. BEVERIDGE. What is that amendment?
The VICE-PRESIDENT. The amendment offered by the Senator from Montana.

Mr. KEAN. That is the amendment authorizing the Secretary of the Treasury to transfer \$30,000,000 from the general fund to be applied to irrigation purposes.

The VICE-PRESIDENT. The ayes appear to have it.

Mr. KEAN. Let us have a division.

Mr. BAILEY. Mr. President, I understood the question was on the motion of the Senator from Utah [Mr. SMOOT].

The VICE-PRESIDENT. That had been carried. The Chair then announced that the question was on agreeing to the amendment offered by the Senator from Montana.

Mr. BAILEY. I understand.

Mr. GALLINGER. Mr. President, let the amendment be read. There was so much confusion that it was not heard.

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

by the Secretary of the Interior, then by the President of the United States—

Mr. BACON. If the Senator would change his language and say "recommended," I should have no criticism to make.

Mr. CARTER. I will gladly make the substitution, Mr. President.

The VICE-PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Montana, and upon that the Senator from New Jersey [Mr. KEAN] demands a division.

The question being put, there were, on a division—ayes 31, noes 6.

Mr. GALLINGER. Mr. President, no quorum has voted. I ask for the yeas and nays on the amendment. I want to record myself against it.

The VICE-PRESIDENT. The Senator from New Hampshire asks for the yeas and nays.

The yeas and nays were ordered.

Mr. CARTER. I rise to a question of order. The Senator from New Hampshire suggested the absence of a quorum.

Mr. GALLINGER. I did not, Mr. President. I suggested that a quorum had not voted; that was all.

The VICE-PRESIDENT. The Chair so understood. Then the Senator from New Hampshire asked for the yeas and nays, which have been ordered. The question is on agreeing to the amendment offered by the Senator from Montana, and upon that the Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CLAPP (when his name was called). In the absence of the Senator from North Carolina [Mr. SIMMONS], with whom I am paired, I transfer my pair to the junior Senator from Illinois [Mr. LORIMER] and vote "yea."

Mr. CLAY (when his name was called). I am paired with the junior Senator from New York [Mr. ROOT]. If he were present, I would vote "yea." I do not know how he would vote.

Mr. PAGE (when Mr. DILLINGHAM's name was called). I announce the illness of my colleague. He is paired with the Senator from South Carolina [Mr. TILLMAN].

Mr. FLINT (when his name was called). I am paired with the senior Senator from Texas [Mr. CULBERSON]. I transfer the pair to the senior Senator from Delaware [Mr. DU PONT] and vote "yea." I make this announcement of the transfer of the pair for the day.

Mr. OVERMAN (when Mr. FOSTER's name was called). I have been requested to announce that the junior Senator from Louisiana [Mr. FOSTER] is necessarily absent. He is paired with the senior Senator from North Dakota [Mr. McCUMBER].

Mr. JOHNSTON (when his name was called). I am paired with the junior Senator from Michigan [Mr. SMITH]. I transfer the pair to my colleague [Mr. BANKHEAD] and vote "yea."

Mr. BRISTOW (when Mr. LA FOLLETTE's name was called).

I have been requested to state that the Senator from Wisconsin [Mr. LA FOLLETTE] is detained at home by illness.

Mr. OLIVER (when his name was called). I have a general pair with the junior Senator from Oregon [Mr. CHAMBERLAIN]. I am advised that if he were present, he would favor this amendment. I will therefore vote. I vote "yea."

Mr. SMITH of Maryland (when Mr. RAYNER's name was called). The senior Senator from Maryland is paired with the junior Senator from Delaware [Mr. RICHARDSON].

Mr. SCOTT (when his name was called). I have a general pair with the senior Senator from Florida [Mr. TALLAFERRO]. I therefore withhold my vote.

Mr. OVERMAN (when the name of Mr. SIMMONS was called). My colleague is unavoidably absent, and has a general pair with the junior Senator from Minnesota [Mr. CLAPP].

Mr. SMOOT (when Mr. SUTHERLAND's name was called). I announce that my colleague is paired with the junior Senator from Virginia [Mr. MARTIN].

The roll call was concluded.

Mr. WETMORE. I announce the pair of my colleague [Mr. ALDRICH] with the senior Senator from Arkansas [Mr. CLARKE].

Mr. CLAPP. I have been requested to state that the senior Senator from Wisconsin [Mr. LA FOLLETTE] is detained unavoidably. If he were present, he would vote "yea."

Mr. BACON. By authority of the junior Senator from Maine [Mr. FRYE], I announce a pair between the senior Senator from Maine [Mr. HALE] and myself on this vote.

I have also been requested to announce that the junior Senator from Louisiana [Mr. FOSTER] is paired generally, and also upon this question, with the senior Senator from North Dakota [Mr. McCUMBER].

Mr. BAILEY. I have a general pair with the senior Senator from West Virginia [Mr. ELKINS], and in his absence I withhold my vote.

Mr. CLAY. I transfer my pair with the junior Senator from New York [Mr. ROOT] to the junior Senator from Florida [Mr. FLETCHER], and will vote. I vote "yea."

Mr. GALLINGER. I have been requested to announce a standing pair between the senior Senator from Michigan [Mr. BURROWS] and the senior Senator from Virginia [Mr. DANIEL]. I will not repeat this announcement, but will allow it to remain for the day, at least.

Mr. GUGGENHEIM (after having voted in the affirmative). I am paired with the Senator from Kentucky [Mr. PAYNTER], and voted under the misapprehension that he was present. I transfer my pair to the Senator from Pennsylvania [Mr. PENROSE], and allow my vote to stand.

Mr. JOHNSTON. I have been requested to announce that the junior Senator from Virginia [Mr. MARTIN] is paired with the junior Senator from Utah [Mr. SUTHERLAND].

The result was announced—yeas 57, nays 3, as follows:

YEAS—57.

| | | | |
|-------------|------------|----------|--------------|
| Beveridge | Crane | Hughes | Piles |
| Borah | Crawford | Johnston | Purcell |
| Bourne | Cullom | Jones | Shively |
| Bradley | Cummins | Lodge | Smith, Md. |
| Brandegee | Curtis | McEnery | Smith, S. C. |
| Briggs | Depew | Money | Smoot |
| Bristow | Dick | Nelson | Stephenson |
| Brown | Dixon | Newlands | Stone |
| Bulkeley | Dolliver | Nixon | Taylor |
| Burkett | Flint | Oliver | Warner |
| Burnham | Frye | Overman | Warren |
| Carter | Gamble | Owen | Wetmore |
| Clapp | Gore | Page | |
| Clark, Wyo. | Guggenheim | Percy | |
| Clay | Heyburn | Perkins | |

NAYS—3.

| | | |
|--------|-----------|------|
| Burton | Gallinger | Kean |
|--------|-----------|------|

NOT VOTING—32.

| | | | |
|--------------|------------|-------------|--------------|
| Aldrich | Daniel | Hale | Richardson |
| Bacon | Davis | La Follette | Root |
| Bailey | Dillingham | Lorimer | Scott |
| Bankhead | du Pont | McCumber | Simmons |
| Burrows | Elkins | Martin | Smith, Mich. |
| Chamberlain | Fletcher | Paynter | Sutherland |
| Clarke, Ark. | Foster | Penrose | Taliaferro |
| Culberson | Frazier | Rayner | Tillman |

So Mr. CARTER's amendment to the amendment was agreed to.

Mr. DIXON. I offer the following amendment.

The VICE-PRESIDENT. The Senator from Montana offers an amendment to the amendment, which the Secretary will state.

The SECRETARY. It is proposed to add as new sections the following:

SEC. —. That the President of the United States be, and he is hereby, authorized to appoint a commission to serve, without salary, for a term of three years, not to exceed 15 in number, and to organize the same for the investigation of all questions relating to the conservation, use, and control of the water resources of the United States for naviga-

tion, irrigation, municipal supply, power, and swamp-land reclamation, to the prevention of floods and the maintenance of stream control, to the prevention of waste in the mining and extraction of coal, oil, gas, and other minerals, to the protection of human life in the mines, and to the prevention of erosion and soil wash; to the conservation of the forests, to the preservation of the public domain for home seekers, to the protection of the timber, coal, iron, and oil lands of the United States against absorption by monopoly; and for the investigation of all other questions relating to the conservation of the natural resources of the United States for the preservation of its beauty, healthfulness, and habitability.

SEC. —a. That such commission shall cooperate with commissions or boards appointed by the respective States for similar purposes, with a view to recommending suitable action relating to the conservation of the natural resources of the United States by Congress within the limits of and coextensive with national jurisdiction of the subject and complementary thereto by the legislatures of the several States within the limits of and coextensive with their jurisdiction.

SEC. —b. That such commission shall be known as the national commission for the conservation of natural resources.

SEC. —c. That such commission shall make to the President annually, and at such other periods as may be required either by law or by the order of the President, full and complete reports of all their acts, doings, recommendations, and expenditures, which reports shall be by the President transmitted to the Congress.

SEC. —d. That the President shall cause to be provided for the use of such commission and its employees under this act such offices in the District of Columbia and elsewhere, and such equipment, as may be necessary for the proper discharge of its duties.

SEC. —e. That in order to carry out the purposes of this act there is hereby appropriated, out of the funds in the Treasury not otherwise appropriated, the sum of \$50,000, to be expended under the direction of the President.

Mr. DIXON. Mr. President, I at this time desire to make a brief statement regarding the amendment which I have just offered. Some days ago the Committee on Conservation of National Resources reported this amendment in the form of a bill, with one amendment, which I have inserted in this proposed amendment.

For the past two or three years, I apprehend, there has been no question concerning which the people of this country have come as near agreeing on as on the general proposition of the conservation of natural resources. The trouble has been when the general principle was applied to specific conditions. Then serious differences have arisen as to what is practical and what is not. Two years ago President Roosevelt, on his own initiative, appointed what was known as the National Conservation Commission, composed of scientists and several members of the House and Senate. The work of the commission culminated in calling the conference of governors at the White House two years ago.

Since that time 33 States have organized conservation commissions for their own special interests. In the amendment I have offered it is simply provided that the President may appoint a commission of 15 men, and to insure against any salary proposition or any desire on the part of anyone merely to hold a job that pays some money we have expressly provided in the amendment that they shall serve without salary.

It was the intention of the committee that under this plan the President of the United States might possibly select 15 of the great men of this country to whom salary would not be an object. Their term is limited to three years. They are merely to meet and make recommendations. I do not believe they will solve the question, Mr. President, but I do believe it is possible, if conservative men of great capacity, of great experience in material affairs, are named on the commission, together with some of the experts of the Government, some great good will come out of it.

The amendment is most germane to the present withdrawal bill, known as the conservation bill. It involves no expense. No money is provided for except merely the expenses of stenographers and rent of an office here in Washington. I doubt whether any question before the people of the country has a more general accord than the proposition of a national conservation commission, such as is outlined in the present amendment, and I hope there will be no opposition to its adoption.

Mr. BACON. Mr. President, as the question of the conservation of our national resources and the question, which was the first steamship to cross the Atlantic Ocean, have become inextricably involved, and as the matter was left somewhat in doubt by the conflict of opinions yesterday afternoon as to which was, in fact, the first steamship to cross the ocean, I have taken occasion to get authoritative information on the subject, and I shall now present it.

The fact was not at all in doubt in my own mind, because it has been a familiar one to me from the time of my childhood. I will read from the Universal Cyclopedia and Atlas. On page 120 there is a note under the head of "Steam vessels," and I will, without reading it, ask consent to insert it in the RECORD.

The matter is as follows:

Steam vessels, ships propelled by steam: The possibility of using steam for the propulsion of ships seems to have occurred to Roger Bacon in the thirteenth century. It has been stated that Blasco de Garay, of Spain, in 1543 propelled a vessel by steam, but La Fuente,

the Spanish historian, having investigated the matter, found that De Garay made (1540-1543) trials at Barcelona with paddles on ships furnished by Charles V, but in every case the paddles were moved by men. Suggestions as to the use of steam, none of which were carried out, were made by Salomon de Caus (1615) and the Marquis of Worcester (Century of Inventions, London, 1663). The earliest practical effort appears to be that of Papin, who, in 1707, applied his steam engine to the propulsion of a model on the Fulda River at Cassel. Newcomen had in the meantime brought the steam engine itself to a working condition; and in 1736 Jonathan Hulls patented a marine steam engine which he proposed to employ in a vessel to be used as a tugboat. About 1763 William Henry, of Pennsylvania, built a small modern steamboat, which he tried with success on the Conestoga River; the experiment is notable as having furnished the hint to the efforts made later by Robert Fulton. During the last quarter of the eighteenth century the problem of steam navigation had begun to engage many minds in Europe and the United States. In France the Count d'Auxiron and M. Perier made experiments in 1774-75, and the Marquis de Jouffroy, upon a larger scale and with better success, in 1776-1783. In the United States James Rumsey, of Maryland, was similarly engaged, and in 1786 built a boat which was propelled on the Potomac by steam at the rate of 4 miles an hour by means of a jet of water forced out at the stern. He built a boat in London with which a successful experiment was made on the Thames in 1792. Meanwhile John Fitch experimented on the Delaware River. His first boat, built in 1786, was propelled by paddles moved by a steam engine; at first a speed of only 3 miles an hour was attained, but improvements increased that speed to 8 miles. It is noticeable that in his boat he employed side-wheels, with a screw propeller at the stern. In 1788 Miller, Taylor, and Symington built a boat which consisted of two connected hulls driven by a single paddle wheel between them, which attained a speed of 5 miles an hour on Dalswinton Loch. They built a larger vessel in 1789 with a steam engine of 12 horsepower, which attained a speed of 7 miles. In 1801 Symington built a boat for towing, which drew vessels of 140 tons at the rate of 3½ miles an hour. About 1790 Robert Fulton left the United States for England, where he turned his attention to mechanics and especially to steam navigation. He made experiments in France, which were only partially successful, but he secured the confidence and aid of Robert R. Livingston, the United States ambassador, and in 1806 returned to New York, bringing with him a Boulton & Watt steam engine, for which a hull was built. This vessel, named the *Clermont*, made a trial trip to Albany August 7-9, 1807, returning on the two following days, her average running speed being 5 miles an hour. The *Clermont* was 130 feet long, 18 feet beam, 7 feet deep, with a burden of 160 tons. She soon began making regular trips between New York and Albany, and for all practical purposes must be considered the first steamboat adapted for the conveyance of passengers and freight. Fulton and Livingston obtained from New York the monopoly for using steam vessels in the waters of the State. John Stevens, of New York, was, even earlier than Fulton, an experimenter in steam navigation. In 1789 he perfected his plans for a steam vessel, and in 1804 and 1805 built small vessels which showed that his plans were sound. The *Phoenix*, his first steamboat, completed in 1807, followed hard upon Fulton's *Clermont*. Prevented by the monopoly of Fulton and Livingston from navigating the Hudson, he sent his boat by sea to the Delaware, upon which she was afterwards employed, and in this voyage demonstrated the problem of the possibility of the use of steam vessels upon the ocean. Steam vessels in the United States were thus an assured success. Fulton and his coadjutors soon placed a fleet of them upon the Hudson River and Long Island Sound, while Stevens and his sons placed their steamers upon the Delaware and the Connecticut, and upon the Hudson after Fulton's monopoly had expired. The first steamboat in Great Britain was the *Comet*, 40 feet long, built in 1812 for the navigation of the Clyde; but before this time Fulton and Livingston had begun to build steamers at Pittsburgh, Pa. Upon all navigable rivers and smooth waters of the civilized world steamboats were rapidly introduced, and their use upon the ocean followed. As early as 1819 the steamer *Savannah* made the voyage from Savannah, Ga., to Liverpool, England, in twenty-two days, and thence to Russia. From that time the development in ocean steamships has been steadily toward larger steamers, including the famous *Great Eastern*. The *Lucania*, of the Cunard Line, a screw steamship of steel, 620 feet long and having a gross tonnage of 13,000 tons, crossed the Atlantic from Queenstown to New York in five days seven hours and twenty-three minutes October 21-26, 1894.

Mr. BACON. I will read a paragraph from the foregoing, making specific statement as to the fact. I read from page 121:

Upon all navigable rivers and smooth waters of the civilized world steamboats were rapidly introduced, and their use upon the ocean followed. As early as 1819 the steamer *Savannah* made the voyage from Savannah, Ga., to Liverpool, England, in twenty-two days, and thence to Russia.

In a book called Harper's Book of Facts, volume 1, page 762, there is quite a large amount of statistical information upon that subject. The junior Senator from Rhode Island [Mr. WETMORE] has kindly extracted from this mass of information a condensed statement of the principal events of this time relative to early ocean steamships, which I shall read. It is under the head of "Steam navigation" also, the same head as that in the encyclopedia from which I have previously read, and it is as follows:

Savannah, Capt. Stevens Rogers, a steamboat of 350 tons, built in New York City, crosses the Atlantic from Savannah to Liverpool in twenty-six days, during eighteen of which she uses her paddles. Off Cape Clear she is mistaken for a ship on fire and pursued by the British cutter *Kite*. She sails from Savannah, Ga. (New York), 24 May, 1819.

Then, subsequent to that:

Steamboat *Royal William* crosses the ocean from Quebec, 1831.

Twelve years afterwards:

Great Western Steamship Company formed, and keel of the *Great Western* (1,340 tons) laid at Bristol, England, 1836.

First voyage of the steamship *Great Western*, launched 19 July, 1837, from Bristol to New York, 8-23 April, 1838.

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

Mr. GUGGENHEIM (when his name was called). I have a general pair with the Senator from Kentucky [Mr. PAYNTER], and therefore withhold my vote.

Mr. JOHNSTON (when his name was called). I am paired with the junior Senator from Michigan [Mr. SMITH]. I transfer my pair to my colleague [Mr. BANKHEAD], and vote "yea."

Mr. SCOTT (when his name was called). I announced my pair this morning, and it will stand for the day, with the senior Senator from Florida [Mr. TALLAFERRO].

Mr. OVERMAN (when Mr. SIMMONS's name was called). I again announce that my colleague [Mr. SIMMONS] is unavoidably absent. He is paired with the junior Senator from Minnesota [Mr. CLAPP].

While I am on my feet I desire to announce, and I will not announce it any more to-day, that the junior Senator from Louisiana [Mr. FOSTER] is unavoidably absent, and is paired with the Senator from North Dakota [Mr. MCCUMBER].

Mr. SMITH of South Carolina (when his name was called). I am paired to-day with the senior Senator from Massachusetts [Mr. LODGE]. I will not announce the pair again during the day.

Mr. SMOOT (when Mr. SUTHERLAND's name was called). My colleague [Mr. SUTHERLAND] has a pair with the Senator from

The PRESIDING OFFICER. The amendment will again be stated.

The SECRETARY. To the amendment of the junior Senator from Montana [Mr. DIXON], on page 2, line 7, after the word "habitability," it is proposed to insert the following proviso:

Provided, That no person shall be selected as a member of said commission who does not reside west of the one hundredth meridian.

Mr. BRISTOW. I wish to state that if the senior Senator from Wisconsin [Mr. LA FOLLETTE] were here he would vote against laying the amendment to the amendment on the table.

Mr. CLAY. I announce my pair with the junior Senator from New York [Mr. ROOT]. I transfer that pair to the junior Senator from Florida [Mr. FLETCHER], and vote "yea."

Mr. STONE. I have a general pair with the Senator from Wyoming [Mr. CLARK]. In his absence, I withhold my vote.

The result was announced—yeas 37, nays 19, as follows:

YEAS—37.

| | | | |
|-----------|-----------|----------|--------------|
| Borah | Curtis | Johnston | Smith, S. C. |
| Bradley | Davis | Kean | Smoot |
| Brandegee | Dick | Lodge | Stephenson |
| Briggs | Flint | Money | Taylor |
| Brown | Frye | Nelson | Warner |
| Bulkeley | Gallinger | Oliver | Warren |
| Burnham | Gamble | Percy | Wetmore |
| Clay | Hale | Perkins | |
| Crane | Heyburn | Piles | |
| Cullom | Hughes | Shively | |

NAYS—19.

| | | | |
|-----------|----------|----------|---------|
| Beveridge | Carter | Frazier | Overman |
| Bourne | Cummins | Gore | Owen |
| Bristow | Depew | Jones | Page |
| Burkett | Dixon | Newlands | Purcell |
| Burton | Dolliver | Nixon | |

NOT VOTING—36.

| | | | |
|--------------|------------|-------------|--------------|
| Aldrich | Crawford | La Follette | Root |
| Bacon | Culberson | Lorimer | Scott |
| Bailey | Daniel | McCumber | Simmons |
| Bankhead | Dillingham | McEnery | Smith, Md. |
| Burrows | du Pont | Martin | Smith, Mich. |
| Chamberlain | Elkins | Paynter | Stone |
| Clapp | Fletcher | Penrose | Sutherland |
| Clark, Wyo. | Foster | Rayner | Tallafarro |
| Clarke, Ark. | Guggenheim | Richardson | Tillman |

So the motion to lay Mr. DIXON's amendment to the amendment on the table was agreed to.

Mr. CARTER. Mr. President, I offer an amendment to the committee amendment, which I send to the desk.

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

The SECRETARY. After the word "Congress," in line 24, page 3, it is proposed to insert:

And provided further, That it being the policy of the United States to encourage and not to restrain the milling, reduction, and smelting of metalliferous ores, any injury to the public lands or the national forests of the United States resulting from any of such operations shall be compensated for in damages to be recovered in an action at law.

The amendment to the amendment was rejected.

Mr. GUGGENHEIM. I offer the amendment which I send to the desk.

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

The SECRETARY. In section 2, page 3, line 10, of the committee amendment, after the words "passage of this act," it is proposed to insert:

And provided further, That the rights of any person or persons who, prior to the passage of this act, have made valuable improvements for water-power purposes shall not be impaired or interfered with by being included within the land so withdrawn.

Mr. SMOOT. I move to lay the amendment on the table.

Mr. GUGGENHEIM. I ask for the yeas and nays on the amendment.

The yeas and nays were not ordered.

Mr. HEYBURN. Mr. President, I am rather surprised that a motion should be made to lay this amendment on the table. What is the purpose? Is it that the Government shall have the right to tear down existing work, that has been constructed under the laws as they exist?

Mr. FRYE. The motion is not debatable.

Mr. HEYBURN. The amendment certainly goes no further than to provide that the works that have already been constructed shall be protected. Is it proposed to come in and take without compensation and process of law property lawfully obtained? The amendment does nothing more than protect such property.

The PRESIDING OFFICER. The Chair suggests to the Senator from Idaho that a motion to lay on the table is not debatable.

Mr. HEYBURN. Having had my attention called to it, Mr. President, I shall, of course, accede to the rule of the body, with which I have some familiarity.

The PRESIDING OFFICER. The question is on the motion of the Senator from Utah [Mr. SMOOT] to lay the amendment of the Senator from Colorado [Mr. GUGGENHEIM] on the table.

The motion was agreed to.

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

Mr. BRANDEGEE. I offer the amendment which I send to the desk.

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

The SECRETARY. On page 2 of the proposed amendment of the committee, line 1, after the word "discretion," it is proposed to insert:

If he shall consider any of the lands referred to in this section more important for the purposes for which they may be reserved, as provided in this section, than they are for settlement, location, sale, or entry.

Mr. BRANDEGEE. Mr. President, I hope the chairman of the committee will accept the amendment. I offer it because the Senator from Colorado [Mr. HUGHES] yesterday, in his very able argument on this bill, pointed out what I consider to be a danger to the bill in its present form, which this amendment may relieve. It seems to me that as to his point, that the Constitution, in conferring upon Congress the exclusive right to the disposition of the public lands, prevented Congress from delegating that power to the discretion of the President, if this amendment should be inserted—at least long enough for the conference committee to consider whether it is necessary or not—it might relieve the bill from the objection raised by the Senator from Colorado.

Mr. SMOOT. Mr. President, I will say that the provisions of this amendment have been considered by the committee and also by the subcommittee for hours, and I certainly hope it will not be accepted. I move to lay the amendment on the table.

The motion was agreed to.

Mr. GORE. Mr. President, I offer the amendment to the pending bill which I send to the desk.

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

The SECRETARY. It is proposed to add at the end of the bill the following proviso:

Provided, 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, including lands acquired from religious orders or otherwise, excepting 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 transfer of rights and title of inheritance under the laws for the distribution of the estate of decedents: *Provided, however*, That this section shall not be construed to validate any such sales heretofore made in excess of the limitations prescribed by section 15 of an act entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," approved July 1, 1902.

Mr. GORE. Mr. President, the tariff act, which was passed in August last, admitted 300,000 tons of sugar free of duty into the United States from the Philippines. It also provided for the admission of a large quantity of manufactured tobacco free of duty. I do not know whether or not those provisions stimulated

land values in the Philippine Islands, but since that time there has been great activity in the purchase of public lands—I mean those which are known as the friar lands.

Mr. President, the object of this amendment is to embrace the friar lands within the public domain of those islands. Section 15 of the organic act limits the amount of public lands which any individual citizen can acquire to 40 acres, and it limits the amount which any corporation can acquire to 2,500 acres. Section 64 of the organic act authorizes the acquisition of what are known as the friar lands. In pursuance of that section the friar lands, comprising many acres and costing a vast sum of money, were acquired. Section 65 of the organic act authorizes the Philippine government to dispose of land acquired from religious orders subject to the limitations contained in the act, intended beyond doubt to limit the amount of friar lands that could be disposed of to any individual citizen to 40 acres, and the amount which could be disposed of to a corporation to 2,500 acres. But the Attorney-General of the United States, as I am informed, has construed or misconstrued section 65. He holds that the section does not limit and restrict the amount of friar lands which can be acquired either by an individual or a corporation.

The object of this amendment is to embrace the friar lands in the general law and to limit the disposition of those lands as the public domain is limited. In other words, the only change made by the proposed amendment is that the friar lands can not be alienated in larger quantities than 40 acres to an individual, nor in larger quantities than 2,500 acres to any corporation. There certainly can be no good reason for applying such a restriction to the public domain and refusing to apply the same limitation to the public lands acquired from the friars. It is just as essential to the welfare and prosperity of those islands that land monopoly should be prohibited in the one case as in the other. The same reasons would justify the application of this limitation to the friar lands which justify the limitation with respect to the public domain. It was undoubtedly the intention of Congress that the same restriction should apply to both characters of land, because section 65 expressly provides that the friar lands, or the lands acquired from religious orders, shall be disposed of subject to the limitations contained in the act.

Now, sir, as I am informed, a tract of 40,000 acres was disposed of to one concern in December last. My information is that the purchasers were the American Sugar Refining Company. Since that time another large tract has been conditionally disposed of to another concern, as is alleged, extensively engaged in the production and manufacture of tobacco. But, sir, whether or not the friar lands were disposed of to the sugar trust or to the tobacco trust is immaterial, so far as the policy outlined in the organic act is concerned.

The purpose of that measure was to conserve the public domain and to see that it passed in small quantities into the hands of individual citizens. They certainly constitute the best guaranty of good government and of civil liberty in every community and in every State.

Congress should not hesitate to extend its protection, while it will be availing, to the government and to the people of those islands. We should not be content to insist upon conservation in the United States and to permit exploitation in the Philippine Islands. I can see no objection to the proposed amendment, and I trust that it will be adopted.

Mr. SMOOT. Mr. President, the subject-matter of the amendment offered by the Senator from Oklahoma [Mr. GORE] has never been referred to the Committee on the Philippines or considered by that committee, nor has it ever been considered by the Committee on Public Lands. Therefore I move that the amendment be laid upon the table.

The PRESIDING OFFICER. The Senator from Utah moves that the amendment offered by the Senator from Oklahoma be laid on the table.

Mr. GORE. I ask for the yeas and nays.

The yeas and nays were not ordered.

The PRESIDING OFFICER. The question is on the motion of the Senator from Utah, to lay the amendment of the Senator from Oklahoma on the table. [Putting the question.] The "ayes" seem to have it; and the amendment is laid on the table.

Mr. STONE. Mr. President, I ask for a division.

The PRESIDING OFFICER. The Senator from Missouri asks for a division.

Mr. BACON. Mr. President, I hope the Senate will concede the Senator from Oklahoma the privilege of having a yeas and nays vote.

Mr. LODGE. Mr. President, that is not an arguable question. The yeas and nays have been refused.

Mr. BACON. I am not attempting to argue it; I am making an appeal to the Senate.

Mr. LODGE. I ask for the regular order, Mr. President. The Senate is dividing.

The PRESIDING OFFICER. The regular order is demanded. The question is on the motion of the Senator from Utah [Mr. SMOOT] to lay on the table the amendment of the Senator from Oklahoma [Mr. GORE], on which a division is demanded.

The question being put, there were on a division—ayes 24, noes 13.

The PRESIDING OFFICER. The motion is agreed to.

Mr. STONE. What was the vote, Mr. President?

The PRESIDING OFFICER. Ayes 24, noes 13.

Mr. STONE. I make the point of no quorum on that vote.

The PRESIDING OFFICER. The Senator from Missouri suggests the absence of a quorum. The Secretary will call the roll.

Mr. LODGE. Mr. President, a dividing vote does not disclose the presence or absence of a quorum. There may be an abundance of Senators here.

Mr. BEVERIDGE. Still, the Senator from Missouri [Mr. STONE] has suggested the absence of a quorum.

Mr. LODGE. The suggestion of the absence of a quorum brings a roll call, of course; but it does not alter the vote.

Mr. STONE. No quorum has voted. I make that point.

Mr. BEVERIDGE. Regular order, Mr. President.

The PRESIDING OFFICER. The absence of a quorum being suggested, the Secretary will call the roll.

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

| | | | |
|-----------|-------------|------------|------------|
| Bacon | Clark, Wyo. | Gore | Perkins |
| Beveridge | Clay | Guggenheim | Piles |
| Borah | Crane | Heyburn | Purcell |
| Bourne | Crawford | Johnston | Shively |
| Bradley | Cullom | Jones | Smith, Md. |
| Brandegee | Cummins | Kean | Smoot |
| Briggs | Curtis | Lodge | Stephenson |
| Bristow | Depew | McNery | Stone |
| Brown | Dick | Money | Taylor |
| Bulkeley | Dixon | Nelson | Warner |
| Burkett | Flint | Newlands | Warren |
| Burnham | Frazier | Oliver | Wetmore |
| Burton | Frye | Overman | |
| Carter | Gallinger | Page | |
| Clapp | Gamble | Percy | |

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

Mr. STONE. Now, Mr. President, I rise to a question of order.

The PRESIDING OFFICER. The Senator will state his question of order.

Mr. STONE. I ask for another division, the call of the Senate having disclosed the presence of a quorum.

The PRESIDING OFFICER. The Chair is of opinion that the call is not warranted, and the Chair has decided that the vote to lay on the table is carried.

Mr. STONE. Mr. President, I rise to a question of order, and before the Chair rules on it I desire briefly to be heard.

There was a division called for and had. Thirty-seven Senators voted—24 one way and 13 the other way. A point of order was made that a quorum had not voted. I wish to insist upon it that a division is equivalent in parliamentary effect, as I conceive it, to a yeas-and-nays vote. If there had been a yeas-and-nays vote and only 37 votes had been cast, I think the question that no quorum had voted would have been well taken. If so, it is equally well taken on a division. When a Senator rises here, upon his mere suggestion that no quorum is present, the business of the Senate is arrested until the ascertainment of the presence of a quorum has been had; but to say that upon a yeas-and-nays vote of the Senate or upon a division of the Senate, when the absence of a quorum is, in itself, in that official way disclosed, a Senator can not insist that a quorum is not present and that a quorum has not acted, seems to me untenable. Therefore, I again ask, after the presence of a quorum has been secured, that the division be again had. I think the point is well taken.

Mr. LODGE. Mr. President, under the rules, of course, as everybody knows, a roll call, whether for the purpose of developing a quorum or for a vote, discloses the presence or absence of a quorum. A division is never held to disclose the presence or absence of a quorum. It is not necessary to show a quorum on a division. The vote on the division is final. There came a call for a quorum immediately afterwards, and it appeared there was a quorum present. I have never seen any parliamentary body where a division, that is a rising vote, was held to disclose the absence or presence of a quorum. There may be an ample quorum present, and less than a quorum may rise to vote.

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

Mr. BEVERIDGE. Let the amendment be stated.

The VICE-PRESIDENT. Without objection, the amendment will be again stated.

The Secretary read the amendment proposed by Mr. GORE which was to insert at the end of the bill the following proviso:

Provided, 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, including lands acquired from religious orders or otherwise excepting 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 transfer of rights and title of inheritance under the laws for the distribution of the estate of decedents; *Provided, however*, That this section shall not be construed to validate any such sales heretofore made in excess of the limitations prescribed by section 15 of an act entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," approved July 1, 1902.

The secretary proceeded to call the roll.

Mr. BAILEY (when his name was called). I again announce my pair with the Senator from West Virginia [Mr. ELKINS]. In his absence I withhold my vote.

Mr. GUGGENHEIM (when his name was called). I again announce my pair with the senior Senator from Kentucky [Mr. PAYNTER].

Mr. JOHNSTON (when his name was called). I again announce my pair with the junior Senator from Michigan [Mr. SMITH].

Mr. OLIVER (when his name was called). I am paired with the junior Senator from Oregon [Mr. CHAMBERLAIN]. I transfer that pair to my colleague [Mr. PENROSE] and vote. I vote "nay."

Mr. MONEY (when Mr. PERCY's name was called). My colleague [Mr. PERCY] has been called from the Chamber on business of an official character.

Mr. SMITH of Maryland (when Mr. RAYNER's name was called). My colleague [Mr. RAYNER] is paired with the junior Senator from Delaware [Mr. RICHARDSON].

Mr. SCOTT (when his name was called). As I announced this morning, I am paired with the senior Senator from Florida [Mr. TALIAFERRO]. I therefore withhold my vote. I desire to state that my colleague [Mr. ELKINS] is detained at home on account of being unwell. That is the cause of his absence from the Senate Chamber to-day.

The roll call was concluded.

Mr. BRISTOW. I am requested to announce that the Senator from Wisconsin [Mr. LA FOLLETTE] is detained at home on account of illness.

Mr. SMITH of South Carolina (after having voted in the affirmative). I see that the senior Senator from Massachusetts [Mr. LODGE], with whom I am paired, is not present. Therefore I withdraw my vote.

Mr. CLAY. I announced my pair with the junior Senator from New York [Mr. ROOT], but I transfer that pair to the junior Senator from Florida [Mr. FLETCHER] and vote. I vote "yea."

Mr. CLAPP. I transfer my pair with the Senator from North Carolina [Mr. SIMMONS] to the Senator from Illinois [Mr. LORIMER] and vote. I vote "nay."

Mr. PAGE. I again announce the illness of my colleague [Mr. DILLINGHAM], who is paired with the Senator from South Carolina [Mr. TILLMAN]. If present, my colleague would vote "nay."

The result was announced—yeas 20, nays 33, as follows:

| | | | |
|-----------|-------------|-----------|------------|
| YEAS—20. | | | |
| Bacon | Davis | McEnery | |
| Bristow | Frazier | Money | |
| Brown | Gore | Overman | |
| Clay | Hughes | Owen | |
| Cummins | Jones | Percy | |
| NAYS—33. | | | |
| Beveridge | Carter | Flint | Perkins |
| Borah | Clapp | Frye | Smoot |
| Bourne | Clark, Wyo. | Gallinger | Stephenson |
| Bradley | Crane | Gamble | Warner |
| Briggs | Crawford | Heyburn | Warren |
| Bulkeley | Cullom | Kean | Wetmore |
| Burkett | Depew | Nelson | |
| Burnham | Dick | Oliver | |
| Burton | Dixon | Page | |

NOT VOTING—39.

| | | | |
|--------------|-------------|----------|--------------|
| Aldrich | Dillingham | Lodge | Richardson |
| Bailey | Dolliver | Lorimer | Root |
| Bankhead | du Pont | McCumber | Scott |
| Brandege | Elkins | Martin | Simmons |
| Burrows | Fletcher | Newlands | Smith, Mich. |
| Chamberlain | Foster | Nixon | Smith, S. C. |
| Clarke, Ark. | Guggenheim | Paynter | Sutherland |
| Culberson | Hale | Penrose | Taliaferro |
| Curtis | Johnston | Piles | Tillman |
| Daniel | La Follette | Rayner | |

So Mr. GORE's amendment to the amendment was rejected.

Mr. BURTON. I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Ohio will be stated.

The SECRETARY. On page 2, line 13, after the words "withdraw from," it is proposed to insert the words "any or all forms of."

Mr. BURTON. Mr. President, that amendment, if it is adopted, will make the section read:

That the President may, at any time in his discretion, temporarily withdraw from any or all forms of settlement, location, sale, or entry any of the public lands of the United States and the Territory of Alaska and reserve the same for water-power sites, irrigation, classification of lands, or other public purposes to be specified in the orders of withdrawals, and such withdrawals or reservations shall remain in force until revoked by him or by an act of Congress.

The object of the amendment is twofold: First, to make it clear that the President may withdraw land for one purpose, such as the reservation of the coal and timber, and leave it open for entry or settlement for other purposes. The next is to make it clear that a broad and comprehensive authority exists in the President for the withdrawal of land for any and all purposes. There is still a further and incidental object, namely, to make certain that this statute does not in any way repeal or interfere with existing statutes conferring upon the President authority to withdraw lands.

It seems to me the amendment does not change the bill except to make it more definite. It gives the advantage to the prospector or the settler in that he is told that there can be a withdrawal of lands for one use and not for another, leaving that other use open for settlement. It renders certain also the authority of the President to make these reservations.

It has been said that the words in line 16, "or other public purposes" are sufficient. I do not think that language is sufficiently plain. It is doubtful whether the different uses for which it is intended land may be reserved are public purposes, for naturally that term includes such a use as a military reservation, a light-house, or other distinctively public use.

Mr. SMOOT. Mr. President, I will simply say, in a few words, that the amendment that has been offered by the Senator from Ohio [Mr. BURTON] as to lands withdrawn from "any or all forms of" settlement, location, sale, or entry would mean that on all withdrawn lands, mineral development or prospecting would be prohibited. That question has been thrashed over time and time again in the committee and in the subcommittee. We have had votes upon it very often, and we have also had an expression in the Senate upon this very question. Therefore, Mr. President, I sincerely hope that the vote cast by the Senate will be against the amendment offered by the Senator from Ohio.

Mr. BURTON. I desire to call the attention of the Senator from Utah [Mr. SMOOT] to the fact that the second section still remains broad and comprehensive in conferring the right of mineral entry for the purposes which the Senator from Utah has advocated. Those provisions would remain just as they are.

Mr. SMOOT. The question is this: Section 1, with the words of the Senator's amendment inserted would be a direct contradiction of section 2, because section 1, if the Senator's amendment prevails, would read withdrawal "from 'any or all forms' of settlement, location, sale or entry." Therefore it would be impossible to locate or to enter a mining claim upon withdrawn lands as provided in section 1. The Senate will notice section 2 is directly the opposite of what is provided in section 1 if the amendment of the Senator from Ohio is accepted.

Mr. President, I again say that there is no need of inserting the words proposed by the Senator from Ohio, and I ask that the Senate disagree to the amendment.

The VICE-PRESIDENT. The question is on the amendment offered by the Senator from Ohio [Mr. BURTON] to the amendment of the committee.

The amendment to the amendment was rejected.

Mr. BURTON. I offer another amendment. I send it to the desk.

The VICE-PRESIDENT. The amendment will be stated. The SECRETARY. On page 2, line 12, after the word "discretion," it is proposed to strike out the word "temporarily."

Mr. BURTON. Mr. President, the use of that word, which did not appear in the House provision, assumes no very great importance, except that it is a decided intimation that this policy is, under the terms of this bill, intended to be a temporary and, you may say, a halting policy. At the close of the section there is this provision:

And such withdrawals or reservations shall remain in force until revoked by him—

That is, by the President—
or by an act of Congress.

That is the controlling provision. That remains. What, then, is the use of the word "temporarily"—which appears first in the Senate bill, not appearing, as I understand, in the House bill—except as an intimation that it is a policy which is not to be pursued for any considerable time, a limitation on the power of the President?

Mr. SMOOT. Mr. President, I do not take it as a limitation on the part of the President; but I do take it that it means that the withdrawals, many of which will be restored to the public domain, are temporary in their nature. Of necessity it should be so, because if the withdrawals were not temporary in their nature, there would be a permanent withdrawal, with no likelihood or thought of the land ever being restored to the public domain. I hope the amendment of the Senator will be disagreed to.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Ohio [Mr. BURTON] to the amendment of the committee.

The amendment to the amendment was rejected.

Mr. NEWLANDS. Mr. President, it is not my purpose to make a speech on this bill, but the question came up yesterday during the speech of the Senator from Colorado [Mr. HUGHES] whether the land laws now existing were suited to the economic requirements of the country. I wish to print in the RECORD, with the permission of the Senate, extracts from a speech made by me three years ago, in which I called the attention of the Senate to the misfit land laws of the country.

Mr. GALLINGER. Mr. President—

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

Mr. NEWLANDS. Certainly.

Mr. GALLINGER. I ask the Senator if they were printed in the RECORD three years ago?

Mr. NEWLANDS. Yes; they were printed in the RECORD.

Mr. GALLINGER. And the Senator thinks it is important to have them repeated, does he?

Mr. NEWLANDS. I do in this connection.

As I have said, Mr. President, I then called attention to the misfit land laws of the country and insisted that they were the result of the failure of the Representatives of the West in Congress to take hold of the matter and present such amendments to existing laws as would meet the economic requirements of the West and put an end to the denunciation of the West regarding the evasion of the land laws, and at the same time meet the requirements of western development.

I simply wish to present these remarks now as showing how long this contention has been pending and how important it is that western men should get together and within a reasonable time present to the Congress in some concrete form the amendments which are absolutely essential to meet the requirements of the West. I have not the slightest doubt but that the western men can practically shape legislation upon this subject, and can thus save the West from the reproach from which it has been suffering for years.

I ask leave, Mr. President, to insert these few extracts in the RECORD.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Nevada? The Chair hears none, and permission is granted.

The extracts referred to, taken from the speech of Hon. FRANCIS G. NEWLANDS in the Senate of the United States, January 30, 1907, are as follows:

MISFIT LAWS.

These conditions prevail in every one of the Western States, and I insist upon it that they prevail because the Congress has never yet shaped the laws so as to suit the economic requirements of the country, and such laws will always be evaded; and I insist upon it that the fault is largely with Congress. As it is, we have laws inadequate to the development of the West, and the west must grow, law or no law, and will grow, law or no law; and I insist upon it that it is much better for us to change the laws so as to meet the economic requirements of the West than to let the present conditions remain under which the President, sworn to execute the law, is landing men in jail who at heart and judged by their environment are as innocent of any intentional wrong as the gentleman who gave his account to me of the manner in which he accumulated a control of a large area of land. It

makes me heartsick to read here of clergymen and others being indicted in the West for making entries under the land laws, without any conception of the guilt involved in the act.

Mr. CARTER. The Senator states that the economic conditions in the country referred to are such that the 160-acre homestead claim is wholly inadequate to meet the conditions. Would he so amend the law as to permit of the acquisition of a much larger area of land by a single individual?

Mr. NEWLANDS. I am not prepared to state now what changes I would favor. That would be a digression from my present purpose. What I do insist upon is that it is the duty of the Senators and Representatives from the West, who are more familiar with these conditions and who are familiar with the laws, to get together with these conditions of the Congress of the United States laws that will meet these conditions. I should expect in such a conference to give and take, to accommodate my views in many particulars to the views of my associates, with the purpose of securing harmony of action. I would expect that we would arrive at a pretty nearly unanimous conclusion, and I believe that our recommendations to the Public Lands Committee of the Senate and the Public Lands Committee of the House would be crystallized in legislation within six months afterwards.

We had the same experience with the irrigation question. The men of the West had been engaged for years in educating Congress upon the subject of irrigation, in educating the humid region as to the requirements of the arid region. They were not only educating the Congress, but educating the country at the same time, and when the public sentiment of the entire country was ripe for action we found that we differed among ourselves as to the kind of law that should be passed, and we were in danger of making a spectacle of ourselves in Congress and before the country and of defeating the entire movement by the divergence of our views.

Some were in favor of nationalizing irrigation. Some were in favor of confining it to state lines. Some were in favor of the cession of all of the arid lands to the States. Some were in favor of giving the States the absolute control over the waters stored by national action. But as the result of this divergence of views we concluded to come together, and we met and appointed a committee from 13 States and 3 Territories, consisting of one Senator and one Representative from each State, and that committee appointed a subcommittee of 17, and the subcommittee held sessions consecutively for thirty days. At the end of that time the committee of 17 reached a unanimous conclusion, and they presented their conclusion to the general committee, and it was adopted after much discussion. Then it was submitted to the committee of the Senate and of the House, and it proved in almost all its features by them, and within a few months afterward was triumphantly passed by Congress.

That law has given universal satisfaction and will give still greater satisfaction, and the Western Senators and Representatives took the very position which Mr. Hitchcock and Mr. Roosevelt have always contended for and do now contend for, that not only the reclamation act, but all the land laws should be administered in the interest of home seekers and with a view to preventing monopoly.

LAND MONOPOLY.

The purpose of Congress has been honest throughout the entire history of our legislation upon this subject. Look at every one of the statutes relating to public lands and you will see the purpose clearly is to avoid land monopoly, and yet we know that under these very laws monopoly has been built up in the West.

Mr. NEWLANDS. I wish, also, Mr. President, to quote from certain public documents regarding the question of the conservation of our natural resources. These documents show not only the nature of the conservation policy urged by Mr. Roosevelt, which was indorsed in the Republican platform and which met the requirements of the Democratic platform, as expressed in the declaration of that party, but also show that that policy has been indorsed by the convocation of governors which met in Washington, and which passed the following resolution:

We agree that further action is advisable to ascertain the present condition of our natural resources and to promote the conservation of the same; and to that end we recommend the appointment by each State of a commission on the conservation of natural resources, to cooperate with each other and with any similar commission of the Federal Government.

I did not take the floor when the amendment offered by the Senator from Montana [Mr. DIXON] was before the Senate, incorporating a bill for a conservation commission, which was introduced by me some time since and which has received the favorable report of the Committee on Conservation, because I did not wish to delay the vote on this bill and the determination of this important question. That bill will still be pressed. I simply call attention now to the fact that the subject of that bill has received the indorsement of both platforms; it has received the indorsement of the convocation of governors; and it has received the indorsement practically of the great National Conservation Commission, called by President Roosevelt and composed of some of the most distinguished men in the country. I hope that that bill will come up later for consideration and receive the attention of the Senate despite the unfavorable vote of this morning.

The VICE-PRESIDENT. In the absence of objection, permission is granted the Senator from Nevada to print the additional matter referred to by him.

The matter referred to is as follows:

[From the declaration of the governors assembled in Washington on the invitation of President Roosevelt, May 15, 1908.]

We declare our firm conviction that this conservation of our natural resources is a subject of transcendent importance, which should engage unremittingly the attention of the Nation, the States, and the people in earnest cooperation. These natural resources include the land on which we live and which yields our food; the living waters which fertilize the soil, supply power, and form great avenues of commerce; the forests

America, of Holly Hill, Fla., relative to proposed legislation concerning the water supply for the city of San Francisco—to the Committee on the Public Lands.

Also, petition of Armond (Fla.) Village Improvement Association; Palmetto Club, of Daytona, Fla.; Woman's Club of Tallahassee; New Century Club, of High Springs, Fla.; Florida State Federation of Woman's Clubs; and Woman's Club of Palatka, Fla., urging legislation for eradication of disease from dairy products—to the Committee on Agriculture.

Also, petition of Council No. 648, Knights of Columbus, of Jacksonville, Fla., favoring the passage of House bill 17543—to the Committee on the Post-Office and Post-Roads.

Also, petition of Tampa (Fla.) Harbor, No. 82, American Association of Masters, Mates, and Pilots of Steam Vessels, urging passage of House bills 23313, 23689, and 18682—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Florida Association of Postmasters, for a postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of Local Lodge No. 270, of the G. A. T. M. of Tampa, for battle-ship construction in Government navy-yards—to the Committee on Naval Affairs.

Also, petition of C. W. Donaldson, J. A. McCloud, Samuel D. Chatkam, and numerous other citizens of Jacksonville, Fla., favoring House bill 22066 and Senate bill 6702 providing for inspection of boilers—to the Committee on Interstate and Foreign Commerce.

Also, petition of C. D. Pierce and other citizens of Mandaview, Fla., for House bill 15441 providing for an eight-hour workday on all government work, by contract or otherwise—to the Committee on Labor.

By Mr. DAWSON: Petition of Local Union No. 85, International Alliance Theatrical Stage Employees, of Davenport, Iowa, relative to the San Francisco water supply—to the Committee on the Public Lands.

By Mr. FURNES: Petition of William Knabe & Co., of New York City, favoring New Orleans as the logical point for the Panama exposition of 1915—to the Committee on Industrial Arts and Expositions.

By Mr. FOSTER: Petition of Vermont: Petition of Fairfield (Vt.) Grange, Patrons of Husbandry, favoring the establishment of a national department of public health—to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER: Petition of John L. Hamilton, of the American Bankers' Association, against the postal savings-bank bill—to the Committee on the Post-Office and Post-Roads.

By Mr. HAMILTON: Petition of Woman's Christian Temperance Union, of Coats Grove, Mich., urging bill to prevent circulating news of prize fights—to the Committee on Interstate and Foreign Commerce.

By Mr. HANNA: Petition of citizens of Hillsboro, N. Dak., for Senate bill 3776 or some similar measure—to the Committee on Interstate and Foreign Commerce.

By Mr. HELM: Paper to accompany bill for relief of William Paynter—to the Committee on Invalid Pensions.

By Mr. HOLLINGSWORTH: Paper to accompany bill for relief of Francis M. Jeffery—to the Committee on Invalid Pensions.

By Mr. HOUSTON: Paper to accompany bill for relief of William H. Woodside—to the Committee on Invalid Pensions.

By Mr. KÜSTERMANN: Petition of citizens of the Ninth Congressional District in the State of Wisconsin, against parcels-post legislation—to the Committee on the Post-Office and Post-Roads.

By Mr. MAYNARD: Paper to accompany bill for relief of Jonas Foeman—to the Committee on Military Affairs.

Mr. OLDFIELD: Paper to accompany bill for relief of Joseph C. Watson—to the Committee on Invalid Pensions.

By Mr. RAINEY: Petition of Railway Employers of Beardstown, Ill., against attacks on railroads—to the Committee on Interstate and Foreign Commerce.

By Mr. RUCKER of Colorado: Petition of Collins Wireless Society, Chapter No. 1, Denver, Colo., signed by Winfield Lapham, president, Lawrence Hough, jr., secretary and treasurer, and several others, protesting against the passage of any bill preventing experimenting in wireless telegraphy—to the Committee on Interstate and Foreign Commerce.

By Mr. STEVENS of Minnesota: Petition of St. Paul Jobbers and Manufacturers' Association, concerning railway legislation—to the Committee on Interstate and Foreign Commerce.

SENATE.

THURSDAY, June 16, 1910.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.
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 agreed to the amendments of the Senate to the following bills:

H. R. 8914. An act to open to settlement and entry under the general provisions of the homestead laws of the United States certain lands in the State of Oklahoma, and for other purposes;

H. R. 21219. An act to provide for the sittings of the United States circuit and district courts of the eastern division of the eastern judicial district of Missouri at the city of Rolla, in said district;

H. R. 23094. An act to provide for sittings of the United States circuit and district courts of the western division of the western judicial district of Missouri at the city of Chillicothe, in said district; and

H. R. 23385. An act for the relief of Demon S. Decker.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13907) to provide for agricultural entries on coal lands.

The message further announced that the House had receded from its amendments to the bill (S. 8399) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and wars other than the civil war, and certain widows and dependent relatives of such soldiers and sailors.

The message also announced that the House insists upon its amendments to the bill (S. 8086) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and wars other than the civil war, and certain widows and dependent relatives of such soldiers and sailors, disagreed to by the Senate; agreed to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LOUDENSLAGER, Mr. DRAPER, and Mr. RICHARDSON managers at the conference on the part of the House.

The message further announced that the House had passed the bill (H. R. 23000) to provide a civil government for Porto Rico, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

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

S. 538. An act to amend sections 2586 and 2587 of the Revised Statutes of the United States as amended by the acts of April 25, 1882, and August 28, 1890, relating to collection districts in Oregon;

H. R. 21219. An act to provide for the sittings of the United States circuit and district courts of the eastern division of the eastern district of Missouri at Rolla, in said district;

H. R. 23094. An act to provide for the sittings of the United States circuit and district courts of the western division of the western district of Missouri at the city of Chillicothe, in said district;

H. R. 23388. An act for the relief of Demon S. Decker; and

H. R. 26318. An act establishing regular terms of the United States circuit and district courts of the northern district of California at Sacramento, Cal., and of the southern division of the southern district of California at San Diego, Cal.

PETITIONS AND MEMORIALS.

Mr. BROWN presented a petition of the Commercial Club of Hartington, Nebr., praying that an appropriation be made for the extension of the work of the Office of Public Roads, Department of Agriculture, which was ordered to lie on the table.

Mr. FLINT presented a petition of the Indian Hill Citrus Association, of North Pomona, Cal., praying that an appropriation be made for the extension of the work of the Office of Public Roads, Department of Agriculture, which was ordered to lie on the table.

He also presented a petition of the Saturday Afternoon Club, of Ukiah, Cal., praying that an investigation be made into the condition of dairy products, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of the Chamber of Commerce of San Francisco, Cal., remonstrating against the enactment of legislation to amend the present laws relative to American seamen, which was referred to the Committee on Commerce.

Mr. BURKETT presented a petition of the Chamber of Commerce of the State of New York, praying for the enactment of legislation providing for a uniform bill of lading, which was referred to the Committee on Interstate Commerce.

Mr. KEAN presented a memorial of the mayor and common council of Harrison, N. J., remonstrating against the proposed increase in railroad rates, which was referred to the Committee on Interstate Commerce.

He also presented a memorial from the Woman's Home Missionary Society, the Home Guards, and Mother's Jewels, of Westfield, N. J., remonstrating against the construction and maintenance of a railroad track in square 673, city of Washington, which was referred to the Committee on the District of Columbia.

He also presented petitions from sundry citizens of Spokane, Wash.; Portland, Pa.; Huron, S. Dak.; Palestine, Tex.; Livingston, Mont.; Paducah, Ky.; Council Bluffs, Iowa; and Grand Rapids, Mich., praying for the passage of the so-called "boiler-inspection bill," which were referred to the Committee on Interstate Commerce.

REPORTS OF COMMITTEES.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (H. R. 19610) for the relief of Peter Clark, reported it without amendment and submitted a report (No. 858) thereon.

Mr. GAMBLE. I am directed by the Committee on Indian Affairs, to whom was referred the bill (S. 6561) for the relief of the Mission Farm Company, to report it adversely. I ask that the bill be postponed indefinitely, as the subject-matter is contained in a House bill already favorably reported from that committee.

The VICE-PRESIDENT. The bill will be postponed indefinitely.

Mr. OWEN, from the Committee on Indian Affairs, to whom were referred the following bills, reported adversely thereon, and the bills were postponed indefinitely:

A bill (S. 2029) for the relief of the Absentee Shawnee Indians in the State of Oklahoma, and for other purposes; and

A bill (S. 6198) authorizing the Otoe and Missouri and the Omaha tribes of Indians to submit claims to the Court of Claims.

Mr. CLAPP, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 15103) to reimburse G. H. Kitson for money advanced to the Menominee tribe of Indians of Wisconsin, reported it without amendment and submitted a report (No. 859) thereon.

Mr. DICK, from the Committee on Military Affairs, to whom was referred the bill (S. 7373) for the relief of volunteer officers and soldiers who served in the Philippine Islands, under the act approved March 2, 1899, reported it with amendments and submitted a report (No. 860) thereon.

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

A bill (H. R. 11374) to reimburse Dr. M. K. Knauff (Report No. 861); and

A bill (S. 8140) for the relief of Alessandro Comba (Report No. 864).

Mr. BURNHAM, from the Committee on Territories, to whom was referred the bill (H. R. 24833) to provide for the care and support of insane persons in the Territory of Alaska, reported it without amendment and submitted a report (No. 862) thereon.

Mr. WARNER, from the Committee on the Judiciary, to whom was referred the joint resolution (H. J. Res. 127) for the appointment of commission to investigate the matter of employer's liability and workman's compensation, reported it with amendments and submitted a report (No. 865) thereon.

Mr. FLINT, from the Committee on Finance, to whom was referred the following bills, reported them each without amendment:

A bill (S. 1488) providing for the appointment of an assistant treasurer of the United States at the city of Seattle, in the State of Washington; and

A bill (H. R. 732) for the relief of the Merchants' Exchange National Bank, of the city of New York.

Mr. FLINT, from the Committee on Finance, to whom was referred the bill (S. 6157) providing for the appointment of an assistant treasurer of the United States at the city of Los Angeles, in the State of California, reported it without amendment.

Mr. NELSON, from the Committee on Territories, to whom was referred the bill (H. R. 24149) to create, establish, and enforce a miner's labor lien in the Territory of Alaska, and for other purposes, reported it without amendment.

Mr. BURTON, from the Committee on Commerce, to whom was referred the bill (H. R. 24375) to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, reported it with amendments.

Mr. SCOTT, from the Committee on Public Buildings and Grounds, to whom was referred the amendment submitted by Mr. WARREN on the 13th instant, proposing to appropriate \$40,000 for the purchase of a site in Juneau, Alaska, for the erection of a building or buildings thereon, to be used as a residence and office for the governor of the District of Alaska, etc., intended to be proposed to the general deficiency appropriation bill, reported it without amendment, submitted a report (No. 867) thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. BROWN, from the Committee on Indian Affairs, to whom was referred the amendment submitted by himself on the 15th instant, proposing to appropriate \$2,500 to pay Lee F. Warner for services to the Senate Committee on Indian Affairs, reported it with an amendment, submitted a report (No. 866) thereon, and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

Mr. BRANDEGEE, from the Committee on Forest Reservations and the Protection of Game, submitted a supplemental report (No. 846, pt. 2) to accompany the bill (S. 4501) to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers, heretofore reported by him.

RETIREMENT OF ASSOCIATE JUSTICE MOODY.

Mr. CLARK of Wyoming. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. 8715) to permit William H. Moody, an associate justice of the Supreme Court of the United States, to retire, to report it favorably with an amendment, and I ask for the immediate consideration of the bill.

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

The Secretary read the bill.

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

Mr. CLARK of Wyoming. I desire to say that it was the sense of the committee that the bill should be called up for consideration because of the exigency of the case, but in view of the fact that there are so few members of the Senate present at this particular moment, it is thought best by members of that committee that it should be deferred until there shall be a fuller attendance of the Senate. I shall ask to have the bill taken up at the earliest moment possible.

The VICE-PRESIDENT. The Senator from Wyoming withdraws the request for present consideration.

Mr. BACON. Before the matter passes from the consideration of the Senate, as I was the Senator who made the suggestion to the Senator from Wyoming, I wish to say that I did it only in the interest of subserving the best public service. It is a matter of extreme gravity, and while it is a unanimous report of the committee, I thought the bill ought to be considered when the Senate is full, so that there could be no criticism in that regard.

Mr. CLARK of Wyoming. I wish to say that my request for unanimous consent was made by a vote of the committee and was not a personal request. I desire to have that appear also in the RECORD.

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

TITLE TO LANDS IN THE DISTRICT OF COLUMBIA.

Mr. SCOTT. Under an act of Congress approved May 30, 1908, a copy of which accompanies the report I submit, a committee was appointed by Congress to investigate the title of the United States to lands in the District of Columbia and the original disposition that had been made of the lands, and to determine as to the ownership and the titles of a great part of the property in the District of Columbia. After a great deal of very hard work, searching the records clear back from the time the territory comprising the District of Columbia was ceded to the Government until the present, I have the honor to submit a report, and I will ask that a suitable number of copies be printed as a Senate document. (S. Doc. No. 632.)

The VICE-PRESIDENT. The Senator from West Virginia makes a report and requests that a suitable number be printed

3285, Revised Statutes of the United States, as amended by section 3 of the act of May 28, 1880, to report it favorably without amendment.

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

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

The Secretary read the bill, as follows:

Be it enacted, etc., That paragraph 2 of section 3264, Revised Statutes of the United States, as amended by section 5, act of March 1, 1879, be amended so as to read as follows:

"In all surveys 45 gallons of mash or beer brewed or fermented from grain shall represent not less than 1 bushel of grain, and 7 gallons of mash or beer brewed or fermented from molasses shall represent not less than 1 gallon of molasses, except in distilleries operated on the sour mash principle, in which distilleries 60 gallons of beer brewed or fermented from grain shall represent not less than 1 bushel of grain, and except that in distilleries where the filtration-aeration process is used, with the approval of the Commissioner of Internal Revenue; that is, where the mash after it leaves the mash tub is passed through a filtering machine before it is run into the fermenting tub, and only the filtered liquor passes into the fermenting tub, 70 gallons of beer brewed or fermented from grain shall represent not less than 1 bushel of grain. The provisions hereof relating to filtration-aeration process shall apply only to sweet-mash distilleries."

Sec. 2. That section 3285, Revised Statutes of the United States, as amended by section 3, act of May 28, 1880, be amended so as to read as follows:

"Every fermenting tub shall be emptied at or before the end of the fermenting period; no fermenting tub in a sweet-mash distillery shall be filled oftener than once in seventy-two hours, nor in a sour-mash distillery oftener than once in ninety-six hours, nor in a rum distillery oftener than once in one hundred and forty-four hours, nor in a distillery where the filtration-aeration process is employed—that is, where the mash after it leaves the mash tub is passed through a filtering machine before it is run into the fermenting tub, and only the filtered liquor passes into the fermenting tub, and the approval of the Commissioner of Internal Revenue being secured—oftener than once in twenty-four hours. The provisions hereof relating to filtration-aeration process shall apply only to sweet-mash distilleries."

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

Mr. BAILEY. Mr. President, I suppose that measure is all right, but, as I heard it read, it seems to me to be a regulation of the method of distilling and has no relation to the collection of the revenue.

Mr. OLIVER. Mr. President, if the Senator will allow me, I think I can explain the bill in a moment.

Mr. BAILEY. If the Senator from Pennsylvania says it is designed to facilitate the collection of the revenue or to protect the revenue, that is sufficient.

Mr. OLIVER. It has no relation whatever to the revenue; that is, it makes no difference in the revenue. While this bill is very much involved in its language, and while I myself have spent some time in trying to study out what it means, the object of it is very simple. It was made the subject of a very exhaustive investigation by the Ways and Means Committee of the House, and in a report made by that committee, they recommended it. It is also recommended by the Internal Revenue Bureau. It is designed simply as a means of relief for the manufacturers of yeast. It has nothing to do with the manufacture of distilled liquors; but the manufacturers of yeast, under the regulations of the Internal Revenue Bureau, employ a process by which they can use their fermenting tubs over and over every twenty-four or twenty-five hours. Under the regulations of the Internal Revenue Bureau, and under the law as it now stands, these tubs can not be filled more than once in seventy-two hours. This bill is simply along that line, and is designed to allow the tubs to be used every twenty-four hours instead of having them used one day and compelled to remain vacant for two days.

In the report of the Ways and Means Committee, submitted by Mr. DALZELL to the House, it is stated distinctly that

This process of distillation is new in this country, but has been for many years in use in Europe. It applies—

Mr. BAILEY. Mr. President, I am not concerned about that feature of it, for I do not know enough about it to qualify me to discuss it; but what I can not understand is the question of power. Just exactly what authority the Government of the United States has to prescribe the methods of the manufacture of yeast or whisky, or anything else is beyond me. I know that in this day it is presumed that the General Government may do anything; but I had supposed that even yet they had not gone to the extent of prescribing how often yeast manufacturers shall wash their tubs.

Mr. OLIVER. Mr. President, I am not going to be drawn into a controversy upon a question of constitutional law with so eminent an example of the constitutional lawyer as the Senator from Texas. I will only say that the present practice is as I have indicated and the yeast manufacturers seek relief from that practice. The bill has passed the House and is ex-

tremely important to this line of manufacture, which is of growing importance here that they should be given this relief. I trust the Senator will allow the bill to pass.

Mr. BAILEY. Mr. President, if the Federal Government has the right to prescribe that they shall only fill these tubs every alternate day, it then has the right to prescribe that they may fill them twice a day, or that they shall not fill them more than once a week, and they can supersede every regulation of the State on that subject.

I believe I ought to object to the consideration of this bill; but I will content myself with seeing if we can not defeat this extreme departure from sound principle.

Mr. GALLINGER. Mr. President, I will ask the Senator from Pennsylvania if this bill is designed to change a regulation of the Internal Revenue Bureau?

Mr. OLIVER. It is.

Mr. BAILEY. But one which has no relation to the revenue.

Mr. GALLINGER. I understand that, but the Internal Revenue Bureau has made a regulation which they adhere to and which they think is proper.

Mr. OLIVER. Yes.

Mr. GALLINGER. And we are asked to change it by legislation?

Mr. OLIVER. I beg the Senator's pardon, the Internal Revenue Bureau is perfectly willing to grant this relief, and the assistant secretary, in his report, says so distinctly.

Mr. GALLINGER. Then, why do they not do it?

Mr. OLIVER. Because, as I understand, they think they are bound by the present law to follow out the existing practice. I do not assume to inquire into their motives. This bill is recommended by the Treasury Department, as well as desired by the manufacturers.

Mr. GALLINGER. Can the Senator tell whether there is an existing law on this subject?

Mr. OLIVER. There must be an existing law, but with it I am not familiar.

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

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

The bill was reported to the Senate without amendment.

The VICE-PRESIDENT. In the absence of objection the bill will be ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BAILEY. No, Mr. President; not passed without a division.

The VICE-PRESIDENT. The question, then, is on the third reading of the bill.

The bill was read the third time.

The VICE-PRESIDENT. The question is, Shall the bill pass? [Putting the question.] By the sound, the noes seem to have it.

Mr. OLIVER. I ask that the question be again put.

The VICE-PRESIDENT. The Chair will again put the question. The question is, Shall the bill pass? By the sound, the ayes now seem to have it.

Mr. BAILEY. Mr. President, let us have a count. I will not ask for a roll call, but I ask for a division.

The Senate thereupon divided.

The VICE-PRESIDENT. The ayes are 16 and the noes 12. A quorum of the Senate being present, the ayes have it, and the bill is passed.

EMPLOYER'S LIABILITY AND WORKMAN'S COMPENSATION.

Mr. WARNER. I am directed by the Committee on the Judiciary, to whom was referred the joint resolution (H. J. Res. 127) for appointment of commission to investigate the matter of employer's liability and workman's compensation to report it with amendments; and I ask unanimous consent for its present consideration.

The VICE-PRESIDENT. The joint resolution will be read for the information of the Senate.

The Secretary read the joint resolution.

Mr. HEYBURN. I ask that the matter go over.

The VICE-PRESIDENT. The Senator from Idaho objects, and the joint resolution will go to the calendar.

Mr. WARNER, from the Committee on the Judiciary, to whom were referred the following joint resolutions, reported adversely thereon, and the joint resolutions were postponed indefinitely:

A joint resolution (S. J. Res. 77) for appointment of commission to investigate the matter of employer's liability and workman's compensation; and

A joint resolution (S. J. Res. 71) for appointment of commission to investigate the matter of employer's liability and workman's compensation.

GEORGE WEST & SON (INCORPORATED).

Mr. FLINT. I am directed by the Committee on Finance, to whom was referred the bill (H. R. 24358) to relieve George West & Son (Incorporated), of Stockton, Cal., from an internal-revenue tax on brandy destroyed by accidental fire, to report it without amendment, and I ask unanimous consent for its present consideration.

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

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

CRIMINAL CODE OF THE UNITED STATES.

Mr. HEYBURN. I introduce a joint resolution, and ask that it may be read, and I shall ask for its present consideration.

The joint resolution (S. J. Res. 112) authorizing the superintendent of documents to cause to be printed for sale to the public copies of the Criminal Code of the United States, was read the first time by its title and the second time at length, as follows:

Senate joint resolution 112.

Resolved by the Senate, etc., That the superintendent of documents be, and he is hereby, authorized to cause to be printed from time to time, for sale in the manner prescribed in section 61 of the act entitled "An act providing for the public printing and binding and the distribution of public documents," approved January 12, 1895, such number of copies of the Criminal Code of the United States, prepared under the supervision of the Joint Committee of Congress on the Revision of the Laws of the United States, as he may deem necessary for such purpose.

Mr. SMOOT. Mr. President—

Mr. HEYBURN. I should like to explain the joint resolution before the Senator from Utah proceeds.

It provides for the printing, in the usual manner, of the criminal code which we adopted. The supply printed under the ordinary method is not sufficient to meet the demands from the outside, and this authorizes its printing for sale, to be sold under the existing law. The requests are very numerous, indeed, from all over the United States, and other than the print for the general use of the Senate, there is no supply from which these requests can be met. It will not incur any expense on the part of the Government, because the law requires that they shall be sold at a certain profit above the cost of printing.

Mr. SMOOT. Ten per cent.

Mr. HEYBURN. Yes.

Mr. SMOOT. Does the resolution ask for any certain number?

Mr. HEYBURN. No; they are to be printed as the demand requires. The corresponding committee in the House is anxious that this matter shall be disposed of speedily, and that is my reason for asking for the present consideration of the joint resolution.

Mr. SMOOT. I should like to have the joint resolution again reported. I was not in the Chamber when it was read.

The VICE-PRESIDENT. The Secretary will again read the joint resolution.

The Secretary again read the joint resolution.

Mr. GALLINGER. I suggest "as may be deemed necessary from time to time."

Mr. SMOOT. "As may be deemed necessary from time to time." I will state that there is a resolution now on the calendar covering this subject, and not only this particular case, but all cases of a similar nature. But if the Senator from Idaho feels that it will hasten the matter, and if he is deeply interested in this particular item, I shall not object, and shall let it go, because it will not interfere with the other resolution.

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

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

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

BILLS INTRODUCED.

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

By Mr. DICK:

A bill (S. 8718) granting an increase of pension to James Hickman; to the Committee on Pensions.

By Mr. JOHNSTON (for Mr. BANKHEAD):

A bill (S. 8719) for the relief of the legal representatives of the firm of Levert & Mastin, late of Mobile, Ala.; to the Committee on Claims.

By Mr. DEPEW:

A bill (S. 8720) to provide for the acquisition of a site on which to erect a public building at Nyack, N. Y.; to the Committee on Public Buildings and Grounds.

A bill (S. 8721) granting an increase of pension to Valentine Kline (with an accompanying paper); to the Committee on Pensions.

By Mr. PAGE (by request):

A bill (S. 8722) for the relief of Simon Denomie; to the Committee on Indian Affairs.

By Mr. JONES (by request):

A bill (S. 8723) to revise all present monetary measures, the currency system, and banking laws of the United States; to the Committee on Finance.

By Mr. KEAN:

A bill (S. 8724) granting an honorable discharge to Benjamin Warner; to the Committee on Military Affairs.

By Mr. GUGGENHEIM:

A bill (S. 8725) granting an increase of pension to Mary C. Estes (with an accompanying paper);

A bill (S. 8726) granting an increase of pension to William B. Norton (with an accompanying paper);

A bill (S. 8727) granting an increase of pension to Luzerne Jones (with an accompanying paper);

A bill (S. 8728) granting an increase of pension to Peter C. Johnson (with an accompanying paper);

A bill (S. 8729) granting an increase of pension to Mary A. Price (with an accompanying paper);

A bill (S. 8730) granting an increase of pension to Eliza J. Anderson (with an accompanying paper);

A bill (S. 8731) granting an increase of pension to Fannie Ladd (with an accompanying paper); and

A bill (S. 8732) granting an increase of pension to John B. Wilson (with an accompanying paper); to the Committee on Pensions.

By Mr. FLETCHER:

A bill (S. 8733) granting an increase of pension to Lorin B. Ohlinger; to the Committee on Pensions.

By Mr. SCOTT:

A bill (S. 8734) granting an increase of pension to William W. Eckles (with accompanying papers); to the Committee on Pensions.

By Mr. BURKETT:

A bill (S. 8735) granting an increase of pension to Neriah B. Kendall; to the Committee on Pensions.

By Mr. FLETCHER:

A bill (S. 8736) providing for the releasing of the claim of the United States Government to Arpent lot No. 44, in the old city of Pensacola, Fla.; to the Committee on Public Lands.

By Mr. McENERY:

A bill (S. 8737) for the relief of G. C. Pickett (with an accompanying paper); to the Committee on Claims.

Mr. JOHNSTON (for Mr. BANKHEAD):

A bill (S. 8738) for the relief of the heirs or estate of Thomas Brown, deceased (with an accompanying paper); to the Committee on Claims.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL.

Mr. DEPEW submitted an amendment authorizing the recorder of deeds of the District of Columbia to appoint an additional clerk in his office at a salary of \$1,500 per annum, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. GAMBLE submitted an amendment proposing to appropriate \$10,000 for continuing the grading and improvement of Pennsylvania avenue SE., in the city of Washington, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. BURNHAM submitted an amendment authorizing the Secretary of the Senate to pay to Noah Thomas Morgan, Carl A. Geisel, Eustus D. Smith, and Harold S. G. Van Voorhis the sum of \$150 each, being the difference in their salaries as elevator conductors in the Senate Wing of the Capitol, intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. FLINT submitted an amendment proposing to appropriate \$40,788.29 to pay the State of California, being the amount of principal and interest paid by that State in redemption of bonds and Treasury certificates in lieu of bonds issued by that State under acts of February 15, 1851, and May 3, 1852, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. OWEN submitted an amendment proposing to appropriate \$5,000 to provide the expense of the United States in all cases affecting the allotted lands within the eastern district of Oklahoma, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. DOLLIVER submitted an amendment proposing to appropriate \$540 to pay the People's Gas and Electric Company,

The next amendment was, on page 22, after line 14, to strike out the following:

The name of Andrew J. Anderson, helpless and dependent child of Nels Anderson, late first lieutenant Company D, Forty-seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$12 per month.

The amendment was agreed to.

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

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

The bill was read the third time and passed.

RETURN OF BONDS TO LOUISIANA.

Mr. McENERY. I ask for the present consideration of the bill (S. 7180) authorizing the Secretary of War to return to the governor of Louisiana certain bonds of the State of Louisiana and city of New Orleans.

The PRESIDING OFFICER (Mr. KEAN in the chair). The bill will be read.

Mr. HEYBURN. I ask that the bill may go over.

The PRESIDING OFFICER. Objection is made.

BLACK RIVER BRIDGE, ARKANSAS.

Mr. DAVIS. I ask unanimous consent for the consideration of the bill (H. R. 23964) to extend the time for Clay County, Ark., to construct a bridge across Black River at or near Bennetts Ferry, in said county and State.

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

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

TRI-STATE TELEPHONE AND TELEGRAPH COMPANY.

Mr. DAVIS. I ask for the present consideration of the bill (H. R. 22690) to give a legal status to the lead of wires of the Tri-State Telephone and Telegraph Company across the Mississippi River.

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

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

PUBLIC BUILDING AT MOUNDSVILLE, W. VA.

Mr. CURTIS. At the request of the Senator from West Virginia [Mr. SCOTT], who is unavoidably absent, I ask for the present consideration of the bill (S. 6027) to provide for the purchase of a site and the erection of a building thereon at Moundsville, in the State of West Virginia.

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

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, on page 2, line 3, before the word "thousand," to strike out "one hundred" and insert "ninety," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post-office and other government offices in the city of Moundsville and State of West Virginia, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed the sum of \$90,000.

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.

ALFRED CHILDERS.

Mr. BRADLEY. I ask unanimous consent for the present consideration of the bill (S. 2469) to grant an honorable discharge to Alfred Childers.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment, to strike out all after the enacting clause and insert:

That in the administration of the pension laws, Alfred Childers, who was a private in Company I, Seventh Regiment Kentucky Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of said organization on the 30th day of August, 1862: *Provided*, That no pay, bounty, or other emoluments shall accrue 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 Alfred Childers."

PUBLIC BUILDING AT LORAIN, OHIO.

Mr. BURTON. I ask unanimous consent for the present consideration of the bill (S. 6217) to provide for the purchase of a site and the erection of a public building at Lorain, Ohio.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with an amendment on page 2, line 2, after the words "sum of," to strike out "two hundred and fifty," and insert "one hundred and thirty," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post-office and other government offices in the city of Lorain and State of Ohio, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed the sum of \$130,000.

Mr. BURTON. I move to amend the amendment on page 2, line 2, after the words "sum of," by inserting the words "one hundred and fifty" instead of "one hundred and thirty," so as to make the total appropriation \$150,000.

The amendment to the amendment was agreed to.

The amendment as amended 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.

PUBLIC BUILDING AT SHERIDAN, WYO.

Mr. WARREN. I ask unanimous consent for the present consideration of the bill (S. 7575) to improve the public building at Sheridan, Wyo.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It increases the appropriation for the purchase of a site and the location thereon of a public building in Sheridan, Wyo., from the limit of cost heretofore fixed by Congress, namely, \$150,000 to \$157,000, and it authorizes the Secretary of the Treasury to enter into a contract for the completion of the building within the limit of cost, including site, hereby fixed.

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

On motion of Mr. Warren, the title was amended so as to read: "A bill to limit the cost of the public building at Sheridan, Wyo."

SALE OF PUBLIC DOCUMENTS.

Mr. SMOOT. I ask unanimous consent for the present consideration of the joint resolution (S. J. Res. 99) to amend public resolution No. 11, approved March 28, 1904, relating to the sale of public documents by the superintendent of documents.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It proposes to amend public resolution No. 11, approved March 28, 1904, authorizing the reprinting of certain documents to be sold by the superintendent of documents, so as to read as follows:

That the superintendent of documents is hereby authorized to order printed for sale additional copies of the first print of any government publication not confidential in character, and to order reprinted, from time to time, such government publications not confidential in character as may be required for sale, such order for printing or reprinting to be subject to the approval of the Joint Committee on Printing of Congress: *Provided*, That the appropriation for printing and binding shall be reimbursed for the cost of such prints or reprints from moneys received by the superintendent of documents from the sale of government publications.

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

PUBLIC BUILDING AT BROOKINGS, S. DAK.

Mr. GAMBLE. I ask unanimous consent for the present consideration of the bill (S. 186) providing for the erection of a public building in the city of Brookings, S. Dak.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with an amendment, in section 1, page 2, line 1, after the words "sum of," to strike out "one hundred," and insert "seventy-five;" so as to make the section read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be erected upon the site already selected and purchased by him in the city of Brookings, S. Dak., a suitable building, including fireproof vaults, heating and ventilating apparatus and approaches, for the use and accommodation of the United States post-office and other government offices at the said city of Brookings, S. Dak., which said building shall cost, complete, not to exceed the sum of \$75,000.

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.

EDWARD J. BALCH.

Mr. GORE. I ask unanimous consent for the present consideration of the bill (H. R. 20903) to approve the final proof of Edward J. Balch.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Interior to issue patent to Edward J. Balch for the northeast quarter of section 17, township 5 south, of range 12 west of the Indian meridian, on the homestead-commutation proof made by him at Lawton, Okla., on August 7, 1908.

Mr. GORE. I desire to offer as an amendment to the pending bill Senate bill 8135. I offer it as an additional section.

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

The SECRETARY. It is proposed to insert a new section to be known as section 2, as follows:

SEC. 2. That from and after the passage of this act no contract affecting the tribal money or property of any Indian tribe shall have any validity until the same shall be approved by the Congress of the United States, and any contract made in violation of this act shall be void: *Provided*, That this shall not affect any existing contract made and approved in accordance with law.

Mr. HEYBURN. Mr. President, it seems to me that an amendment of that kind is not in order, applying to an ordinary relief bill. It is general legislation. I think I shall have to object, if that amendment is insisted upon. I have no objection to the bill which has been called up by the Senator from Oklahoma, but if another bill, dealing with an entirely different subject, is to be attached to it as an amendment, I shall feel called upon to object; and I do object.

Mr. GORE. Mr. President I withdraw the amendment, of course, in view of the objection. I will say, however, that I am sorry the objection has been made.

Mr. HEYBURN. If the amendment is withdrawn, I withdraw the objection.

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

REGULATION OF RADIO COMMUNICATION.

Mr. DEPEW. I ask unanimous consent for the present consideration of the bill (S. 7243) to regulate radio communication.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments.

The first amendment was, in section 1, page 2, line 3, after the word "Labor," to insert "upon application therefor;" and in line 12, after the word "or," to strike out "corporation" and insert "corporation," so as to make the section read:

That a person, company, or corporation within the jurisdiction of the United States shall not use or operate any apparatus for radio communication as a means of commercial intercourse among the several States or with foreign nations, or upon any vessel of the United States engaged in interstate or foreign commerce, or for the receipt or transmission of radio messages or signals, the effect of which extends beyond the exclusive jurisdiction of the State or Territory in which the same are made, or where interference would be caused thereby with the receipt of messages or signals from beyond the jurisdiction of the said State or Territory, except under and in accordance with a license in that behalf granted by the Secretary of Commerce and Labor upon application therefor; but nothing in this act shall be construed to apply to the transmission and exchange of radio messages or signals between points situated in the same State, provided the effect thereof shall not extend beyond the jurisdiction of the said State or interfere with the reception of messages or signals from beyond said jurisdiction; and a license shall not be required for the transmission or exchange of messages or signals by or on behalf of the Government of the United States. Any person, company, or corporation that shall use or operate any apparatus for radio communication in violation of this section, or knowingly aid or abet another person, company, or corporation in so doing, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding \$500, and the apparatus or device so unlawfully used and operated may be adjudged forfeited to the United States.

The amendment was agreed to.

The next amendment was, in section 4, page 4, line 9, after the word "stations," to strike out "and" and insert "by," so as to make the section read:

SEC. 4. That for the purpose of preventing or minimizing interference with messages or signals relating to vessels in distress or of naval and military stations by private or commercial stations, the President of the United States shall establish from time to time regulations, by designation of wave lengths or otherwise, to govern said private or commercial stations, which may be granted licenses by the Secretary of Commerce and Labor in accordance therewith, and such regulations shall have the force and effect of law and be enforced by the Secretary of Commerce and Labor through collectors of customs and other officers of the Government as other regulations herein provided for.

The amendment was agreed to.

The next amendment was, in section 5, page 4, line 21, after the word "communication," to strike out "in any station which

may be established after the passage of this act;" and in line 22, after the words "that the," to strike out "said operation or use" and insert "operator," so as to make the section read:

SEC. 5. That every license granted under the provisions of this act for the operation or use of apparatus for radio communication shall prescribe that the operator thereof shall not knowingly interfere, as in this act provided, with messages relating to vessels in distress or with any naval or military station. Such interference shall be deemed a misdemeanor, and upon conviction thereof the owner or operator, or both, shall be punishable by a fine of not to exceed \$500 or imprisonment for not to exceed one year, or both.

The amendment was agreed to.

The next amendment was, in section 7, page 5, line 21, after the word "class," to strike out:

That the fee for licenses of the first class shall be \$100 for each station, and that the fee for licenses of the second class shall be \$5 for each vessel equipped for the use and operation of apparatus for radio communication; but no fee shall be required for any license granted for the conduct of experiments in radio communication. All fees for licenses shall be turned into the Treasury of the United States, and a statement of all these collected in each fiscal year shall be reported to Congress.

So as to make the section read:

SEC. 7. That licenses may be granted under this act for the use and operation of apparatus for radio communication at fixed stations upon the mainland, islands, or the navigable waters of the United States, to be known as licenses of the first class, and upon vessels of the United States engaged in interstate or foreign commerce, to be known as licenses of the second class.

The amendment was agreed to.

The next amendment was, in section 9, page 6, line 13, after the word "by," to insert "to," so as to make the section read:

SEC. 9. That messages and signals relating to ships in distress shall have priority over all other messages and must be answered with similar priority, and subject to such priority messages by, to, or on behalf of the Army or Navy of the United States shall have priority over other messages. Any person failing to comply with the requirements of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than \$500 and by the revocation of his license.

The amendment was agreed to.

The next amendment was, in section 11, page 7, line 19, after the word "communication," to strike out "in," and insert "on," so as to make the section read:

SEC. 11. That a person, company, or corporation shall not use or operate any apparatus for radio communication on a foreign ship in territorial waters of the United States otherwise than in accordance with the regulations made for that purpose by the Secretary of Commerce and Labor, and for any breach of any such regulations the offender shall be liable to a penalty of not to exceed \$50 for each offense and to the forfeiture of any apparatus for radio communication used or operated on such ship. Save as aforesaid nothing in this act shall apply to apparatus for radio communication on any foreign ship.

The amendment was agreed to.

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

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

SAVANNA COAL COMPANY.

Mr. OWEN. I ask unanimous consent for the present consideration of Senate bill 8008, granting to the Savanna Coal Company certain rights. The Senator from Texas [Mr. BAILEY] objected to the bill a day or two ago; but, with an amendment which meets his approval, I should like to ask that the bill be considered and disposed of.

The PRESIDING OFFICER. The Senator from Oklahoma asks unanimous consent for the present consideration of a bill, the title of which will be stated.

The SECRETARY. A bill (S. 8008) granting to Savanna Coal Company right to acquire additional acreage to its existing coal lease in the Choctaw Nation, Pittsburg County, Okla., and for other purposes.

There being no objection the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with an amendment, on page 1, line 4, after the word "him," to strike out "shall," and insert "may," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior, under rules and regulations to be prescribed by him, may grant to the Savanna Coal Company the right to add to its existing coal lease, within the area of the segregated coal and asphalt lands, an additional acreage of 200 acres of land adjoining said lease and described as follows: North half of the northwest quarter of section 16; north half of the southeast quarter of the northwest quarter of section 16; north half of the northwest quarter of the southwest quarter of section 16; west half of the southeast quarter of section 17; all in township 4 north, range 14 east of the Indian base and meridian.

The amendment was agreed to.

Mr. OWEN. I offer the amendment which I send to the desk. It is the amendment desired by the Senator from Texas.

The PRESIDING OFFICER. The amendment will be stated. The SECRETARY. On page 2, after line 4, it is proposed to insert:

That the Secretary of the Interior be, and he is hereby, authorized to permit the Denison Coal Company to relinquish certain lands embraced in its existing Choctaw and Chickasaw coal lease, which have been demonstrated to be not valuable for coal, as follows: The south half of the north half of section 36, township 1 north, range 9 east; and north half of section 1, township 1 south, range 9 east; and northwest quarter of section 6, township 1 south, range 10 east, 720 acres, more or less, and to include within the lease in lieu thereof the following-described land, which is within the segregated coal area and unleased: The south half of the north half, and south half of section 36, township 1 north, range 9 east, and northeast quarter and north half of the southeast quarter and east half of the west half, and lots Nos. 2, 3, and 4 of section 31, township 1 north, range 10 east, 960 acres, more or less.

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

Mr. HEYBURN. I rise for some information. Is this amendment included in a bill which has been reported from any committee?

Mr. OWEN. It is not. It is, however, a matter which has been submitted to the Secretary of the Interior.

Mr. HEYBURN. Before what committee is it pending?

Mr. OWEN. It was pending before the Committee on Indian Affairs.

Mr. HEYBURN. As a matter of practice, I think we should hardly adopt the plan of making a bill that is pending before a standing committee the subject of an amendment to a bill that has been reported.

Mr. OWEN. These cases are identical, I will say to the Senator. The Savanna Coal Company and the Denison Coal Company are both situated in the same way upon the segregated coals lands, and they require this additional land in order to carry out their operations.

The report of the Secretary of the Interior, which is submitted under the head of the Savanna Coal Company, explains this matter quite fully. I do not think if the Senator understood this matter thoroughly he would raise an objection, because they are identical.

Mr. HEYBURN. I am not objecting. I think I understand the situation. The amendment is pending before a standing committee as an original bill.

Mr. OWEN. That is true.

Mr. HEYBURN. And it has not yet been considered by that committee. Is that true?

Mr. OWEN. It has not been considered by the committee.

Mr. HEYBURN. The committee has taken it up for consideration and referred it to the department for information.

Mr. OWEN. I will explain to the Senator that when the Savanna Coal Company's bill was presented the Senator from Texas, who was interested in a company identically situated, raised the objection that that company ought to be taken care of at the same time. It was on the House side. It had never been reported over here. I then introduced that bill, in the same form as the House bill, for the purpose of giving it a print and so as to enable it to be conveniently offered as an amendment.

Mr. HEYBURN. The Clerk in stating this bill referred to it as a House bill. On the calendar it is a Senate bill.

The PRESIDING OFFICER. It is a Senate bill.

Mr. HEYBURN. The bill that is offered as an amendment is doubtless meritorious, but it is a pretty bad practice to enter upon here, to get bills out of the committee by offering them as an amendment to a bill that has been reported from the committee, and it does not seem from the reading of this amendment that it is germane at all.

Mr. OWEN. I thoroughly agree with the Senator as to the practice, and, as I have explained, I introduced this bill myself for the purpose of enabling the Senator from Texas to offer the amendment which he desired to offer.

Mr. HEYBURN. I have not investigated the rules to see whether or not it is permissible to offer as an amendment the substance of a bill that is under consideration by a standing committee. The subject-matter of this amendment has been referred to a standing committee for consideration. They have evidently given it consideration or there could not be a report from the department in regard to it. So if it is adopted as an amendment here it will take from that committee the jurisdiction to consider it.

Mr. OWEN. If the Senator will permit me, I will explain that the Savanna Coal Company proposition was submitted to the department, and the department also considered the Denison matter, from the House side. But there has been no consideration of the Denison coal matter on this side.

Mr. HEYBURN. I should like to ask the Senator, for information, whether these tracts of land are adjacent one to the other?

Mr. OWEN. They are within what is called the Choctaw coal and segregated lands, and they will add to the amount which will be received in the way of royalty—

Mr. HEYBURN. How far apart are they?

Mr. OWEN. I do not know precisely how far apart they are. They are quite a few miles apart. One is at Coalgate and the other is near Savanna. I suppose they are 15 or 20 miles apart.

Mr. HEYBURN. They are entirely separate and different propositions?

Mr. OWEN. They are identical in this, that they are both within the Choctaw coal and segregated area; that they are both subject to the direction of the Secretary of the Interior in the management of that property.

Mr. KEAN. This matter seems to be consuming a good deal of time—

Mr. OWEN. I am very sorry that I am consuming the time of the Senate.

Mr. KEAN. Other Senators would like to have bills passed; and unless this bill can be disposed of without further discussion—

Mr. OWEN. If the Senator continues his objection, I will withdraw the bill.

Mr. KEAN. I myself do not object; but if it is going to take so much time—

Mr. OWEN. I think the Senator is quite right.

Mr. HEYBURN. I object to the amendment. If the amendment is withdrawn, I shall not object to the bill.

Mr. OWEN. In withdrawing the amendment I am obliged to withdraw the bill itself, as the Senator from Texas is not here.

EXPORTATION OF SALMON FROM THE UNITED STATES.

Mr. PILES. I ask unanimous consent for the present consideration of the bill (S. 7779) to prohibit the exportation of sockeye salmon from the United States, except in a frozen, canned, salted, smoked, or cured condition.

Mr. KEAN. The title of the bill is rather peculiar.

Mr. PILES. The title is all right.

Mr. KEAN. Is it constitutional to prevent the exportation from the United States of sockeye salmon? Personally I do not see how it can be done. I do not understand what is the object of the bill. What is its object?

Mr. PILES. It is simply this: The Canadian government has a law prohibiting the exportation of sockeye salmon from Canadian waters except as provided in the bill I have offered. The Canadians purchase our fresh sockeye salmon near the international boundary line, but prohibit us from purchasing any such caught in their waters except in a frozen, canned, or salted condition. We are seeking by this bill to place our people in as favorable condition as the Canadians have placed their people in the fish markets of the Pacific Northwest. The bill is drawn in the exact language of the Canadian act.

Mr. KEAN. Canada may be able to pass an act that we can not pass.

Mr. PILES. There is no question about the constitutionality of the measure. I assure the Senator of that. I have investigated the subject.

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

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

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

PUBLIC BUILDING AT NARRAGANSETT PIER, R. I.

Mr. WETMORE. I ask unanimous consent for the present consideration of the bill (S. 8090) to provide for the purchase of a site and the erection of a public building thereon at Narragansett Pier, in the State of Rhode Island.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to acquire a site and cause to be erected thereon a suitable building for the use of the United States post-office and other government offices at Narragansett Pier, R. I., at a cost not to exceed \$50,000.

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

MRS. JULIA L. HALL.

Mr. CRAWFORD. I ask unanimous consent for the present consideration of the bill (S. 5341) for the relief of Mrs. Julia L. Hall.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Treasurer of the United States to pay the claim of Joseph T. H. Hall, of

Washington, D. C., now deceased, against the District of Columbia, for \$8,664.19.

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

CITY OF LOS ANGELES.

Mr. FLINT. I ask unanimous consent for the present consideration of the bill (S. 7968) granting to the city of Los Angeles certain rights of way in, over, and through certain public lands and national forests in the State of California.

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

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

ROCKPORT AND ARANSAS PASS RAILWAY COMPANY.

Mr. BAILEY. I ask unanimous consent for the present consideration of the bill (H. R. 23634) to authorize the Rockport and Aransas Pass Railway Company to construct a bridge.

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

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

UNITED STATES NAVY AND MARINE CORPS.

Mr. PERKINS. I ask unanimous consent for the present consideration of the bill (S. 7765) providing for the retirement of petty officers and enlisted men of the United States Navy or Marine Corps, and for the efficiency of the enlisted personnel.

The VICE-PRESIDENT. The Senator from California asks unanimous consent for the present consideration of a bill which will be read for the information of the Senate.

The Secretary read the bill.

The VICE-PRESIDENT. Is there objection?

Mr. GORE. I object.

The VICE-PRESIDENT. Objection is made.

PUBLIC BUILDING AT MARYVILLE, MO.

Mr. WARNER. I ask unanimous consent for the present consideration of the bill (S. 7103) for an increase of the appropriation for the public building in the town of Maryville, Mo.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with an amendment to strike out section 2 in the following words:

SEC. 2. That the sum of \$25,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be used and expended in the erection of said building.

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.

RANK OF CERTAIN ARMY OFFICERS.

Mr. DU PONT. I ask unanimous consent for the present consideration of the bill (S. 7571) to adjust the lineal and relative rank of certain officers of the United States Army, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and insert:

That in order to correct the lineal and relative rank of the officers of the United States Army hereinafter named, the name of Frederick S. L. Price, captain, Eighth Infantry, shall appear next above the name of Eleutheros H. Cooke, captain of Infantry; the name of Charles B. Stone, Jr., first lieutenant, Sixteenth Infantry, shall appear next above the name of Ernest Van D. Murphy, first lieutenant, Twenty-seventh Infantry; the name of Howard G. Davids, first lieutenant, Sixth Infantry, shall appear next above the name of Albert W. Foreman, first lieutenant, Twelfth Infantry; and the name of Augustus H. Bishop, first lieutenant, First Infantry, shall appear next above the name of Stephen O. Fuqua, first lieutenant, Twenty-third Infantry.

The amendment was agreed to.

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

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

The title was amended so as to read: "A bill to adjust the lineal and relative rank of certain officers of the United States Army."

GEORGE W. SPENCER.

Mr. BRIGGS. I ask unanimous consent for the immediate consideration of the bill (H. R. 14288) for the relief of George W. Spencer.

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

W. Spencer shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company I, Eleventh Regiment New York Volunteer Infantry, on the 18th day of September, 1861.

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

CHIPPEWA INDIANS, ETC.

Mr. CLAPP. I ask unanimous consent for the present consideration of the bill (H. R. 16032) for the relief of the Saginaw, Swan Creek, and Black River band of Chippewa Indians, in the State of Michigan.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with an amendment to strike out all after the enacting clause and insert:

That jurisdiction is hereby conferred upon the Court of Claims, with the right of appeal to the Supreme Court of the United States, to consider and adjudicate any claim, arising under treaty stipulations or otherwise, which the Saginaw, Swan Creek, and Black River band of Chippewa Indians, of the State of Michigan, have against the United States; and such suit or suits as may be instituted hereunder shall, upon notice, be advanced upon the docket of either of said courts for trial, and be determined at the earliest practicable time.

SEC. 2. That upon the final determination of such suit or suits the Court of Claims shall have jurisdiction to determine and render judgment for the fees and expenses to be allowed to the attorney or attorneys employed to bring such suit or suits, and the same shall be paid out of any sums found due the said Indians.

The amendment was agreed to.

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

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

SEC. 3. That the bishop of Monterey and Los Angeles shall have the right to select irrigable lands on the Yuma Reservation, Cal., equal in area to, and in lieu of, lands heretofore reserved for mission and school purposes on said reservation, under authorities granted by the Secretary of the Interior February 11, 1902, and September 24, 1907; and the Secretary of the Interior is hereby authorized and directed, upon such selection being made, to issue a patent in fee for the lands so selected to said bishop of Monterey and Los Angeles.

Mr. HEYBURN. Unless the amendment is withdrawn I shall have to object to the bill on the same grounds that I urged against the other bill.

Mr. CLAPP. This amendment has been reported by the committee.

Mr. FLINT. It has been favorably reported by the Committee on Indian Affairs.

Mr. HEYBURN. In that case I have no objection.

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Minnesota.

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of the Saginaw, Swan Creek, and Black River band of Chippewa Indians in the State of Michigan, and for other purposes."

CHEYENNE INDIAN RESERVATION LANDS.

Mr. PURCELL. I ask unanimous consent for the consideration of the bill (H. R. 22642) to authorize the Secretary of the Interior to sell a portion of the unallotted lands in the Cheyenne Indian Reservation, in South Dakota, to the Milwaukee Land Company for town-site purposes.

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

The bill was reported from the Committee on Indian Affairs with amendments.

The first amendment was, on page 2, line 15, after the word "thereof," to insert "except as hereinafter provided," so as to read:

The price of the lands shall be fixed by appraisement, to be made under the direction of the Secretary of the Interior, which price shall not be less than \$25 per acre; that upon payment of the price fixed as herein provided patent shall issue to the said Milwaukee Land Company for the lands purchased; the proceeds thereof, except as herein-after provided, shall be credited to the Indians in the manner and form prescribed in section 6 of the act of May 29, 1908.

The amendment was agreed to.

The next amendment was to add to the bill the following proviso:

Provided, That the Secretary of the Interior is hereby authorized to set apart and reserve for school, park, and other public purposes not more than 10 acres in each town site herein sold and conveyed, and patents shall be issued for the lands so set apart and reserved for school, park, and other purposes to the municipality legally charged with the care and custody of lands donated for such purposes; and he shall cause at least 20 per cent of the net proceeds arising from the sale of the lands herein provided for to be set apart and expended under his direction in the construction of schoolhouses or other public buildings or in improvements in the respective town sites.

The amendment was agreed to.

Mr. PAYNTER (when his name was called). I have a general pair with the senior Senator from Colorado [Mr. GUGGENHEIM], who is unavoidably absent. I therefore withhold my vote.

Mr. SMITH of Maryland (when Mr. RAYNER's name was called). The senior Senator from Maryland [Mr. RAYNER] is paired with the junior Senator from Delaware [Mr. RICHARDSON].

Mr. SCOTT (when his name was called). I announce my pair with the senior Senator from Florida [Mr. TALIAFERRO], and will let that announcement stand for the remainder of the day.

Mr. SMITH of South Carolina (when his name was called). I am paired with the senior Senator from Massachusetts [Mr. LODGE]. If he were present, I should vote "nay."

Mr. SUTHERLAND (when his name was called). I am paired on this vote with the junior Senator from Virginia [Mr. MARTIN]. If he were present, I should vote "yea."

Mr. FRAZIER (when Mr. TAYLOR's name was called). My colleague [Mr. TAYLOR] is paired with the junior Senator from Kentucky [Mr. BRADLEY].

The roll call was concluded. Mr. WETMORE. I wish to announce that my colleague [Mr. ALDRICH] is necessarily absent. He is paired with the Senator from Arkansas [Mr. CLARKE]. I will make no further announcement of the pair for the day.

Mr. BRANDEGEE. I desire to announce that my colleague [Mr. BULKELEY] is paired with the senior Senator from Alabama [Mr. BANKHEAD].

Mr. JOHNSTON (after having voted in the negative). I am advised that my colleague [Mr. BANKHEAD] is paired for the day with the senior Senator from Connecticut [Mr. BULKELEY]. Therefore I withdraw my vote.

Mr. CLAPP. I am requested to announce the unavoidable absence of the senior Senator from Wisconsin [Mr. LA FOLLETTE], and to make the statement that, if he were here, he would vote "yea."

Mr. JONES. I desire to say that my colleague [Mr. PILES] is necessarily detained from the Chamber. If he were present he would vote "yea."

Mr. SUTHERLAND. I transfer my pair with the junior Senator from Virginia [Mr. MARTIN] to the senior Senator from Washington [Mr. PILES], and will vote. I vote "yea."

Mr. JOHNSTON. I am requested to announce that the senior Senator from Michigan [Mr. BURROWS] is paired with the senior Senator from Virginia [Mr. DANIEL].

The result was announced—yeas 42, nays 19, as follows:

YEAS—42.

Table with 4 columns of names: Beveridge, Borah, Bourne, Bradley, Brandegee, Briggs, Bristow, Brown, Burnett, Burnham, Burton, Carter, Clapp, Clark, Wyo., Crane, Crawford, Cullom, Cummins, Curtis, Depew, Dick, Dixon, Dolliver, Elkins, Flint, Frye, Gallinger, Gamble, Heyburn, Jones, Kean, Nelson, Nixon, Oliver, Page, Perkins, Smoot, Stephenson, Sutherland, Warner, Warren, Wetmore.

NAYS—19.

Table with 4 columns of names: Bacon, Bailey, Clay, Davis, Frazier, Gore, Hughes, McEnery, Money, Newlands, Overman, Owen, Percy, Purcell, Shively, Simmons, Smith, Md., Stone, Taylor.

NOT VOTING—31.

Table with 4 columns of names: Aldrich, Bankhead, Bulkeley, Burrows, Chamberlain, Clarke, Ark., Culberson, Daniel, Dillingham, du Pont, Fletcher, Foster, Guggenheim, Hale, Johnston, La Follette, Lodge, Lorimer, McCumber, Martin, Paynter, Penrose, Piles, Rayner, Richardson, Root, Scott, Smith, Mich., Smith, S. C., Taliaferro, Tillman.

So the amendment of the committee as amended was agreed to. The bill was reported to the Senate as amended, and the amendment was concurred in.

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

The PRESIDING OFFICER. The question is, Shall the bill pass? Mr. FRAZIER. On that I ask for the yeas and nays. The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLAY (when his name was called). I am paired with the junior Senator from New York [Mr. ROOT], but I am in-

formed that if he were present, he would vote "yea." Therefore I will vote. I vote "yea."

Mr. PAGE (when Mr. DILLINGHAM's name was called). I again announce the absence of my colleague, who, if present, would vote "yea." He is paired with the senior Senator from South Carolina [Mr. TILMAN].

Mr. FLINT (when his name was called). I again announce my pair with the senior Senator from Texas [Mr. CULBERSON]. I transfer the pair to the senior Senator from Pennsylvania [Mr. PENROSE], and will vote. I vote "yea."

Mr. OLIVER (when his name was called). I have a general pair with the junior Senator from Oregon [Mr. CHAMBERLAIN]. I am advised that if he were present, he would vote "yea." I will therefore vote. I vote "yea."

Mr. PAYNTER (when his name was called). I have a general pair with the senior Senator from Colorado [Mr. GUGGENHEIM], who is unavoidably absent, and I therefore withhold my vote.

Mr. SMITH of Maryland (when Mr. RAYNER's name was called). My colleague is paired with the junior Senator from Delaware [Mr. RICHARDSON]. If my colleague were present, he would vote "yea."

Mr. SCOTT. I announce my pair, but I understand from the Senator from Mississippi that the senior Senator from Florida [Mr. TALIAFERRO], if present, would vote "yea." I therefore take the responsibility of voting, and vote "yea."

Mr. SMITH of South Carolina (when his name was called). I have a pair with the senior Senator from Massachusetts [Mr. LODGE], but I understand if he were present, he would vote "yea." Therefore I will vote. I vote "yea."

Mr. SUTHERLAND (when his name was called). I am paired with the junior Senator from Virginia [Mr. MARTIN]. I transfer the pair to the senior Senator from Washington [Mr. PILES] and will vote. I vote "yea."

The roll call was concluded. Mr. GALLINGER. I have been requested to announce that the senior Senator from Michigan [Mr. BURROWS] is paired with the senior Senator from Virginia [Mr. DANIEL]. If the Senator from Michigan were present, he would vote for the committee amendments and for the bill on its final passage.

Mr. FRYE. My colleague [Mr. HALE] is absent on the business of the Senate. If he were present, he would vote "yea."

Mr. JOHNSTON. I desire to state that if the Senator from Virginia [Mr. DANIEL] were here he would vote "yea."

Mr. JONES. My colleague [Mr. PILES] is necessarily absent from the Chamber. If he were present, he would vote "yea."

Mr. BRISTOW. I have been requested to state that the senior Senator from Wisconsin [Mr. LA FOLLETTE] is detained on account of illness. If he had been here, he would have voted for the committee amendment and for the passage of the bill.

Mr. DU PONT. My colleague [Mr. RICHARDSON] is absent necessarily. If he were present and free to vote, he would vote "yea."

Mr. OLIVER. I wish to state that my colleague [Mr. PENROSE] is absent by reason of illness. If he were present, he would vote "yea."

The result was announced—yeas 65, nays 0, as follows:

YEAS—65.

Table with 4 columns of names: Bacon, Bailey, Beveridge, Borah, Bourne, Bradley, Brandegee, Briggs, Bristow, Brown, Burnett, Burnham, Burton, Carter, Clapp, Clark, Wyo., Clay, Crane, Crawford, Cullom, Cummins, Curtis, Davis, Depew, Dick, Dixon, Dolliver, Elkins, Flint, Frye, Gallinger, Gamble, Heyburn, Hughes, Johnstone, Jones, Kean, McEnery, Money, Nelson, Newlands, Nixon, Oliver, Overman, Owen, Purcell, Scott, Shively, Simmons, Smith, Md., Smith, S. C., Smoot, Stephenson, Stone, Sutherland, Taylor, Warner, Warren, Wetmore.

NOT VOTING—27.

Table with 4 columns of names: Aldrich, Bankhead, Bulkeley, Burrows, Chamberlain, Clarke, Ark., Culberson, Daniel, Dillingham, du Pont, Fletcher, Foster, Guggenheim, Hale, Johnston, La Follette, Lodge, Lorimer, McCumber, Martin, Paynter, Penrose, Piles, Rayner, Richardson, Root, Smith, Mich., Taliaferro, Tillman.

So the bill was passed.

COURT OF COMMERCE, ETC.

Mr. ELKINS. I desire to call up the conference report on the railroad bill, and I wish to submit some remarks thereon.

The VICE-PRESIDENT. The Chair lays before the Senate the conference report on a bill the title of which will be stated.

The SECRETARY. A bill (H. R. 17536) to create a commerce court, and to amend the act entitled "An act to regulate commerce," approved February 4, 1887, as heretofore amended, and for other purposes.

[The conference report appears in the proceedings of the Senate of June 14, 1910.]

Mr. ELKINS. Mr. President, it is proper that as chairman of the conference committee of the Senate on H. R. 17536, an act to create a commerce court and to amend the act entitled "An act to regulate commerce," approved February 4, 1887, as heretofore amended and for other purposes, that there should be laid before the Senate an analysis of the difference between existing law and the bill as reported by the conference committee for your approval.

The President, in obedience to the Republican platform, by special message called attention of Congress to the necessity of amendments to the present existing act to regulate commerce, and in this message made certain recommendations.

Bills carrying out the recommendations of the President were introduced in both Houses of Congress, the same being presented to the Senate on the 25th day of February, and known as Senate bill 6737, and referred to the Committee on Interstate Commerce. On March 28, 1910, a favorable report was made by that committee to the Senate without amendment. It was taken up in the Senate and made the unfinished business soon after its report, and after a number of amendments had been made to the text of the bill it was passed on the 3d day of June, 1910.

The House having passed previous to this time H. R. 17536, that bill was reported back from the Committee on Interstate Commerce of the Senate adversely, and by unanimous consent, all after the enacting clause was stricken out, and the Senate bill as passed on the 3d day of June, was offered and adopted as an amendment to said bill.

The House disagreed to the amendment and asked a conference. The Senate agreed and appointed conferees on the 6th day of June, 1910.

Since the appointment of the conference committee the conferees have been actively engaged in adjusting the differences between the two Houses and have reported the result of their labors for the approval of Congress.

An examination of this measure as reported by the conference committee will show that the bill as presented to the Senate for its action is in substantial accord with the pledge of the Republican party and the recommendation of the President.

The committee had a number of serious difficulties which confronted it to adjust the differences between the two Houses and to carry out the advanced policy in broadening the control by the Interstate Commerce Commission in the effective regulation of common carriers doing an interstate business.

The result of their action will be more satisfactorily and clearly shown by a brief, but clear statement of the difference between the bill as presented by the conference report and existing law. I will refer to the bill reported by the conferees as the conference bill. The first five sections of the conference bill as agreed upon by the conference committee creates a commerce court, amends sections 1, 6, 10, 13, 15, 16, and 20 of the interstate-commerce act, and provides for a commission to investigate and report concerning questions relating to the issuance of stocks and bonds by railroad companies and power of Congress to regulate the same.

The first six sections of the bill relate to the commerce court. They are substantially the same as the provisions of the bill originally introduced in both the Senate and House. Jurisdiction is transferred from the United States circuit courts to the commerce court in cases: First. For the enforcement, otherwise than by penalty or forfeiture, of orders of the Interstate Commerce Commission. Second. To enjoin, set aside, annul, or suspend orders of the commission. Third. Proceedings authorized by section 3 of the Elkins Act to enjoin departures from public schedules and other unlawful practice by carriers. Fourth. Mandamus proceedings authorized by sections 20 and 23 of the interstate-commerce act.

Nothing contained in the act is to be construed as enlarging the existing jurisdiction of United States circuit courts over the classes of cases above specified.

As to the organization of the court the conference committee bill follows the provisions of the original bill. The court is to be composed in the first instance of the five new circuit judges to be designated by the President for terms of one, two, three, four, and five years, respectively; the subsequent designations are to be made by the Chief Justice of the Supreme Court and not by a majority of the justices of that court as was proposed in the amendment adopted by the House.

The conference bill allows to the judges of the court of commerce, in addition to their salaries as circuit judges, an expense allowance on account of the regular sessions of the court being held in Washington, and an additional allowance for traveling expenses when holding court or performing their duties away from Washington.

The provisions relating to the organization of the court, the salaries and fees of its clerk, marshal, and other officers, remain as in the original bill.

As to procedure, the provisions are substantially as in the original bill. Certain amendments proposed in the House and Senate, the effect of which will be to simplify the procedure and expedite the hearing of causes, are accepted in the conference bill.

Jurisdiction of the commerce court is to be invoked by filing a petition in the clerk's office and giving thirty days' notice thereof. Answer is to be filed in thirty days and must briefly and categorically respond to the allegations of the petition. No replication is required. Objections to the sufficiency of the petition must be taken at the final hearing or by motion to dismiss made before answer. The Senate amendment requiring carriers to designate an agent at Washington upon whom process may be served and permitting service by posting of notice in the office of the secretary of the Interstate Commerce Commission in default of such designation is retained in the conference bill.

The provisions as to appeals to the Supreme Court are the same as in the original bill, excepting that the House amendment authorizing the original transcript of record to be transmitted to the Supreme Court upon appeal, is inserted in the conference bill.

By the provisions of section 3, which are the same as in the original bill, institution of suit in the commerce court does not stay the effect of orders of the commission. The commerce court, however, may grant restraining orders upon notice and after hearing and upon a showing that irreparable injury will result. The stay order must contain a specific finding based upon evidence that irreparable injury will result. The Senate amendment requiring three days' notice to the Interstate Commerce Commission and the Attorney-General before a restraining order may be made is retained in the conference bill.

Section 4 provides that proceedings relating to orders of the Interstate Commerce Commission shall be brought by or against the United States, and that the United States may intervene in any case in the court in which public interests are involved.

Section 5 of the bill gives the Attorney-General control of the Government's interest in cases in the commerce court and upon appeals therefrom to the Supreme Court. Certain amendments adopted in the House and Senate allowing the Interstate Commerce Commission and parties in interest to intervene and be heard are retained in the conference bill. By these amendments the Interstate Commerce Commission, all parties to the proceedings before the commission, and all parties interested in the controversy or question involved are entitled to intervene in the commerce court, to be heard as of right, and to prosecute or continue the suit, unaffected by the action or nonaction of the Attorney-General with reference thereto.

By section 6 of the bill provision is made for the institution and continuation of suits in accordance with the existing law until the opening of the commerce court.

Section 7 of the conference bill amends section 1 of the interstate-commerce act. These amendments are in substance the ones originally adopted by the House, with the exception that the provisions concerning the physical valuation of railroad property are omitted.

Section 7 amends section 1 of the existing law: 1. By making telegraph, telephone, and cable companies subject to the provisions of the act. 2. By requiring carriers to provide reasonable facilities for operating through routes and to make reasonable rules and regulations with reference to the exchange, interchange, and return of cars used therein, and for the operation of such through routes and providing for reasonable compensation to those entitled thereto. 3. By requiring carriers to establish and enforce just and reasonable classifications and regulations concerning the issuance, substance, and form of tickets, receipts, and bills of lading, the manner and method of presenting, marking, packing, and delivering property for transportation, the facilities for transportation, the carrying of personal, sample, and excess baggage, and all other matters connected with the receiving, handling, transporting, storing, and delivery of property.

In connection with telegraph, telephone, and cable companies, provision is made for the classification of their messages into day, night, repeated, unrepeated, letter, commercial, press,

the admission of publications of fraternal societies to the mail as second-class matter, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. BURROWS presented petitions of the State Medical Society; of Detroit River Lodge No. 2, Amalgamated Association of Iron, Steel, and Tin Workers of America, of Detroit; of Local Lodge No. 494 of Gladstone; of Local Lodge No. 649 of Manistee; of Local Lodge No. 532 of Detroit; of Local Lodge No. 420 of Owosso; of Local Lodge No. 611 of Alpena; of Local Lodge No. 129 of Escanaba; of Local Lodge No. 84 of Battle Creek; of Local Lodge No. 150 of Marquette; of Local Lodge No. 265 of Grand Rapids; and of Local Lodge No. 431 of Ionia, all of the Brotherhood of Locomotive Firemen and Enginemen, in the State of Michigan, praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of sundry members of the Oakland County Medical Society and of the Houghton County Medical Society, in the State of Michigan, praying for the establishment of a national department of health, which were referred to the Committee on Public Health and National Quarantine.

He also presented a petition of the Union Telephone Company, of Alma, Mich., praying for the enactment of legislation granting power to the Interstate Commerce Commission to regulate all telephone and telegraph companies doing an interstate business, which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Coats Grove, Mich., praying for the passage of the so-called "white-slave traffic bill," which was ordered to lie on the table.

He also presented a petition of sundry citizens of Vermontville, Mich., members of the Grand Army of the Republic, praying for the passage of the bill to correct the military record of Israel Boyer, which was referred to the Committee on Military Affairs.

Mr. BRISTOW presented a petition of sundry citizens of Topeka, Kans., praying for the enactment of legislation to prohibit the interstate transportation of intoxicating liquors into prohibition districts, which was referred to the Committee on the Judiciary.

Mr. WETMORE presented a petition of the Woman's Christian Temperance Union of Providence, R. I., praying for the passage of the so-called "white-slave traffic bill," which was ordered to lie on the table.

RECLAMATION PROJECTS.

Mr. BORAH. I present a letter from A. P. Davis, chief engineer of the United States Reclamation Service, addressed to the Secretary of the Interior, relative to an inspection of a majority of the reclamation projects now under construction. I move that the letter be printed in the RECORD, and referred to the Committee on Irrigation and Reclamation of Arid Lands.

There being no objection, the letter was referred to the Committee on Irrigation and Reclamation of Arid Lands and ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE INTERIOR,
UNITED STATES RECLAMATION SERVICE,
Pathfinder, Wyo., June 11, 1910.
Washington, D. C.

The honorable the SECRETARY OF THE INTERIOR,
Sir: Since I left Washington in March, I have inspected a majority of the reclamation projects now under construction and have discussed details of all with the engineers in charge.

The situation on most of these projects emphasizes the wisdom and necessity of your recommendation to Congress that additional funds be provided through the issue of bonds based upon the reclamation fund.

In most cases the lack of funds prevents the prosecution of work in the most economical manner, or in the most desirable order.

In addition to this situation the reasons still hold good which I presented to the Committee on Ways and Means in February, namely, that there are many settlers on dry land waiting for water, and the water rights on several of the projects are in jeopardy, owing to delay in construction.

With the exception of those on the small steam-pumping projects, which have peculiar difficulties of their own, the irrigators have paid the charge fixed by the Secretary as required by law in all the cases which have come under my observation, the recent collections being quite large. There need be no fear on the part of Congress that the investments will not be duly returned.

The proposed bond issue will greatly expedite the return of moneys already invested in storage and other large works, and I earnestly hope the bonds will be authorized by Congress.

Very respectfully,

A. P. DAVIS, Chief Engineer.

DEPARTMENT OF PUBLIC HEALTH.

Mr. OWEN. I submit various memorials bearing upon a public health department. I ask that they be printed as a document.

Mr. SMOOT. I ask that the memorials go to the Committee on Printing. I really think this course ought to be taken because—

Mr. OWEN. I call the attention of the Senator from Utah to the fact that at the request of the Senator from New Hampshire [Mr. GALLINGER] I have not read into the RECORD any of these memorials. They are important; they represent the action of state boards of health and of other important organizations. I have withheld them for the reason that I did not wish to put them in the RECORD itself, and I did so with the explanation on the floor that they could be printed as a Senate document, which the Senator from New Hampshire will undoubtedly recall.

Mr. SMOOT. When such matters are printed as a Senate document it is only a little while after until requests are made for the printing of thousands and thousands of copies to be distributed all over the country.

Mr. OWEN. I will say to the Senator that I have no expectation of calling for the printing of any copies of this document beyond what are necessary for the use of members of the Senate and House.

Mr. SMOOT. I do not think the Senator has, but the parties who prepare such documents are the ones who importune Senators and ask that they be printed in large quantities for distribution, and for the purpose of exploiting their views in all sections of the country and at the expense of the Government. I am opposed to its continuance.

Mr. OWEN. The Senator is doubtless affected by the call for the report on national vitality by Professor Fisher, of Yale University, which was called for in very considerable numbers; I think some 16,000 copies have been printed. In my opinion, there ought to be printed not less than 1,000,000 copies of that document. But of this document I do not expect to have any copies printed at all except that the members of the Senate and House may have at least one copy each to look at.

Mr. GALLINGER. I heard my name used by the Senator in connection with this matter, but I do not know the purport of it.

Mr. OWEN. I started one morning to read into the RECORD some of these memorials. I was requested not to do that, but to let them be printed as a Senate document. I therefore withheld all the memorials sent to me.

Mr. GALLINGER. I think I made that suggestion, Mr. President.

Mr. OWEN. The Senator did.

Mr. GALLINGER. I felt then, and I feel now, that if they are to be printed it ought to be done in that way. I would not object to their being printed as a document, certainly, at any time.

Mr. SMOOT. The reason why I called the attention of the Senate to the matter is that at every conference and every public meeting that is held in any part of the country on any special subject, such as child labor, woman suffrage, the organization of a health department, and a thousand other questions a certain part of the proceedings is presented to the Senate and request made that it be printed as a Senate document.

The history of such cases is that as soon as the document is printed the parties interested in the particular subject printed immediately appeal to Senators and request that thousands and thousands of copies be printed, and then they are sent out under the frank of some Senator to all parts of the country at Government expense. If we are going into this business, and if the Government is to bear the expense, then both sides of the question ought to be presented to the people in the same way. But it would be an endless expense, and that we have been trying to stop, and if the Senate will support the committee it will stop.

I have just come from a meeting of the Joint Committee on Printing and we had no less than one-half dozen of such proposals before us this morning. It was the unanimous opinion of every member present that this practice should cease. It was for that reason that I asked to have the motion referred to the Committee on Printing. If the Senator asks now that this matter be printed as a Senate document, for the information of the committee, and with the assurance that a large quantity will not be asked for general circulation, I will withdraw my objection to his request.

Mr. OWEN. I have already stated that I had no purpose of making a request for any extra copies hereafter, and I have none, of course, and I do not suppose anyone else will make the request, but I do think that these matters relating to the question of national health are of sufficient importance to be made available at least for members of the committee and members of the Senate who would like to look at it.

The VICE-PRESIDENT. Without objection, the order asked by the Senator from Oklahoma is entered. The memorials will be referred to the Committee on Public Health and National Quarantine.

REPORTS OF COMMITTEES.

Mr. DAVIS. I move that the committee—

The VICE-PRESIDENT. Reports of committees are next in order. Motions are not now in order.

Mr. BEVERIDGE (for Mr. DILLINGHAM), from the Committee on Territories, to whom was referred the bill (S. 6316) to relieve the Copper River and Northwestern Railway Company in Alaska from taxation, reported it with an amendment and submitted a report (No. 873) thereon.

Mr. BURROWS, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 8717) to regulate the loss indemnity for registered mail matter, and for other purposes, reported it without amendment and submitted a report (No. 874) thereon.

Mr. WARNER, from the Committee on Military Affairs, to whom was referred the bill (H. R. 20872) for the relief of William J. McGhee, reported it without amendment and submitted a report (No. 875) thereon.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (S. 4967) to authorize the town of Chevy Chase, Md., to connect its water system with the water system of the District of Columbia, reported it with an amendment and submitted a report (No. 876) thereon.

Mr. GALLINGER. I am directed by the Committee on the District of Columbia, to whom were referred the following bills, to submit adverse reports thereon; and I ask that the bills be indefinitely postponed:

A bill (S. 5652) to authorize the opening of a road along the Anacostia River in the District of Columbia (Report No. 877); and

A bill (S. 5653) authorizing the extension of Massachusetts avenue NW. from Wisconsin avenue to the District line (Report No. 878).

I will say concerning those two bills, to save inquiries which will doubtless come, that they have been provided for otherwise, House bills having come over covering the same purpose.

The VICE-PRESIDENT. The bills will be postponed indefinitely.

Mr. SCOTT, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 220) to provide for the purchase of a site and the erection of a public building thereon in the city of Falls City, State of Nebraska, reported it with an amendment and submitted a report (No. 879) thereon.

Mr. MARTIN. From the Committee on Claims I report back favorably without amendment the bill (H. R. 4093) for the relief of the owners of the American schooner *Wilson and Hunting* and cargo.

In this connection I move that the bill on the calendar favorably reported from the committee, being the bill (S. 3634) for the relief of the owners of the American schooner *Wilson and Hunting* and cargo, be indefinitely postponed, as the bill which has passed the House and has just been reported is substantially a copy of the bill on the calendar.

The motion was agreed to.

Mr. MARTIN. I ask that the bill reported from the committee take the place on the calendar of the bill indefinitely postponed.

The VICE-PRESIDENT. Without objection, that procedure will be followed.

Mr. GORE, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 7797) to increase the limit of cost for purchase of a site and erection of a post-office building at Elwood, Ind., reported it without amendment and submitted a report (No. 880) thereon.

MONONGAHELA RIVER BRIDGE.

Mr. MARTIN. I am directed by the Committee on Commerce, to whom was referred the bill (S. 8668) amendatory of the act approved April 23, 1906, entitled "An act to authorize the Fayette Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of Brownsville, Fayette County, to a point in the borough of West Brownsville, Washington County," to report it favorably with an amendment. I call the attention of the Senator from Pennsylvania to the report.

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

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

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

That the time for commencing and completing the bridge authorized by the act entitled "An act to authorize the Fayette Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of Brownsville, Fayette County, to a point in the borough of West Brownsville, Washington County," approved April 23, 1906, is hereby extended one and three years, respectively, from the date of the approval of this act.

Sec. 2. That the bridge authorized to be constructed by said act shall be constructed in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved April 23, 1906.

Sec. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

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.

SENATOR FROM ILLINOIS.

Mr. BURROWS. I am directed by the Committee on Privileges and Elections to report a resolution. Under the law it must be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The resolution was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate, as follows:

Senate resolution 264.

Resolved, That the Committee on Privileges and Elections of the Senate, or any subcommittee thereof, be authorized and directed to investigate certain charges against WILLIAM LORIMER, a Senator from the State of Illinois and to report to the Senate whether, in the election of said WILLIAM LORIMER as a Senator of the United States from said State of Illinois, there were used or employed corrupt methods or practices; that said committee or subcommittee be authorized to sit during the sessions of the Senate and during any recess of the Senate or of Congress, to hold its sessions at such place or places as it shall deem most convenient for the purposes of the investigation, to employ a stenographer, to send for persons and papers, and to administer oaths; and that the expenses of the inquiry shall be paid from the contingent fund of the Senate upon vouchers to be approved by the chairman of the committee.

LAND AT ANADARKO, OKLA.

Mr. CLAPP. I am directed by the Committee on Indian Affairs, to whom was referred the bill (H. R. 18978) to authorize the Secretary of the Interior to issue a patent to the city of Anadarko, State of Oklahoma, for a tract of land, and for other purposes, to report it favorably with amendments, and I ask unanimous consent for its present consideration.

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

The first amendment was, to add an additional section, as follows:

SEC. 3. That the Secretary of the Interior is hereby authorized to accept payment of the full amount of purchase money due, including interest to date, on all town lots heretofore declared forfeited in the Five Civilized Tribes. All school funds of the Five Civilized Tribes whether heretofore set apart or not, shall be added to the funds of the tribes for per capita distribution, and all funds due to any such tribes as annuities shall be capitalized on the basis of 20 for 1 whenever the Secretary of the Interior is ready to make the final distribution of the tribal funds in per capita payments, and a sum sufficient to pay the same is hereby appropriated. All tribal offices are hereby abolished except the chief executives, their secretaries, and the mining trustees of the Choctaw and Chickasaw nations, and the attorneys of the said tribes, whose offices shall terminate June 30, 1912, unless otherwise expressly provided by law, at which date the tribal existence shall terminate.

All per capita payments made to citizens of the Five Civilized Tribes in distributing the tribal property as provided by agreement shall be made by check, requiring two witnesses to the signature or mark of the payee: *Provided*, That in no case shall any such check be discounted at a rate in excess of one half of 1 per cent under penalty of \$1,000 fine.

The amendment was agreed to.

The next amendment was to add the following additional section:

SEC. 4. That the Secretary of the Interior is hereby authorized to sell the unused, unallotted remnant tracts of land in the Kiowa-Comanche and Apache ceded lands in Oklahoma on such terms as he may prescribe. The proceeds thereof shall constitute a hospital fund for the aged and indigent Indians of the Kiowa-Comanche and Apache tribes: *Provided*, That a suitable site for such hospital and a suitable site of not less than 160 acres for a county poor farm, for the benefit of Comanche County, Okla., shall be reserved from such sale in the immediate vicinity of the Fort Sill Indian School, in Comanche County, Okla. As a condition precedent to a vesting of title in Comanche County of the site so reserved for county purposes, the county of Comanche, Okla., shall pay the appraised value thereof.

The amendment was agreed to.

The next amendment was to add the following as an additional section:

SEC. 5. That an appeal to the Supreme Court of the United States in all suits affecting the allotted lands within the eastern district of Oklahoma or on demurrers in such suits appealed to the United States

circuit court of appeals, eighth circuit, is hereby authorized to be made by any of the parties thereto.

The amendment was agreed to.
The bill was reported to the Senate as amended, and the amendments were concurred in.
The amendments were ordered to be engrossed and the bill to be read a third time.
The bill was read the third time and passed.

BILLS AND JOINT RESOLUTION INTRODUCED.

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

By Mr. HEYBURN:
A bill (S. 8769) to authorize the construction of a bridge across the Kootenai River, in the State of Idaho; to the Committee on Commerce.

By Mr. SMITH of South Carolina:
A bill (S. 8770) to reinstate Dr. J. M. Moore in the navy; to the Committee on Naval Affairs.

By Mr. CHAMBERLAIN:
A bill (S. 8771) to reimburse the officers and crew of the light-house tender *Manzanita* for personal-property losses sustained by them on the foundering of that tender October 6, 1905 (with an accompanying paper); to the Committee on Claims.

By Mr. DU PONT:
A bill (S. 8772) granting an increase of pension to Louisa A. Thatcher; and

A bill (S. 8773) granting an increase of pension to Gardner W. Joseph; to the Committee on Pensions.

By Mr. GALLINGER:
A bill (S. 8774) to change the name of Messmore place to Mozart place; to the Committee on the District of Columbia.

By Mr. BURROWS:
A bill (S. 8775) granting an increase of pension to William Colerick (with an accompanying paper); and

A bill (S. 8776) granting an increase of pension to Simon Miller (with an accompanying paper); to the Committee on Pensions.

By Mr. OWEN:
A bill (S. 8777) for the relief of Frank J. Boudinot; and
A bill (S. 8778) for the relief of the estate of Israel Folsom; to the Committee on Indian Affairs.

By Mr. BANKHEAD:
A bill (S. 8779) for the relief of James Barron; to the Committee on Claims.

By Mr. BEVERIDGE:
A bill (S. 8780) for the relief of the estate of Josiah Jenison, deceased; to the Committee on Claims.

By Mr. PERKINS:
A joint resolution (S. J. Res. 114) authorizing the President to invite foreign countries to participate in the Panama-Pacific International Exposition in 1915, at San Francisco, Cal.; to the Committee on Industrial Expositions.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL.

Mr. HEYBURN submitted an amendment proposing to appropriate \$1,200 to enable the Secretary of the Senate to pay to each employee who has served as an elevator conductor in the Senate Office Building the difference between the salary received and \$100 per month for the time actually employed, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. CHAMBERLAIN submitted an amendment authorizing the Secretary of the Treasury to adjust and settle all unpaid claims for services of volunteers who rendered service in the war with the Indians in Oregon in 1847 and 1848, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. PAGE (for Mr. DEPEW) submitted an amendment proposing to appropriate \$4,836 for the maintenance of and alterations in the electrical fire-alarm system now in certain buildings of the Government Hospital for the Insane near Anacostia, D. C., etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. DOLLIVER submitted an amendment proposing to increase the salary of A. D. Gaston, Senate messenger in charge of the President's room, to \$1,800 per annum, intended to be proposed by him to the general deficiency appropriation bill,

which was referred to the Committee on Appropriations and ordered to be printed.

AMENDMENT OF THE RULES.

Mr. BRANDEGEE submitted the following resolution (S. Res. 263), which was referred to the Committee on Rules:

Senate resolution 263.

Resolved, That paragraph 2 of Rule V of the Standing Rules for conducting business in the Senate of the United States is hereby amended by inserting after the word "Senate," in the first line of said paragraph, the words "except when a Senator is occupying the floor and declines to yield for that purpose," so that said paragraph, when amended, shall read as follows:

"If at any time during the daily session of the Senate, except when a Senator is occupying the floor and declines to yield for that purpose, a question shall be raised by any Senator as to the presence of a quorum, the Presiding Officer shall forthwith direct the Secretary to call the roll and shall announce the result, and these proceedings shall be without debate."

WITHDRAWAL OF PAPERS—GEORGE RUSHBERGER.

On motion of Mr. OLIVER, it was

Ordered, That George Rushberger have leave to withdraw from the files of the Senate the papers filed by him in connection with the bill granting him an increase of pension, no adverse report having been made thereon.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by M. C. Latta, one of his secretaries, announced that the President had, on June 17, 1910, approved and signed the following acts:

S. 5167. An act to provide for an enlarged homestead;

S. 3082. An act for the relief of Elizabeth G. Martin;

S. 6073. 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 certain widows and dependent relatives of such soldiers and sailors;

S. 6738. 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; and

S. 7229. 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.

CHIPPEWA INDIANS IN MICHIGAN.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 16032) for the relief of the Saginaw, Swan Creek, and Black River band of Chippewa Indians, in the State of Michigan, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CLAPP. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to, and the Vice-President appointed Mr. BROWN, Mr. DIXON, and Mr. OWEN the conferees on the part of the Senate.

PENSIONS AND INCREASE OF PENSIONS.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 25822) 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.

Mr. SCOTT. I move that the Senate recede from its amendment to the bill.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17536) to create a commerce court and to amend the act entitled "An act to regulate commerce," approved February 4, 1887, as heretofore amended, and for other purposes.

The message also announced that the House had agreed to the amendment of the Senate to 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 message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 8086) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and wars other than the civil war, and certain widows and dependent relatives of such soldiers and sailors.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18700) to prevent the dumping of refuse material in Lake Michigan at or near Chicago.

The message further announced that the House had agreed to the amendments of the Senate to the following bills:

H. R. 22642. An act to authorize the Secretary of the Interior to sell a portion of the unallotted lands in the Cheyenne Indian Reservation, in South Dakota, to the Milwaukee Land Company for town-site purposes; and

H. R. 24375. An act to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906.

ENROLLED BILLS SIGNED.

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

H. R. 17536. An act to create a commerce court, and to amend the act entitled "An act to regulate commerce," approved February 4, 1887, as heretofore amended, and for other purposes;

H. R. 18403. An act to repeal a portion of sections 429 and 3720 of the Revised Statutes of the United States;

H. R. 22637. 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. 23376. 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. 24148. 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. 24744. 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. 25409. 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; and

H. R. 26314. 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.

PENSIONS AND INCREASE OF PENSIONS.

Mr. BURNHAM submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 8086) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and wars other than the civil war, and to certain widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment numbered 1, striking out lines 6 to 9, inclusive, on page 1.

That the Senate recede from its disagreement to the amendment of the House numbered 2, striking out lines 9 to 12, inclusive, on page 2, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 3, page 3, line 1, striking out "twenty-four" and inserting "fifteen," and agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 4, page 4, striking out all of lines 1 to 6, inclusive, and agree to the same.

N. B. SCOTT,
HENRY E. BURNHAM,
CHARLES J. HUGHES, Jr.,
Managers on the part of the Senate.
H. C. LOUDENSLAGER,
WM. H. DRAFER,
WILLIAM RICHARDSON,
Managers on the part of the House.

The report was agreed to.

ELECTION OF SENATORS BY DIRECT VOTE.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution coming over from yesterday, submitted by the Senator from Kansas [Mr. BRISTOW], which will be read.

The Secretary read the resolution yesterday submitted by Mr. BRISTOW, as follows:

Senate resolution 262.

Resolved, That the Committee on the Judiciary be discharged from the consideration of S. J. Res. 50, proposing an amendment to the Constitution of the United States respecting the manner of election of United States Senators.

Mr. BRISTOW. Mr. President, before I submitted this resolution I conferred with the chairman of the Committee on the Judiciary [Mr. CLARK of Wyoming], and he advised me he would not consider it any discourtesy to his committee for me to submit the resolution. As I remember, he stated that he did not think the committee would be able to make a report on the resolution at this session, and that because of the numerous matters before the committee it had been unable to give the resolution the attention that I desired. After that conference with the chairman of the Committee on the Judiciary, I concluded to introduce the resolution. It was not my desire to introduce the resolution if the chairman of the committee would have considered my doing so in any way a discourtesy to his committee; but being assured by him, as I stated, that he would not so consider it, I felt free to ask the Senate to relieve the committee from further consideration of the resolution and to proceed to act upon it. I do this because it is an important matter.

It is not my purpose to discuss the merit of the resolution at length, because it is understood by every Senator here and the matter has been before the Senate time and again. It has been discussed throughout the country; it has been discussed in nearly every legislative assembly in the various States. Thirty-three state legislatures have declared in favor of this resolution, in substance if not in exact phraseology; four States, whose legislatures have not specifically declared in favor of an amendment to the Constitution as provided in the resolution, have adopted primary elections, whereby Senators are nominated at the general election in the State, making 37 States that have practically declared in favor of the principle.

That being the case, it does not seem to me that the Senate ought to hesitate to pass a resolution giving the people and the States an opportunity to amend the Constitution in harmony with their expressed desire and purpose. I therefore bring this resolution before the Senate solely for the purpose of getting a vote upon it. I do not want to discuss the matter at length, because I can not add any light to the subject or furnish any additional information which the Senate does not have.

Mr. President, I ask that action be had on the resolution.

Mr. DAVIS and Mr. CLARK of Wyoming addressed the Chair.

The VICE-PRESIDENT. To whom does the Senator from Kansas yield?

Mr. CLARK of Wyoming. I thought the Senator from Kansas had yielded the floor.

Mr. DAVIS. Mr. President—

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

Mr. BRISTOW. I do.

Mr. DAVIS. I do not care particularly, Mr. President, to discuss the resolution before the Senate—

The VICE-PRESIDENT. The Chair did not understand that the Senator from Kansas had yielded the floor. He thought the Senator from Arkansas desired to interrogate him.

Mr. DAVIS. I understood the Senator from Kansas had yielded the floor. The Senator from Kansas asked for the action of the Senate upon the resolution, and was taking his seat.

The VICE-PRESIDENT. The Chair did not so understand. Mr. BRISTOW. I have nothing more to say, Mr. President.

found that the vote falls off at the real election which follows.

Therefore, Mr. President, the election of Senators by the direct vote of the people, where the whole thing will be accomplished at one election, at which and in which the Senator can be voted for and the issues which he represents can also be considered, is far better than the primary system.

I think the Senator from Minnesota is quite right in stating that the primaries, the Oregon plan, and this ultimate solution of the election of Senators by the direct vote of the people is all a part of a great movement which has been progressing not only since this Republic was founded, but since the idea of free institutions and popular rule entered the mind of man. But the development of the primary has only been an effort of the people to accomplish that which has heretofore been denied them, and it is not the equivalent for it.

I do not want to take the time of the Senate any longer on this question, but I thought it was necessary to point out the differences between a primary nomination of Senators and the election by this direct vote of the people, because it has been asserted and to some who have not examined it it has seemed that they mean substantially the same thing. Their purposes, of course, would be the same, but their results are not.

Mr. OWEN. Mr. President, when this matter was under consideration on the merits of the proposition some days ago it was suggested that if this motion should prevail, and if this provision should be submitted to the people of the United States, it would be injurious to the smaller States. I wish to call attention to the language of the fifth article of the Constitution, which shows that under no circumstances could it be injurious to the smaller States, because the Constitution itself is supposed not to be amendable in that respect, although I doubt exceedingly whether the proposition is to be maintained that any constitution is capable of amendment, because I think all power after all is in the hands of the people who frame constitutions, and any constitution can be amended.

But the language of the Constitution is in the latter portion of Article V:

That no State, without its consent, shall be deprived of its equal suffrage in the Senate.

That is a condition imposed upon the calling of a constitutional convention for a change of that instrument. Article V provides the manner in which a constitutional convention may be called, but in the same article, in the same paragraph, without the break of a period, follows the words:

That no State, without its consent, shall be deprived of its equal suffrage in the Senate.

I should like now briefly to call the attention of the Senate to the fact, which has not been commented on, that the Constitution itself, in providing a manner in which a constitutional convention may be called, provides, as a condition to the calling of a constitutional convention, that—

No State, without its consent, shall be deprived of its equal suffrage in the Senate.

So much for that.

But, Mr. President, if it be maintained that, notwithstanding that inhibition in Article V resting upon the call of a constitutional convention, a constitutional convention called within the authority of Article V could nevertheless disregard the article under which that convention was called and amend that section and deprive a smaller State of its equal suffrage in the Senate. The only way in which that will ever likely occur as a practical proposition, is by the smaller States disregarding the will of the people of the United States, as the smaller States have been continually doing. They will merit the loss of equal suffrage in the Senate; they will deserve it, if they persist in disregarding the will of the American people; and by refusing this desire of the American people for one provision in the Constitution allowing the election of Senators by direct vote, the people, finally becoming weary of the willfulness and perversity of the representatives in this body, will bring about a constitutional convention and make a change in regard to the question of equal suffrage. The small States are inviting the people to do that very thing. It would be more graceful and more gracious on their part if they should yield their assent to the desires of the people of the United States and bow to the will of what is almost the unanimous desire of the people of the United States.

Mr. HEYBURN. Mr. President, one might reasonably have supposed that this morning the galleries would have been packed to their capacity and that every seat upon this floor would have been occupied by listening and anxious members of this great body when a question, that is alleged to be now occupying the minds of the people of the United States and to have occupied them for years in the past, should come up for consideration. This occasion has been advertised so thoroughly,

and notice to the country has been so general, that we can only believe that some important business outside of this body has called away those who otherwise would have been here. Perhaps a great event occurring in New York City may be accountable for the fact that the American people are not here en masse demanding that the great charter of their liberty shall be changed, and, not only that it shall be changed, but that it shall be changed immediately.

The suggestion of the Senator from Oklahoma [Mr. OWEN] as to the reservation contained in the fifth article of the Constitution calls for some consideration. I think that there has not been sufficient attention given to the language of that provision, because the arguments have crossed and crisscrossed between the proposition of submitting an amendment and calling a constitutional convention for the purpose of amending the Constitution. Let us read Article V, so that it will be in the RECORD in connection with the consideration of this matter. It reads as follows:

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution—

That is the first method, that they shall propose amendments, not call a constitutional convention, not provide for a constitutional convention. On its own initiative Congress, under no circumstances, is authorized to call a constitutional convention, nor is it authorized to act in regard to the proposal of amendments to the Constitution upon the petition of the States. Bear that in mind. That is quite important. That article does not provide that Congress shall, upon a petition of the States, submit any proposed amendment whatever. When the States petition they petition only for the calling of a convention, and when the States petition, Congress, in response, does not submit amendments, but it calls a convention.

It seems to me that slight attention has been given to these provisions. They have been discussed as though it was all one proposition, as though, because the States have taken action, we should submit amendments. We should not. If we act upon the States' demands or request we will call a constitutional convention. I finish the reading:

Or—

This is the alternative—

or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several States.

Now, which of those alternative provisions or suggestions are we proposing to act under here to-day? Is the request that Congress shall take heed of the demand of the States and call a convention, or is it proposed that Congress shall act irrespective of any outside influence or demand, whenever two-thirds of both Houses shall deem it necessary? It does not say what condition shall constitute a necessity; it does not say what shall be taken into consideration in determining the question of necessity; it only says that when Congress shall deem it necessary, it may submit amendments. It does not require any action or consideration on the part of the States in the performance of that constitutional function. I have not heard it suggested here that Congress is called upon to take up this question for the purpose of determining whether or not it is necessary. We are continually reminded that the States have taken action, but if we take heed of the act of the States, there is only one thing that the Constitution authorizes us to do. It does not authorize us to submit amendments at the request of the States, but it authorizes us to call a convention. Are we proceeding this morning to consider this upon the demand of the States, or are we proceeding to consider it on the ground of necessity to determine whether or not, in the judgment, not of the States, not of anybody outside of the halls of Congress, but whether or not in the judgment of Congress it is necessary?

Of course necessity always implies some condition, notice of which is being taken before the necessity can be determined. Necessities are not in the air, to be gathered by the reaching out of the hand. Necessities, if they exist at all, are based upon some condition of fact.

What is the proposition? What are we going to do if we take this joint resolution out of the hands of the Judiciary Committee? Are we going to take up the question on the ground of necessity to see whether it is necessary to amend the Constitution, and to determine it, not upon any extraneous consideration, but upon the wisdom of Congress regardless of it? In that case some one should propose these amendments in Congress and ask that they be submitted to the States for their ratification, as provided in this article of the Constitution. If we are acting at the call of the States, then we can consider

only the question of calling a constitutional convention. What is a constitutional convention to be called for; and, if called, what are the limitations upon its powers? I read the alternative again.

Or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments—

There is no limitation as to the amendments which may be proposed—

which, in either case, shall be valid—

And so forth.

Then it provides for the manner of carrying out the work.

This matter calls for a little plain speaking. There are a great many questions that are being agitated in different parts of the country, and have been continually agitated, some of them sectional in character, some of them racial in character, some of them dealing with economic questions, and some of them dealing with the relations between labor and capital. If the convention is called, there is absolutely no limit to the questions which may be presented to that convention.

Article V itself may be changed or repealed in that convention. The limitation with regard to equal representation that is guaranteed by the Constitution under that article may be repealed and changed in a convention, because, as I have said, there is absolutely no limitation placed upon the convention as to what it may do. It may repeal the thirteenth, fourteenth, and fifteenth amendments to the Constitution of the United States; it may repeal anything that is to-day a part of the Constitution; it may add to the Constitution without limitation. There is no law that limits the power of a constitutional convention. The Constitution of the United States does not itself, and can not itself, limit the power of a constitutional convention, because a constitutional convention is the people that made the Constitution, and they can unmake it; they can make any change in it, however radical. There is no restriction that can be placed upon them. So that I again recur to the fact that when the States demand that Congress shall act, and Congress acts in response to that demand, it can only result in a constitutional convention without limitation.

Some of the States, misapprehending the Constitution, misapprehending its terms and its meaning, have undertaken to demand or request or require, according to the language that has been adopted, that Congress shall submit amendments to the Constitution. The States have no such authority. The Constitution does not say that Congress shall submit amendments to the Constitution upon the request of one or all or any portion of the States. It says that Congress, acting on its own judgment, may submit amendments. We do not need to refer to the action of the States. Is there any thinking Senator in this crowded Senate to-day, when the attention of the country is wrought up over this question—I am astonished not to hear some response—is there any Senator that is in favor of opening the Constitution of the United States to repeal, modification, change, or amendment without limit in this age? If that door were opened, it would not be closed in the lifetime of any man living, notwithstanding the suggestion that the States have made constitutions even after they have grown to be great, like the State of New York, the State of Pennsylvania, and other States.

That is a different proposition from making a Constitution for the United States. One balances up the rights and relations between the States, while the State has only its own organization to deal with. The State of New York, which has not far short of the population of the United States when they made the Constitution, may make one to-day, and I presume that if the United States was still a government of eight or ten or twelve million people, confined within the limits of say 50,000 or 60,000 square miles, it might make a constitution; but if you open the door in a constitutional convention with the strife and the contention that exists to-day throughout the different sections of this country, based upon sectional and racial differences and upon industrial controversies, and imagine you could ever harmonize those interests in an open convention and arrive at a conclusion, you are dreaming a dream from which your awakening would be to find that you had educated the people and brought them up into a condition of dissatisfaction and dissension to no purpose whatever.

If the convention could agree upon a constitution, it would not be possible to-day to get a three-fourths vote of the States for its ratification. You have only to look over the physical organization of this country as it is to-day to be convinced of that. Do you suppose to-day—and I say this is an occasion for plain talking—do you suppose if a new instrument—and that is what it would be when it came out of the convention—were submitted to this country that the Southern States in this day would accept an instrument that carried the provi-

sions of the thirteenth, fourteenth, and fifteenth amendments in it? Not for a minute.

Mr. GALLINGER. And yet those provisions would be in it, of course.

Mr. HEYBURN. Then, I will put the converse of the proposition: Do you suppose for one moment that the great North and West would accept a constitution without those provisions in it?

Mr. CUMMINS. Mr. President—

The PRESIDING OFFICER (Mr. CARTER in the chair). Does the Senator from Idaho yield to the Senator from Iowa?

Mr. HEYBURN. Yes.

Mr. CUMMINS. Mr. President, I can not quite understand the Senator from Idaho. I do not know whether he believes a constitutional convention would be dangerous or fruitless.

Mr. HEYBURN. It would be both—dangerous if it were not fruitless, and fruitless if it were not dangerous.

Mr. CUMMINS. I suppose the Senator from Idaho remembers that—he has just stated, indeed—a constitutional convention can not possibly occur until two-thirds of the States make application to Congress to that end, and that the constitutional convention can only propose amendments to the Constitution which, in order to become effective, must be ratified by three-fourths of all the States.

Mr. HEYBURN. I think I have so stated.

Mr. CUMMINS. Does the Senator from Idaho think that, with those checks, any serious danger threatens the American people from radical amendments to the Constitution of the United States?

Mr. HEYBURN. I had not referred to any serious danger. I do not think there is any danger going to grow out of this question, because I think the American people and the American Congress have enough conservative wisdom to avoid the possibility of any condition that would be dangerous.

Mr. CUMMINS. I should like to ask the Senator from Idaho one further question. Do you not believe that the people of the United States are just as capable of making or amending a constitution as were the men of 1787?

Mr. HEYBURN. The individuals, yes; in the aggregate, no. No one will contend, basing their contention upon experience in public affairs, that it is as easy to obtain a conclusion at large among the people of a State as it is among the people of a county, except by ballot, and the point of a ballot would not be reached in this matter.

It is not necessary to argue in support of the assertion that 90,000,000 people, representing as they do the various States of the Union and the various sections and the various interests, could not agree upon the terms of a constitution. It would be a waste of time to argue it. It is a matter of personal opinion, and a matter of personal opinion is not the legitimate subject of argument. It is not based upon existent facts. It is based only on conjectural fact. So it would be fruitless to attempt to establish what would flow from conditions that do not yet exist.

Mr. CUMMINS. I agree with the Senator from Idaho that the matter of a constitutional convention at the present time is not only immaterial, but it probably is not imminent, for there is no proposition before the Senate at this time or before any of its committees to call a constitutional convention. The question is whether we shall submit to the States a proposed amendment allowing the States or requiring the States to elect their Senators by direct vote instead of through their legislatures.

Mr. HEYBURN. I think the Senator from Iowa is mistaken in his facts.

Mr. CUMMINS. Is the Senator from Idaho opposed to giving the States an opportunity to say whether the Constitution shall be amended in that way?

The House of Representatives in the last twenty years has five times passed this resolution. Such a resolution has been before one of the committees of this Congress almost every minute for a quarter of a century, and why should not the Senate of the United States act upon it? Why should it not vote upon it? We are accused by the people of being very selfish and very fearful, because we whose seats are the only seats to be affected by this amendment refuse, apparently in fear, to submit the amendment to the legislatures of the country.

Mr. HEYBURN. Mr. President, I will answer that question. The Senator inquires, Why should we not do it? That is not the rule by which to legislate in Congress. The inquiry is, Why should we do it? We have had some suggestions of the kind of government that would result from the rule suggested by the Senator. That is to say, not long ago it was suggested to us that in the absence of any law prohibiting the doing of a thing the officers of the Government might do it.

The question here, I repeat, when any measure is presented to us, is not why we should not do it, but why we should do

He also presented petitions of sundry citizens of Matawan, Old Bridge, South River, Sayreville, and Keyport, all in the State of New Jersey, praying for the appointment of Gen. Michael Kerwin as pension agent at New York, which were referred to the Committee on Pensions.

Mr. BURROWS presented a memorial of H. P. Merrill Post, No. 419, Department of Michigan, Grand Army of the Republic, of Bay City, Mich., remonstrating against the acceptance of the statue of Gen. Robert E. Lee to be placed in Statuary Hall, United States Capitol, which was referred to the Committee on the Library.

He also presented a petition of the Board of Education of Kalamazoo, Mich., praying that an appropriation be made to extend the field work of the Bureau of Education, which was referred to the Committee on Education and Labor.

He also presented petitions of Local Lodge No. 576, of Cadillac, and Local Lodge No. 533, of Calumet, Brotherhood of Locomotive Firemen and Enginemen, in the State of Michigan, praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of sundry members of Houghton County (Mich.) Medical Society, praying for the establishment of a national department of public health, which were referred to the Committee on Public Health and National Quarantine.

Mr. LA FOLLETTE presented a petition of sundry citizens of Green Bay, Wis., praying for the passage of the so-called "boiler-inspection bill," which was referred to the Committee on Interstate Commerce.

He also presented petitions of sundry citizens of Waukesha, Wis., praying for the passage of the so-called "eight-hour bill," which were referred to the Committee on Education and Labor.

He also presented a petition of sundry citizens of Wisconsin, praying that an appropriation be made for the extension of the work of the Office of Public Roads, Department of Agriculture, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Berlin, Wis., praying for the establishment of a national department of health, which were referred to the Committee on Public Health and National Quarantine.

He also presented a memorial of Local Union No. 126, United Garment Workers of America, of Oshkosh, Wis., remonstrating against any increase in the rate of postage on second-class mail matter, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Woman's Home Missionary Society, of Darlington, Wis., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Hawaiian Islands, which was referred to the Committee on Pacific Islands and Porto Rico.

He also presented a petition of the Twentieth Century Topic Club, of Wauwautosa, Wis., praying that an investigation be made into the condition of dairy products, which was referred to the Committee on Agriculture and Forestry.

OMNIBUS PUBLIC BUILDINGS BILL.

Mr. SCOTT. I ask that the public buildings bill from the House of Representatives be laid before the Senate and referred.

H. R. 26987. An act to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes, was read twice by its title and referred to the Committee on Public Buildings and Grounds.

Mr. SCOTT, from the Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 26987) to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes, reported it with amendments.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

REPORTS OF COMMITTEES.

Mr. LODGE. On behalf of the chairman of the Committee on Immigration, the Senator from Vermont [Mr. DILLINGHAM], I report without amendment the bill (H. R. 12315) to further regulate interstate and foreign commerce by prohibiting the transportation therein for immoral purposes of women and girls, and for other purposes. In connection with the report I sub-

mit the views of the majority (Report No. 886), with an appendix, and also the views of the minority, of the Senator from Idaho [Mr. HEYBURN]. I ask that the views of the majority, with the appendix, and the views of the minority, following, be printed as one document.

The PRESIDENT pro tempore. Without objection, it will be so ordered at the request of the Senator from Massachusetts.

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

A bill (H. R. 25117) for the relief of E. P. Adams (Report No. 887); and

A bill (H. R. 4345) to reimburse the city of Chicago for damage done the Chicago Avenue Bridge by the United States light-house tender *Dahlia* (Report No. 888).

Mr. CLARK of Wyoming, from the Committee on the Judiciary, to whom was referred the bill (H. R. 26233) to amend an act entitled "An act to expedite the hearing and determination of suits in equity pending or hereafter brought under the act of July 2, 1890, entitled 'An act to protect trade and commerce against unlawful restraints and monopolies,' 'An act to regulate commerce,' approved February 4, 1887, or any other acts having a like purpose that may be hereafter enacted," approved February 11, 1903, reported it without amendment.

Mr. CUMMINS, from the Committee on Interstate Commerce, to whom was referred the bill (S. 6702) to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto, reported it with an amendment and submitted a report (No. 889) thereon.

Mr. CRAWFORD, from the Committee on Claims, to whom was referred the bill (S. 6460) for the relief of Mrs. Libbie Arnold, reported it with amendments and submitted a report (No. 890) thereon.

He also, from the same committee, to whom was referred the bill (S. 8353) for the relief of S. S. Somerville, reported it with an amendment and submitted a report (No. 891) thereon.

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

H. R. 15611. A bill for the relief of William J. Allen (Report No. 892); and

H. R. 20132. A bill for the relief of Emil Haberer (Report No. 893).

Mr. CRAWFORD (for Mr. BRADLEY), from the Committee on Claims, to whom was referred the bill (H. R. 22253) for the relief of Henry L. Woods, reported it without amendment and submitted a report (No. 894) thereon.

Mr. BROWN (for Mr. BRADLEY), from the Committee on Claims, to whom was referred the bill (S. 6756) for the relief of Capt. Joseph Herring, United States Army, retired, reported it without amendment and submitted a report (No. 884) thereon.

He also, from the Committee on Military Affairs, to whom was referred the bill (S. 7321) for the relief of Mark Tomlinson, reported it with an amendment and submitted a report (No. 885) thereon.

Mr. BOURNE, from the Committee on Commerce, to whom was referred the bill (H. R. 26458) to authorize the construction and maintenance of a dike on Olalla Slough, Lincoln County, Oreg., reported it without amendment.

Mr. SMOOT, from the Committee on Finance, to whom was referred the bill (H. R. 9431) for the relief of the Barse Live Stock Commission Company, reported it without amendment and submitted a report (No. 896) thereon.

He also, from the Committee on Claims, to whom was referred the bill (H. R. 13517) authorizing a credit in certain accounts of the Treasurer of the United States, reported it without amendment and submitted a report (No. 897) thereon.

Mr. HEYBURN, from the Committee on Immigration, to whom was referred the bill (H. R. 16871) to amend section 13 of an act entitled "An act to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States," and for the relief of clerks of courts exercising jurisdiction under section 3 of said act, reported it with amendments.

Mr. BURROWS, from the Committee on Finance, to whom was referred the bill (H. R. 17373) for the relief of the estate of John V. Schermer, reported it without amendment.

Mr. BRADLEY, from the Committee on Claims, to whom was referred the bill (H. R. 13556) for the relief of Frank Wyman, ex-postmaster at St. Louis, Mo., reported it without amendment and submitted a report (No. 898) thereon.

Mr. KEAN, from the Committee on Claims, to whom was referred the bill (S. 3097) for the relief of Douglas C. McDougal,

reported it without amendment and submitted a report (No. 899) thereon.

ESTATE OF JAMES ALLENDER.

Mr. SCOTT. On behalf of the senior Senator from New Jersey [Mr. KEAN], I report from the Committee on Claims, favorably and without amendment, the bill (H. R. 4738) for the relief of the estate of James Allender, deceased, and I submit a report (No. 883) thereon. I ask unanimous consent for the present consideration of the bill.

The PRESIDING OFFICER (Mr. KEAN in the chair). The Secretary will read the bill for information, subject to objection. The Secretary read the bill.

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

Mr. BURTON. Mr. President, I think we ought to know more about that bill before we pass it. I object.

Mr. SCOTT. I will say to the Senator from Ohio that the bill passed the House early in the session without any objection whatsoever. The mill and dam belonging to this man were taken for the use of the Government, and the Government built a dam on the site. It is simply to pay the amount the engineers found due him. It has been hanging fire for a long time, and I hope the Senator will not object. It is absolutely an honest bill.

Mr. OVERMAN. While the Senator from Ohio is examining the bill—

The PRESIDING OFFICER. Reports of committees are in order.

Mr. BURTON. Is it compensation for property taken in the building of a government dam?

Mr. SCOTT. Yes; on the Monongahela River.

Mr. BURTON. I did not hear the reading very distinctly, but it seemed to refer to water rights.

Mr. SCOTT. Water rights and a mill site were taken.

Mr. BURTON. I believe I must object. I would like to examine the bill.

The PRESIDING OFFICER. The Senator from Ohio objects, and the bill will go to the calendar.

Mr. SCOTT subsequently said: The Senator from Ohio [Mr. BURTON] has withdrawn his objection to the bill, and I ask unanimous consent for its present consideration.

Mr. BURTON. I withdraw the objection. It seems to be based upon an award under an arbitration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to the personal representative of James Allender, deceased, late of Taylor County, W. Va., \$2,350 for the water privilege and franchise to the mill property on the Monongahela River, in Monongalia County, W. Va., lately owned by James Allender, and in full of all damage to the mill property by reason of the improvement of the river and the lock and dam erected thereon and constructed by the Government.

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

CHANGE OF NAME OF MESSMORE PLACE.

Mr. GALLINGER. I am directed by the Committee on the District of Columbia, to whom was referred the bill (S. 8774) to change the name of Messmore place to Mozart place, to report it favorably without amendment. It is a 5-line bill, and I ask unanimous consent for its present consideration.

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

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

PORT OF NEW LONDON, CONN.

Mr. GALLINGER. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 13448) amending the statutes in relation to the immediate transportation of dutiable goods and merchandise, to report it favorably without amendment. I call the attention of the Senator from Connecticut [Mr. BRANDEGEE] to the bill.

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

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to extend to the port of New London, in the customs collection district of New London, Conn., the privileges of the first section of the act approved June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes."

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

ST. MARYS AND KINGSLAND RAILROAD COMPANY.

Mr. PILES. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 26349) to authorize the St. Marys and Kingsland Railroad Company to construct a bridge across the St. Marys River, to report it favorably with an amendment. I call the attention of the Senator from Idaho [Mr. HEYBURN] to the bill.

Mr. OVERMAN. I shall object to the present consideration of any other bills so long as the present occupant is in the chair.

The PRESIDING OFFICER. This is a report of a committee.

Mr. OVERMAN. I understand. I have two reports from committees, and the Chair recognized me, and said reports of committees are in order.

The PRESIDING OFFICER. The Chair begs pardon.

Mr. OVERMAN. There can be no further unanimous consent for the consideration of bills so long as the present occupant is in the chair.

Mr. CRAWFORD. I shall object to the present consideration of bills until we can get in these reports.

Mr. OVERMAN. I object. Nobody on this side can get any recognition, and I object.

Mr. CRAWFORD. I think it is only fair to allow these reports to be made, and then ask for unanimous consent.

The PRESIDING OFFICER. That is what the Chair is trying to do.

Mr. OVERMAN. I rise to a question of order.

The PRESIDING OFFICER. The Senator from North Carolina will state it.

Mr. OVERMAN. I addressed the Chair. The Chair answered to me that the regular order was reports of committees.

The PRESIDING OFFICER. That is correct.

Mr. OVERMAN. I have in my hand a report from a committee. The Chair then turned to the other side and recognized other Senators. I propose to assert my rights on the floor of the Senate, and I repeat that no unanimous consent can be secured as long as the present occupant is in the chair.

The PRESIDING OFFICER. Did not the Senator from North Carolina present a report, and was not the report agreed to?

Mr. OVERMAN. The report was on a bill in which the dear, old Senator from Louisiana [Mr. McENERY] is deeply interested. He had been sitting here for one-half hour, and he asked me to report this bill from the Judiciary Committee, and I have been standing here half an hour seeking recognition. I could get no recognition, though many Senators on the other side have been recognized and who have arisen since I have been standing, and I propose to assert my rights. It is not a bill in which I am personally interested.

Mr. GALLINGER and others. Regular order!

The PRESIDING OFFICER. Reports of committees are in order. The Senator from Washington reports a bill, the title of which will be stated.

The SECRETARY. A bill (H. R. 26349) to authorize the St. Marys and Kingsland Railroad Company to construct a bridge across the St. Marys River.

Mr. PILES. I call the attention of the Senator from Idaho to this bill.

Mr. HEYBURN. I ask unanimous consent for the present consideration of the bill reported by the Senator from Washington.

Mr. OVERMAN. I object.

CLARK GRAVES.

Mr. PAYNTER. I am directed by the Committee on Claims, to whom was referred the bill (H. R. 22361) for the relief of Clark Graves, to report it without amendment, and I submit a report (No. 895) thereon; and I call the attention of the junior Senator from Indiana [Mr. SHIVELY] to the matter.

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

Mr. OVERMAN. I object.

SANFORD A. PINYAN.

Mr. CLAY. I ask unanimous consent for the present consideration of the bill (H. R. 20553) for the relief of Sanford A. Pinyan.

Mr. OVERMAN. I am bound to object.

SAVANNA COAL COMPANY.

Mr. OWEN. I wish to call attention to the bill (H. R. 17560) granting to Savanna Coal Company right to acquire additional acreage to its existing coal lease in the Choctaw Nation, Pittsburg County, Okla., and for other purposes. It was yesterday

passed by the House of Representatives and brought over, and was sent to the Committee on Indian Affairs. But the Committee on Indian Affairs had previously reported such a bill, and I made the motion that it lie on the table. And I should like to ask what is the parliamentary status of the matter, and whether it comes within the report of the Committee on Indian Affairs.

The PRESIDING OFFICER. The Chair did not understand that it was to lie on the table. It was referred to the Committee on Indian Affairs, the regular order.

Mr. OWEN. I understood it was referred, but I made that motion. I think the Record will show it.

The PRESIDING OFFICER. The only thing, in the opinion of the Chair, is for the Committee on Indian Affairs to report it back.

Mr. CLAPP. I suggest to the Senator that he ask that the committee be discharged from the further consideration of the bill and that it lie on the table. Then it could be taken up later.

Mr. OWEN. I should like to make that motion, that the committee be discharged, and that the bill lie on the table.

The motion was agreed to.

OCEAN MAIL SERVICE AND PROMOTION OF COMMERCE.

Mr. GALLINGER. Yesterday I submitted a resolution (S. Res. 265) that the bill (S. 6708) to amend the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports and to promote commerce," be made a special order for Monday, December 12, 1910, immediately after the routine morning business. I now ask that the resolution lie on the table subject to call.

The PRESIDING OFFICER. Without objection, it will be so ordered.

CLAIM OF LEVI MOLER, DECEASED, AND OTHERS.

Mr. BURNHAM, from the Committee on Claims, reported the following resolution (S. Res. 269), which was considered by unanimous consent and agreed to:

Senate resolution 269.

Resolved, That the claims of the estate of Levi Moler, deceased (S. 96); Mary C. Burgess (S. 217); W. R. Trotter and others (S. 594); the heirs of John S. Chenoweth (S. 866); the heirs of Robert H. Walther and Taylor Walther, deceased (S. 917); Robert Frost (S. 1101); the estate or the heirs of Mrs. Martha L. Wells, deceased (S. 1234); the estate of Marcus Walker, deceased (S. 1236); the heirs of Ann L. Robb (S. 1320); William A. Chisolm (S. 1403); the estate of John Fleming, deceased (S. 1602); the heirs of Richard Reynolds, deceased (S. 1612); Daniel W. Boutwell (S. 1645); Shadrack Sechresh (S. 1649); A. M. Randolph and other children and heirs of Robert Lee Randolph, deceased (S. 1726); the county court of Graves County, Ky. (S. 1728); the estate of William Claunch, deceased (S. 1729); Spencer Hudson, deceased (S. 1730); the heirs of Rear-Admiral Henry Glass, United States Navy, retired (S. 1759); August Groener (S. 1903); Thomas Fahey (S. 1991); the heirs of T. L. P. Cronmiller, deceased (S. 1992); the heirs of Francisco Guilbeau, deceased (S. 2031); David A. McDonald (S. 2367); the heirs of Isaac R. Maus, deceased (S. 2451); the Baptist Church of Schoolfield, Ky. (S. 2472); the heirs of Susan Fletcher, deceased (S. 2497); the trustees of Mount Carmel Cumberland Presbyterian Church, of Williamson County, Tenn. (S. 2524); the trustees of the Baptist Church of Beckley, W. Va. (S. 2564); Louis P. Turner (S. 2578); heirs or estate of William Burgess, deceased (S. 2587); heirs of Thomas J. Hickman, deceased (S. 2591); heirs or estate of Nathaniel S. Word, deceased (S. 2611); the Cameron Septic Tank Company (Incorporated) (S. 2926); the Cameron Septic Tank Company (Incorporated) (S. 2927); the legal representative of James Taylor, deceased (S. 2974); Charles W. Johnston, administrator of Lydia Johnston (S. 2978); heirs or estate of G. L. Irwin, deceased (S. 3002); S. R. McAlexander (S. 3077); the heirs of S. P. C. Henkel, deceased (S. 3109); Sallie R. Walton (S. 3110); the estate of Henry S. Williams, deceased (S. 3112); the estate of William Fletcher, deceased (S. 3114); the estate of J. C. Bailey, deceased (S. 3115); the trustees of Smith Creek Baptist Church, of New Market, Va. (S. 3116); the estate of Abraham Hisey (S. 3605); the heirs of E. W. Cabaniss (S. 3619); Enoch D. Smith (S. 3629); heirs of W. T. Garrett, deceased (S. 3676); heirs or estate of Thomas H. Lacy, deceased (S. 3739); heirs or estate of Mrs. D. E. Barrett and B. G. Beadle, deceased (S. 3740); the city of Philadelphia (S. 3751); Peter Ludwig (S. 3834); D. M. Carman (S. 3923); Scott P. Stewart and Andrew J. Stewart, jr. (S. 3999); heirs or estate of Peter J. Moseley, deceased (S. 4038); heirs or estates of Ann L. Quirk and Stephen W. Quirk, deceased (S. 4042); heirs or estates of James Burleigh, sr., deceased, and others (S. 4049); Marcellin Martin (S. 4054); Henry Comeaux (S. 4059); Belzair Cormier (S. 4060); heirs or estate of John R. Creighton, deceased (S. 4062); Melanie Limey (S. 4064); heirs or estate of Leontine Guilbeau, deceased (S. 4065); heirs or estate of Louis Sam, deceased (S. 4069); Susan White (S. 4073); the heirs of Randolph Ith (S. 4190); the estate of J. E. Bauman, sr., deceased (S. 4290); Thomas J. Hooper, administrator of the estate of James Hooper, deceased (S. 4398); Sarah E. Callahan (S. 4712); B. Klucny (S. 4783); C. G. Hardeman (S. 4789); Calvin Nelson (S. 4801); the heirs of Edmond Manes (S. 4916); the heirs of Mrs. Frances Pickle (S. 4942); the heirs of Thomas J. Babb (S. 4949); the heirs of Francis Griffin (S. 4956); W. C. Harrell (S. 4970); James Allendorf and 59 others (S. 5016); Annie R. Chesley (S. 5047); William A. Ashe and other (S. 5123); Sarah J. Wright (S. 5126); the heirs of Aaron Botts (S. 5133); Lullie F. Jones, administratrix of Mrs. Sarah C. Jones and Mrs. Lucy F. Tyler (S. 5281); the trustees of Union Church of Richlandville, Culpeper County, Va. (S. 5282); the trustees of Union Church of Stevensburg, Culpeper County, Va. (S. 5283); Salem Methodist Episcopal Church South, of Wayne County, N. C. (S. 5387); the

estate of Wiley Holt, deceased (S. 5395); the heirs of B. L. Robinson, deceased (S. 5397); Mrs. Marie Barron (S. 5554); the heirs or legal representatives of Joseph Ezernack, deceased (S. 5561); the estate of Numa Vives, deceased (S. 5563); Leonidas P. Hebart (S. 5564); the estate of Henry Blaufuss, deceased (S. 5595); Mrs. Eugenia D. Potts, administratrix of Dr. Richard Potts, and Mrs. Elizabeth Huette, administratrix of P. I. Huette (S. 5596); the heirs of William Swindell, of Hyde County, N. C. (S. 5615); the heirs of Thomas J. Grahame (S. 5693); the estate of Francois Joseph Vantrout, deceased (S. 5811); the estate of Abram C. Blake (S. 5855); the estate of William Wynne (S. 5856); the heirs of Guilford R. Otwell (S. 5857); the legal representatives of Capt. Horatio Nelson (S. 5935); the heirs of James Brandenburg, deceased (S. 5963); the heirs of Sarah West, deceased (S. 5982); Augustus Celaya and Joseph Celaya, sole heirs of Simon Celaya, deceased (S. 6085); the heirs of J. N. Blackwell, deceased (S. 6087); the estate of Granville Smith, deceased (S. 6133); the heirs of David R. Cook, deceased (S. 6136); Lieut. Allison W. Pollard (S. 6161); Mrs. E. J. Martin (S. 6163); the heirs of William W. C. Chaney (S. 6216); the heirs of T. B. Fripp, deceased (S. 6251); the estate of Hamilton Slawson, deceased (S. 6255); the estate of John B. Wright, deceased (S. 6339); the heirs of Philip Fitzgerald, deceased (S. 6340); Ambrose Portwood (S. 6355); the estate of D. W. Price, deceased (S. 6356); the estates of George W. Chatfield and William E. Curd, deceased (S. 6359); Ambrose D. Vallandigham (S. 6361); the legal representatives of the firm of Brown & Co., or the estate of James M. Bryant, deceased (S. 6365); William H. Nolcini (S. 6366); L. M. Northcutt (S. 6367); Van Foreman (S. 6370); the estate of Mary R. Cammack, deceased (S. 6373); the estate of Leander Johnsey, deceased (S. 6374); the heirs of John A. Erdman, deceased (S. 6375); the estates of W. H. H. Thompson and Caroline Thompson, deceased (S. 6376); the estate of Marilda F. Sims, deceased (S. 6377); the estate of David L. Scott, deceased (S. 6378); the estates of John H. Stovall, William Hughes, and Timothy L. Hughes (S. 6379); the estate of Thomas Wallace, deceased (S. 6380); Beulah Primitive Baptist Church, of Johnston County, N. C. (S. 6384); the heirs of William B. Pettitt, deceased (S. 6392); Cash Claxon (S. 6393); Joseph E. Lindsey, surviving partner of the firm of John Lindsey & Son (S. 6400); the estate of John M. Higgins, deceased (S. 6409); the estate of H. R. M. Taylor, deceased (S. 6415); the heirs of Elizabeth M. Earle, deceased (S. 6425); the estate of E. Strong (S. 6457); the heirs of A. M. Harton (S. 6497); the heirs of Andrew E. Hodges (S. 6532); the estate of Joseph Lippman, deceased (S. 6598); the estate of E. H. Strong (S. 6605); Mrs. Alice Sparks, legal representative of John Toomey, deceased (S. 6652); the Paint Creek Baptist Church, of Gallipolis, Ohio (S. 6668); Brig. Gen. John I. Rodgers, United States Army, retired (S. 6680); the Seaboard and Roanoke Railroad Company (S. 6733); Joseph Shields, administrator of the estate of Herman Baernstein, deceased (S. 6735); the Baptist Church of Rienzi, Miss. (S. 6875); A. T. Triay (S. 6881); Alexander Diffin and others (S. 6882); the estates of James C. Welch and Mary S. Welch, deceased (S. 7009); E. D. Crosthiwaite, administrator (S. 7045); Joseph Lightfoot and others (S. 7182); Malinda Ellett and Elbert Ellett (S. 7184); the heirs of Benjamin Lawler, deceased (S. 7185); the heirs of Jackson Grooms (S. 7338); the estate of George W. Gray, deceased (S. 7347); Benjamin F. and John G. Mattingly (S. 7363); John E. Amazen and others (S. 7376); estate of J. R. Williams, deceased (S. 7377); the heirs of Joseph Chipman, deceased (S. 7393); the heirs of Martha Bilbo and William N. Bilbo, deceased (S. 7421); William B. McSherry (S. 7428); the heirs of Leopold A. Fredeking (S. 7435); Charles E. Fenner, executor of George E. Payne, deceased (S. 7453); the heirs or estate of Adolph Donatto, deceased (S. 7455); the heirs or estate of Jesse E. Lacey, deceased (S. 7457); Jean Baptiste Demass (S. 7459); Alexis Jaqueman (S. 7461); the heirs or estate of John R. Temple, deceased (S. 7465); the heirs or estate of Joseph Natlie Guidry, deceased (S. 7466); the heirs or estate of Joshua Bond, deceased (S. 7477); H. E. Deats, assignee of H. E. Deats and Edward B. Sterling, a partnership, doing business as Deats & Sterling (S. 7518); the estate or heirs of Jane C. Dyer, deceased (S. 7570); the legal representatives of Lewis E. Parsons (S. 7611); the heirs of Rev. R. T. McBride (S. 7652); Benjamin F. Bowman, administrator of Daniel Bowman (S. 7674); Marion C. Thompson and others (S. 7690); George R. Dooley (S. 7719); the heirs of John A. Jones, deceased (S. 7781); Charles W. Brock and others (S. 7811); the trustees of the Presbyterian Church of Marietta, Ga. (S. 7899); Jean Michel Vendenhiem (S. 7977); the heirs of Alfred Laws, deceased (S. 7989); H. C. Smith (S. 8037); the heirs of the late George S. Kausler (S. 8095); the heirs of the late Pierce Butler (S. 8096); George C. Bucknam (S. 8134); the legal representatives of Richard Henry Allen, deceased (S. 8136); Abram J. Rhodes (S. 8173); Henry H. LaZelle (S. 8216); A. L. Smith and William Treacy, executors of Peter Larsen, deceased, and others (S. 8221); the Jefferson Lime Company (S. 8227); Henry Prince and certain other army officers and their heirs or legal representatives (S. 8238); the trustees of Union Church, of Frederick County, Va. (S. 8243); Charles F. Smith and others (S. 8246); the trustees of the Methodist Episcopal Church South, of Red Bone, Warren County, Miss. (S. 8283); heirs or estate of Mrs. M. A. Lanford, deceased (S. 8284); Prairie County, in the State of Arkansas (S. 8285); the heirs of Archesley Stanley, deceased (S. 8317); the heirs of George Lamont, deceased (S. 8318); the heirs or legal representatives of William Denike, deceased (S. 8331); heirs or estate of Elizabeth McClure, deceased (S. 8347); the estate of George W. Bromley, deceased (S. 8351); the heirs of Alonzo P. Turner, deceased (S. 8359); the Cumberland Presbyterian Church of Fayetteville, Tenn. (S. 8397); the Independent Order of Odd Fellows, Trenton, Tenn. (S. 8398); the heirs or estate of John T. Lehman, deceased (S. 8436); the heirs or estate of Jesse Vann, deceased (S. 8437); the heirs of James R. Toney (S. 8460); the Providence-Washington Insurance Company, of Providence, R. I. (S. 8463); the estate of Malcolm McNeill, deceased (S. 8465); William A. Forrest, administrator of the estate of John W. Forrest, deceased (S. 8475); Joseph Bissonnette and others (S. 8480); the heirs of Job Siddall, deceased (S. 8492); the Choctaw and Chickasaw tribes of Indians (S. 8493); James W. Person and Isabella M. Person (S. 8502); John Egan and certain other army officers and their heirs and legal representatives (S. 8513); Charles M. Askegren and others (S. 8532); certain government contractors (S. 8533); heirs or estate of Grief S. Green, deceased (S. 8538); James W. Gilbreath (S. 8539); the trustees of the Methodist Episcopal Church South, of Warrenton, Miss. (S. 8547); the heirs or estate of Celestine Malveau, deceased (S. 8555); the estate of Mary H. Holloway, deceased (S. 8569); the estate of John Green, deceased (S. 8570); Samuel H. Lofland (S. 8571); the estate of Peter S. Clemments, deceased (S. 8572); the estate of William F. Crenshaw, deceased (S. 8574); Henry W. Ped-

decord (S. 8575); William T. and Hannah J. Woolard (S. 8576); the estate of Robert J. Allen, deceased (S. 8577); Mary E. Willett (S. 8578); Norval Cox and heirs of Robert Rollins, deceased (S. 8609); the trustees of Oak Shade Episcopal Church, of Culpeper County, Va. (S. 8611); the trustees of Forest Chapel Methodist Episcopal Church South, of Culpeper County, Va. (S. 8612); A. M. Hiatt and others (S. 8644); the Catholic Church at Dalton, Ga. (S. 8664); John Fowler (S. 8676); Fred Blum and others (S. 8677); the McKendree Methodist Episcopal Church South, of Nashville, Tenn. (S. 8713); the Cameron Septic Tank Company (Incorporated) (S. 8714); the legal representatives of the firm of Levert & Mastin, late of Mobile, Ala. (S. 8719); the heirs or estate of Thomas Brown, deceased (S. 8738); the trustees of the Corinth Methodist Episcopal Church South, of Dinwiddie County, Va. (S. 8763); W. W. Roden (S. 8768); James Barron (S. 8779); and the estate of Josiah Jennison, deceased (S. 8780), now pending in the Senate, together with all the accompanying papers, be, and the same are hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887, and commonly known as the Tucker Act. And the said court shall proceed with the same in accordance with the provisions of such act and report to the Senate in accordance therewith.

BILLS INTRODUCED.

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

By Mr. BURKETT:

A bill (S. 8793) granting an increase of pension to William S. Robison; and

A bill (S. 8794) granting an increase of pension to John H. Smith; to the Committee on Pensions.

By Mr. BEVERIDGE:

A bill (S. 8795) granting an increase of pension to John H. Hicks; and

A bill (S. 8796) granting an increase of pension to Asbury Fleming; to the Committee on Pensions.

By Mr. CLARK of Wyoming (by request):

A bill (S. 8797) to authorize the Copper River and Northwestern Railway Company to maintain and operate a wharf in Orca Inlet, in the District of Alaska, and for other purposes; to the Committee on Territories.

By Mr. HEYBURN:

A bill (S. 8798) granting an increase of pension to Thomas Goodwin (with an accompanying paper); to the Committee on Pensions.

By Mr. DU PONT:

A bill (S. 8799) granting an increase of pension to Isaac J. Long (with an accompanying paper); to the Committee on Pensions.

By Mr. DU PONT (for Mr. RICHARDSON):

A bill (S. 8800) granting a pension to Ellanor J. Farquhar; and

A bill (S. 8801) granting an increase of pension to Jacob P. Obier; to the Committee on Pensions.

By Mr. BURROWS:

A bill (S. 8802) granting an increase of pension to Lyman Goodell (with an accompanying paper); to the Committee on Pensions.

By Mr. PAGE (for Mr. DILLINGHAM):

A bill (S. 8803) granting an increase of pension to Jennie C. Adams (with accompanying papers); to the Committee on Pensions.

By Mr. STONE:

A bill (S. 8804) to enable the Secretary of Agriculture to investigate and report upon the drainage of swamp and other wet lands in Missouri, Arkansas, and Louisiana; to the Committee on Agriculture.

By Mr. PILES:

A bill (S. 8805) granting an increase of pension to Hugh P. Wilson (with accompanying papers); to the Committee on Pensions.

By Mr. FLINT:

A bill (S. 8806) for the relief of Felix Half; to the Committee on Claims.

By Mr. BRADLEY:

A bill (S. 8807) for the relief of the estate of John H. Hanly, deceased (with an accompanying paper); to the Committee on Claims.

By Mr. LA FOLLETTE:

A bill (S. 8808) for the relief of Thomas J. McCarty (with an accompanying paper); to the Committee on Claims.

OMNIBUS PUBLIC BUILDINGS BILL.

Mr. BURROWS submitted four amendments intended to be proposed by him to the omnibus public buildings bill, which were referred to the Committee on Public Buildings and Grounds.

WITHDRAWAL OF PAPERS—GEORGE D. REYNOLDS.

On motion of Mr. PAYNTER, it was

Ordered, That George D. Reynolds, of Maysville, Ky., be permitted to withdraw from the files of the Senate his petition praying to be restored to the pension rolls, there having been no adverse report thereon.

THE PUBLIC DOMAIN.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read, and, with an accompanying paper, referred to the Committee on Public Lands and ordered to be printed (S. Doc. No. 644):

To the Senate and House of Representatives:

There are, perhaps, no questions in which the public has more acute interest than those relating to the disposition of the public domain. I am just in receipt from the Secretary of the Interior of recommendation that in disposition of important legal questions which he is called upon to decide relating to the public lands an appeal be authorized from his decision to the court of appeals for the District of Columbia.

I fully indorse the views of the Secretary in this particular, which are set forth in his letter, transmitted herewith, and urge upon the Congress an early consideration of the subject.

WM. H. TAFT.

THE WHITE HOUSE, June 21, 1910.

RETIREMENT OF JUSTICE WILLIAM H. MOODY.

H. R. 27010. An act to permit William H. Moody, an associate justice of the Supreme Court of the United States, to retire was read twice by its title.

Mr. CLARK of Wyoming. Mr. President, the Committee on the Judiciary has reported to the Senate, and there is now upon the calendar, a bill identical in all particulars with this House bill. I therefore ask unanimous consent for the present consideration of the House bill, which has just been read, without a reference.

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

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

Mr. CLARK of Wyoming. I move that calendar No. 814, being the bill (S. 8715) to permit William H. Moody, an associate justice of the Supreme Court of the United States, to retire, be indefinitely postponed.

The motion was agreed to.

COURTS IN ARKANSAS.

H. R. 20487. An act to provide for sittings of the United States circuit and district courts of the eastern division of the eastern district of Arkansas at the city of Jonesboro, in said district, was read twice by its title.

Mr. OVERMAN. Mr. President, with regard to the bill changing the time of holding courts in the State of Arkansas, I will state that a similar bill was passed by the Senate and sent to the House of Representatives, but the House, instead of acting upon the Senate bill, has passed the bill which has just been laid before the Senate. The Senators from Arkansas are both absent, but I know the senior Senator from Arkansas [Mr. CLARKE] is in favor of the bill. I therefore ask unanimous consent for its present consideration.

The Secretary read the bill, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

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

HOMESTEADERS ON GUNNISON TUNNEL PROJECT.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 1874) granting leaves of absence to homesteaders on lands to be irrigated under the provisions of the act of June 17, 1902, which was, on page 1, line 9, after "lands," to insert "within the discretion of the Secretary of the Interior."

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

The motion was agreed to.

APPEALS IN FORMA PAUPERIS.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 5836) to amend section 1, chapter 209, of the United States Statutes at Large, volume 27, entitled "An act providing when plaintiff may sue as a poor person and when counsel shall be assigned by the court," and to provide for the prosecution of writs of error and appeals in forma pauperis, which was to strike out all after the enacting clause and insert:

That section 1 of an act entitled "An act providing when plaintiff may sue as a poor person and when counsel shall be assigned by the court," approved July 20, 1892, be, and the same is hereby, amended so as to read as follows:

"That any citizen of the United States entitled to commence or defend any suit or action, civil or criminal, in any court of the United States, may, upon the order of the court, commence and prosecute or defend to conclusion any suit or action, or a writ of error, or an appeal

to the circuit court of appeals, or to the Supreme Court in such suit or action, including all appellate proceedings, unless the trial court shall certify in writing that in the opinion of the court such appeal or writ of error is not taken in good faith, without being required to prepay fees or costs or for the printing of the record in the appellate court or give security therefor, before or after bringing suit or action, or upon setting out a writ of error or appealing, upon filing in said court a statement under oath in writing that because of his poverty he is unable to pay the costs of said suit or action or of such writ of error or appeal, or to give security for the same, and that he believes that he is entitled to the redress he seeks by such suit or action or writ of error or appeal, and setting forth briefly the nature of his alleged cause of action or appeal."

And to amend the title so as to read:

An act to amend section 1, chapter 209, of the United States Statutes at Large, volume 27, entitled "An act providing when plaintiff may sue as a poor person and when counsel shall be assigned by the court," and to provide for the prosecution of writs of error and appeals in forma pauperis, and for other purposes.

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

The motion was agreed to.

PAROLE SYSTEM FOR THE DISTRICT OF COLUMBIA.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 1942) for the establishment of a probation and parole system for the District of Columbia, which was, to strike out all after the enacting clause and insert:

That the supreme court of the District of Columbia in general term may appoint one probation officer, at a salary of \$1,800 per annum, and as many volunteer assistant probation officers, male or female, as occasion may require; and that the police court of the District of Columbia may appoint one chief probation officer, at a salary of \$1,500 per annum, and one assistant probation officer, at a salary of \$1,200 per annum, and as many volunteer assistant probation officers, male or female, as occasion may require. All such probation officers and assistants shall be appointed for a term of two years and may be removed by the respective courts appointing them. All such volunteer probation officers shall serve without compensation, and shall have such powers and perform such duties as may be assigned to them by said courts.

Sec. 2. That said supreme court shall have power in any case, except those involving treason, homicide, rape, arson, kidnaping, or a second conviction of a felony, after conviction or after a plea of guilty of a felony or misdemeanor and after the imposition of a sentence thereon but before commitment, and the said police court shall have like power, after a conviction or a plea of guilty in any case of misdemeanor, to place the defendant upon probation, provided that it shall appear to the satisfaction of the court that the ends of justice and the best interests of the public as well as of the defendant would be subserved thereby, and may suspend the imposition or execution of the sentence, as the case may be, for such time and upon such terms as it may deem best and place the defendant in charge of a probation officer. The probationer shall be provided by the clerk of the court with a written statement of the terms and conditions of his probation at the time when he is placed thereon. He shall observe the rules prescribed for his conduct by the court and report to the probation officer as directed. No person shall be put on probation except with his or her consent.

Sec. 3. That the probation officers shall carefully investigate all cases referred to them by the court, and make recommendations to the court to enable it to decide whether the defendant ought to be placed under probation, and shall report to the court, from time to time as may be required by it, touching all cases in their care, to the end that the court may be at all times fully informed of the circumstances and conduct of probationers.

Sec. 4. That upon the expiration of the term fixed for such probation, the probation officer shall report that fact to the court, with a statement of the conduct of the probationer while on probation, and the court may thereupon discharge the probationer from further supervision, or may extend the probation, as shall seem advisable. At any time during the probationary term the court may modify the terms and conditions of the order of probation, or may terminate such probation, when in the opinion of the court the ends of justice shall require, and when the probation is so terminated the court shall enter an order discharging the probationer from serving the imposed penalty; or the court may revoke the order of probation and cause the rearrest of the probationer and impose a sentence and require him to serve the sentence or pay the fine originally imposed, or both, as the case may be, and the time of probation shall not be taken into account to diminish the time for which he was originally sentenced.

Sec. 5. That the chief probation officer of each court shall be entitled, for himself and his assistants, to a room in the building occupied by that court, and all necessary stationery and supplies for the transaction of the business of his office, and all the probation officers except volunteer officers shall be entitled to their necessary expenses in performing the duties of their office, under the direction of the court, the amount of the expense for such stationery, supplies, and expenses to be fixed and allowed by the court upon proper vouchers submitted to it by the probation officers, and accounts duly verified by their oath; and for the purpose of this act there is hereby appropriated the sum of \$5,000, one half to be paid out of any money in the Treasury not otherwise appropriated and the other half out of the revenues of the District of Columbia.

And to amend the title so as to read: "An act for the establishment of a probation system for the District of Columbia."

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

The motion was agreed to.

CEDAR POINT AND DAUPHIN ISLAND BRIDGE, ALABAMA.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 7908) to authorize the Dauphin Island Railway and Harbor Company, its successors or assigns, to construct and maintain a bridge or bridges or viaducts across the water between the mainland at or near Cedar Point and Dauphin Island, both Little and

Big; also to dredge a channel from the deep waters of Mobile Bay into Dauphin Bay, and to dredge the said Dauphin Bay; also to construct and maintain docks and wharves along both Little and Big Dauphin islands, which was to strike out all after the enacting clause and insert:

That the Dauphin Island Railway and Harbor Company, a corporation existing under the laws of the State of Alabama, be, and it is hereby, authorized to construct, maintain, and operate a railroad bridge or bridges and approaches thereto between the mainland at a point suitable to the interests of navigation at or near Cedar Point and Dauphin Island, both Little and Big, situated in Mobile County, State of Alabama, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the consent of Congress is hereby given that the said company may build and maintain wharves and docks from Little Dauphin Island, also from Big Dauphin Island, into the waters adjacent thereto, namely, Mobile Bay, Dauphin Bay, Mississippi Sound, and the Gulf of Mexico, at such points and in accordance with such plans as may be recommended by the Chief of Engineers and approved by the Secretary of War.

Sec. 3. That the consent of Congress is hereby further given that the said company may build, construct, or dredge a channel from the deep waters of Mobile Bay up to and into Dauphin Bay, cutting or dredging that certain portion of Dauphin Island necessary to construct a straight channel from the proper and most convenient point or points in said deep waters of Mobile Bay to and into Dauphin Bay; and that the consent of Congress is also given that the said company may construct or dredge a basin to the full extent of Dauphin Bay or any part thereof, said bay lying between Little Dauphin and Big Dauphin islands and that it may use the dredged material in filling, constructing, and reclaiming lands on or adjacent to Little Dauphin and Big Dauphin islands and that it may deposit same at other points which will not interfere with or endanger navigation: *Provided*, That the location, depth, width, and extent of said channel and basin shall be subject to the approval of the Chief of Engineers and the Secretary of War, and until approved by them the work of construction shall not be commenced: *And provided further*, That no portion of said dredged material shall be deposited in any navigable water until the place of deposit has been approved by the Chief of Engineers and the Secretary of War, and the deposit of said material in navigable waters shall at all times be subject to the control of said Chief of Engineers and Secretary of War.

Sec. 4. That this act shall not be construed as authorizing the invasion or impairment of the legal rights of any other person or corporation, nor as conferring any right, power, or privilege in conflict with, nor any infringement of, the laws of the State of Alabama; nor as authorizing the use or occupancy of any portion of the Fort Gaines Military Reservation, except in such manner as may be specifically recommended by the Chief of Engineers and approved by the Secretary of War.

Sec. 5. That the act approved February 5, 1906, entitled "An act to authorize the Mobile Railway and Dock Company to construct and maintain a bridge or viaduct across the water between the end of Cedar Point and Dauphin Island," is hereby repealed.

Sec. 6. That the consent hereby given shall be considered as withdrawn and deemed to be revoked if actual construction of the work described in sections 2 and 3 hereof be not commenced within two years and completed within five years from the date of the approval of this act.

Sec. 7. That the right to alter, amend, or repeal this act is hereby expressly reserved.

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

The motion was agreed to.

RADIO COMMUNICATION ON OCEAN STEAMERS.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 7021) to require apparatus and operators for radio communication on certain ocean steamers, which were, on page 2, line 10, after "messages," to strike out down to and including "navigation," in line 12, and on page 2, lines 17 and 18, to strike out "less than \$1,000 nor."

Mr. NELSON and Mr. BOURNE. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

BRIDGE OVER MENOMINEE RIVER, WISCONSIN.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 7361) to give the consent of Congress to the building of a bridge by the cities of Menominee, Mich., and Marinette, Wis., over the Menominee River, which were, on page 1, line 5, after "construct," to strike out "and;" on page 1, line 5, after "maintain," to insert "and operate;" and on page 2, line 4, to strike out all after "six" down to and including "act," line 8.

Mr. FRYE. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

LANDS IN IMPERIAL COUNTY, CAL.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 6636) for the relief of assignees in good faith of entries of desert lands in Imperial County, Cal., which was to strike out all after the enacting clause and insert:

That any person, other than a corporation, who has in good faith heretofore acquired by assignment a desert-land entry, which entry is regular upon its face, in the belief that he was obtaining a valid title

thereto, which assignment was accepted when filed at the local land office of the United States and recognized at the General Land Office as a proper transfer of such entry, shall be entitled to complete the entry so acquired, notwithstanding any contest that has been or may be filed against such entry based upon a charge of fraud of which the assignee had no knowledge: *Provided, however*, That this act shall only apply to any person who at the time of receiving such assignment was without notice of any fraud in the entry assigned or in any annual proof made concerning the same: *Provided further*, That patent shall not issue to any such assignee unless he shall affirmatively establish, by his evidence, under oath, good faith and lack of notice of fraud, and by the testimony, under oath, of himself and at least two witnesses that expenditure in the total amount and cultivation and reclamation to the full extent required by law have been actually made and accomplished: *And provided further*, That nothing herein contained shall be construed to waive or avoid liability for any fraud or violation of the law on the part of the person committing the same.

SEC. 2. That where a person having made entry under the desert-land law was thereafter permitted by the Land Department to hold another entry or entries by assignment, or where a person having previously perfected title under assignment of a desert-land entry, or having held land under assignment to the amount of 320 acres or more at different times, was thereafter permitted by the Land Department to make an entry in his own right, or to hold other lands under assignment, such persons, or their lawful assignees, shall be, upon showing full compliance with all requirements of existing law as to expenditure, reclamation, and cultivation, permitted to complete title to the land now held by them, notwithstanding any contest that may have been or may hereafter be filed against the entry based upon the charge that the present claimant has exhausted his right under the desert-land law by reason of having previously made an entry or held land under an assignment as above detailed: *Provided, however*, That this section shall not be applicable to entries made or taken by assignment subsequently to November 30, 1908: *Provided further*, That no person shall be entitled to the benefits of either the first or second section of this act who has heretofore acquired title to 320 acres of land under the desert-land laws; nor shall this act be construed to modify in any manner the provisions of the act of August 30, 1890 (26 Stats., 391), and the seventeenth section of the act of March 3, 1891 (26 Stats., 1905), restricting the quantity of lands that may be acquired under the agricultural-land laws.

SEC. 3. The provisions of this act shall apply to Imperial County, Cal., only.

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

The motion was agreed to.

LANDS IN ANADARKO, OKLA.

Mr. OWEN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18978) to authorize the Secretary of the Interior to issue a patent to the city of Anadarko, State of Oklahoma, for a tract of land, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1 and 2.

That the House recede from its disagreement to the amendment of the Senate numbered 3 and agree to the same with an amendment, as follows: Strike out all of the proposed amendment and insert in lieu the following:

"SEC. 3. That an appeal to the Supreme Court of the United States in all suits affecting the allotted lands within the eastern district of Oklahoma or on demurrers in such suits appealed to the United States circuit court of appeals, eighth circuit, is hereby authorized to be made by any of the parties thereto, including appeals from orders reversing judgments of the trial court."

And the Senate agree to the same.

R. S. OWEN,
GEORGE E. CHAMBERLAIN,
CARROLL S. PAGE,

Managers on the part of the Senate.

P. P. CAMPBELL,
BIRD MCGUIRE,
JOHN H. STEPHENS,

Managers on the part of the House.

The report was agreed to.

Mr. OWEN. I ask that a letter from the Attorney-General, which I send to the desk, to be printed in connection with the conference report.

The PRESIDENT pro tempore. Without objection it is so ordered.

The letter referred to is as follows:

OFFICE OF THE ATTORNEY-GENERAL,
Washington, D. C., June 20, 1910.

Hon. ROBERT L. OWEN,
United States Senate.

My DEAR SENATOR: Replying to your message of 18th instant, I think the form of clause to authorize an appeal in the Oklahoma land suits, which you inclose, should be satisfactory. I return it to you.

Faithfully, yours,

GEO. W. WICKERSHAM,
Attorney-General.

SEC. 5. That an appeal to the Supreme Court of the United States in all suits affecting the allotted lands within the eastern district of Oklahoma or on demurrers in such suits appealed to the United States circuit court of appeals, eighth circuit, is hereby authorized to be made by any of the parties thereto.

JAMES C. JOHNSON.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution of the House of Representatives, which was read and considered by unanimous consent and agreed to:

House concurrent resolution 48.

Resolved by the House of Representatives (the Senate concurring), That the President be requested to return to the House of Representatives the bill (H. R. 1386) to correct the naval record of James C. Johnson.

JOHN A. BROWN.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution of the House of Representatives, which was read and considered by unanimous consent and agreed to:

House concurrent resolution 49.

Resolved by the House of Representatives (the Senate concurring), That the President be requested to return to the House of Representatives the bill (H. R. 2272) for the relief of John A. Brown.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on the Judiciary:

H. R. 12434. An act to make uniform the salaries of United States district attorneys and marshals in Texas;

H. R. 17164. An act to provide for sittings of the United States circuit and district courts of the southern district of Ohio at the city of Portsmouth, in said district; and

H. R. 20148. An act to provide for an additional judge of the district court for the eastern district of New York.

The following bills were severally read twice by their titles and referred to the Committee on Commerce:

H. R. 16877. An act to amend section 4421 of the Revised Statutes of the United States, as amended by act of June 11, 1906;

H. R. 26981. An act to authorize the construction, maintenance, and operation of various dams across certain navigable waters, and for other purposes; and

H. R. 26150. An act to authorize the cities of Boston and Cambridge, Mass., to construct drawless bridges across the Charles River, between the cities of Cambridge and Boston, in the State of Massachusetts.

The following bills were severally read twice by their titles and referred to the Committee on Post-Offices and Post-Roads:

H. R. 23098. An act prohibiting the printing of certain matter on stamped envelopes and the sale thereof; and

H. R. 25925. An act authorizing the Postmaster-General to advertise for the construction of pneumatic tubes in the city of Cincinnati, State of Ohio.

H. J. Res. 229. Joint resolution authorizing the Secretary of War to loan certain tents, cots, and stretchers for the use of the Benevolent and Protective Order of Elks, at Detroit, Mich., in July, 1910, was read twice by its title and referred to the Committee on Military Affairs.

H. J. Res. 232. Joint resolution creating a commission to represent the United States at the celebration of the first centennial of the Republic of Mexico, was read twice by its title and referred to the Committee on Foreign Relations.

POSTAL SAVINGS DEPOSITORIES.

Mr. CARTER. I move that the Senate resume the consideration of the bill (S. 5876) to establish postal savings depositories for depositing savings at interest with the security of the Government for repayment thereof, and for other purposes.

The motion was agreed to, and the Senate resumed the consideration of the amendment of the House of Representatives to the bill.

The PRESIDING OFFICER. The pending question is on agreeing to the amendment proposed by the Senator from Georgia [Mr. BACON].

Mr. BACON. Mr. President, I shall have only a few words to say in regard to the proposed amendment on the part of the House to the Senate bill. When this bill was before the Senate upon its passage on March 5 I discussed it somewhat fully. I then gave the reasons why I thought the bill was extremely objectionable, and I have no disposition to detain the Senate with a repetition of what I then said.

The principal objection which I then had to the bill was the fact that the purpose for which this measure was originally suggested and introduced had been entirely perverted, and that the end which would be accomplished by the bill was diametrically opposite to that which was avowed by its friends at the time of its introduction. It was also directly opposite to the design of each of the political parties in recommending the establishment of a postal savings bank. That particular feature was this: That whereas in all the political conventions of both political parties which have recommended the passage of such a bill, the organization of a postal savings bank had

from Georgia to the amendment of the House of Representatives.

Mr. KEAN. On that question the yeas and nays have been ordered.

The PRESIDING OFFICER. The yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BRADLEY (when his name was called). I am paired with the junior Senator from Tennessee [Mr. TAYLOR], and therefore withhold my vote.

Mr. CHAMBERLAIN (when his name was called). I am paired with the junior Senator from Pennsylvania [Mr. OLIVER]. If he were here I should vote "yea."

Mr. PAGE (when Mr. DILLINGHAM's name was called). My colleague is detained from the Chamber by illness. He is paired with the senior Senator from South Carolina [Mr. TILLMAN]. If my colleague were present and free to vote, he would vote "nay."

Mr. FLETCHER (when his name was called). I am paired with the senior Senator from Maine [Mr. HALE]. If he were present I would vote "yea," and he would vote "nay."

Mr. FLINT (when his name was called). I am paired with the senior Senator from Texas [Mr. CULBERSON]. I transfer the pair to the junior Senator from Nevada [Mr. NIXON] and vote "nay." I make this announcement for the day.

Mr. JOHNSTON (when his name was called). I am paired with the junior Senator from Michigan [Mr. SMITH]. I transfer the pair to the junior Senator from Arkansas [Mr. DAVIS], and will vote. I vote "yea."

Mr. OVERMAN (when his name was called). I am paired with the junior Senator from Missouri [Mr. WARNER]. I transfer the pair to the senior Senator from Louisiana [Mr. MCENERY], and will vote. I vote "yea."

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

Mr. DU PONT (when Mr. RICHARDSON's name was called). My colleague is absent from the city. If he were present, he would vote "nay."

Mr. SCOTT (when his name was called). I have a general pair with the senior Senator from Florida [Mr. TALIAFERRO]. I transfer the pair to the junior Senator from Illinois [Mr. LORIMER], and vote "nay."

I will let this announcement stand for the balance of the roll calls, if there be any to-day.

Mr. SIMMONS (when his name was called). I have a pair on this amendment with the senior Senator from Pennsylvania [Mr. PENROSE]. If he were present, I would vote "yea."

Mr. STONE (when his name was called). On this vote I am paired with the Senator from South Dakota [Mr. GAMBLE]. If he were present, I would vote "yea."

The roll call was concluded.

Mr. WETMORE. My colleague [Mr. ALDRICH] is paired with the senior Senator from Arkansas [Mr. CLARKE]. My colleague is unavoidably detained from the Senate. If he were present, he would vote "nay."

Mr. CLAY. I announce my pair with the junior Senator from New York [Mr. ROOT]. I transfer the pair to the senior Senator from Virginia [Mr. DANIEL], so that the junior Senator from New York will stand paired with the senior Senator from Virginia, and I will vote. I vote "yea."

Mr. BACON. The junior Senator from Virginia [Mr. MARTIN] has been announced as paired with some one, as the result of a transfer of a pair made by the Senator from Maryland. I wish to announce that I have a telegram from the Senator from Virginia, stating that he is detained at home by illness in his family. That telegram was received by me yesterday, but it was received after a roll call, and I had no subsequent opportunity to announce it. It should apply to yesterday as well as to-day.

The result was announced—yeas 24, nays 34, as follows:

YEAS—24.

NAYS—34.

Table of yeas and nays:

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| NOT VOTING—34. | | | |
|----------------|------------|------------|--------------|
| Aldrich | Daniel | McCumber | Simmons |
| Beveridge | Davis | McEnery | Smith, Mich. |
| Bradley | Dillingham | Martin | Stone |
| Bulkeley | Fletcher | Nixon | Taliaferro |
| Chamberlain | Foster | Oliver | Taylor |
| Clapp | Gamble | Penrose | Tillman |
| Clarke, Ark. | Hale | Richardson | Warner |
| Crawford | Heyburn | Root | |
| Culbertson | Lorimer | Shively | |

So Mr. BACON's amendment to the amendment of the House of Representatives was rejected.

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

The PRESIDING OFFICER. The Senator from Iowa proposes an amendment, which the Secretary will state.

The SECRETARY. On page 11 of the print strike out lines 21 and 22 and the words "to be postal savings-depository offices" in line 23, and insert in lieu thereof the following:

SEC. 3. That said board of trustees is hereby authorized and empowered to prescribe by a general rule the cities or towns in which postal savings depository offices shall be established.

Said rules shall be according to population and shall be uniform throughout the United States, and a depository shall be established in every city or town having the population so determined upon, and in such smaller cities and towns as the board may in special cases order.

Mr. CUMMINS. Mr. President, I do not intend to repeat the argument I had the honor to make yesterday against the provision of the House bill in this respect. I merely call the attention of Senators to the House bill, for many of them were not here yesterday and I doubt whether all of them have made themselves familiar with what we are about to adopt.

If I may go back a little, the Senate adopted the policy of making every post-office which was authorized to issue money orders a postal savings depository. It was thus a legislative policy, and no discretion was given to any administrative officer or board with regard to it. The House bill declares that the board of trustees shall select such post-offices as it desires to select, without rule or guide or suggestion from Congress, and make them postal depositories.

I pointed out yesterday what the purpose of the bill is. As is known to every inquiring person, I think it is acknowledged, New England being opposed to postal savings institutions, believing that it is already well equipped with savings banks, and wanting no rivalry on the part of the Government, was successful in fashioning the House bill in the manner I have described; and I believe it is that intent that no postal savings institutions shall be established in that quarter of the country. I have no proof of that other than that general information which gradually gathers around a controversy of this sort.

I am unalterably opposed to giving a board of trustees a discretion which will be moved through the medium of a campaign made by the banks from the moment the bill is signed until its work is finally accomplished.

I think it is unfair and unjust to say that the board shall establish postal savings depositories only in those towns whose banks have not sufficient influence to deter the board from so locating these depositories. Washington will be the scene of a conflict that is not ordinarily witnessed if the board is thus left free to act.

I merely restate the argument without elaborating upon it, because it must be obvious to everybody who knows that all the banks in the country are opposed to the postal savings system, and that it will be a struggle from the beginning to the end between them and the board as to where such depositories shall be located. I for one do not want to see any such controversy and struggle and campaign begun; and I think the Senate ought to have enough steadiness of purpose to adhere to the policy which we adopted when we passed the bill originally.

I do not ask in this amendment that we shall return to the terms of the Senate bill, which prescribed that all money-order post-offices should be savings depositories, but I do ask that Congress shall establish a rule which the board must apply. I do ask that the board be not given that wide and unlimited discretion which is reposed in it by the terms of the House bill. Therefore my amendment provides that the board of trustees may establish a general rule according to population, and that all the offices that are located in cities or towns that fall within that rule must be depositories.

Mr. BEVERIDGE. Will the Senator permit a question?

Mr. CUMMINS. Certainly.

Mr. BEVERIDGE. This rule, as I understand it from the Senator's statement, is based upon the population of the city or town, and all that come within that population must have a postal savings bank.

Mr. CUMMINS. That is true.

Mr. BEVERIDGE. Would that prevent a very small place from having the benefit or advantage of this system?

Mr. CUMMINS. It would not; because the latter part of my amendment provides that the board may establish the deposi-

tories in such smaller places as it may be pleased to do; but it prevents the unseemly struggle which will necessarily be at once begun, and it will give uniformity and fairness to the whole country. I hope very much that the Senate will adopt it.

There is a suggestion that if we adopt any amendment here at all the bill fails. It is not, in my opinion, true. If it is true, then the Senate is called upon to humiliate itself in a way never before seen, I fancy, in the history of legislation.

It is whispered around this Chamber that we must not adopt a single amendment to the House bill, because the House will not recede one hair's breadth from the position it has taken. I was about to say that that would be about as shameful a spectacle as was ever presented in any legislative assembly. I do not say that anyone here is responsible for any such statement, but if we are to adopt a provision in this bill upon the theory that the House has the Senate by the throat, and that it can not move one way or the other, but must move in the exact line prescribed by the House, it is a new precedent for legislative assemblies, and I hope it will not be established. I can not conceive that the House will be moved by any such consideration. The House has felt itself perfectly free to deal with the Senate bill. Why should not the Senate feel equally free to deal with the House bill? Let us establish a just and fair system, because if we establish any other the structure will speedily fall.

I ask, Mr. President, for the yeas and nays upon my amendment.

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

Mr. CHAMBERLAIN (when his name was called). I again announce my pair with the junior Senator from Pennsylvania [Mr. OLIVER]. If he were here, I would vote "yea."

Mr. PAGE (when Mr. DILLINGHAM's name was called). I again announce the absence of my colleague [Mr. DILLINGHAM], who is detained by illness, and who is paired with the senior Senator from South Carolina [Mr. TILLMAN]. I will make this announcement for the day.

Mr. FLETCHER (when his name was called). I am paired with the senior Senator from Maine [Mr. HALE] for the afternoon. If he were present, I should vote "yea." I make the announcement for the day.

Mr. JOHNSTON (when his name was called). I am paired with the junior Senator from Michigan [Mr. SMITH]. I transfer that pair to the junior Senator from Arkansas [Mr. DAVIS], and vote "yea."

Mr. OVERMAN (when his name was called). I again announce my pair with the junior Senator from Missouri [Mr. WARNER]. If he were present, I should vote "yea."

Mr. RAYNER (when his name was called). I again announce my pair with the Senator from Delaware [Mr. RICHARDSON], and the transfer of that pair to the junior Senator from Virginia [Mr. MARTIN]. I vote "yea."

Mr. SHIVELY (when his name was called). I am paired with the senior Senator from Connecticut [Mr. BULKELEY]. Were he present, I would vote "yea."

Mr. SIMMONS (when his name was called). I am paired with the Senator from Pennsylvania [Mr. PENROSE]. If he were present, I should vote "yea."

Mr. TAYLOR (when his name was called). I am paired with the junior Senator from Kentucky [Mr. BRADLEY].

Mr. WETMORE (when his name was called). I announce the pair of my colleague [Mr. ALDRICH] with the Senator from Arkansas [Mr. CLARKE]. I vote "nay."

The roll call was concluded.

Mr. CURTIS. I was requested by the junior Senator from Kentucky [Mr. BRADLEY] to announce that he is unavoidably detained from the Senate to-day, and that he is paired with the junior Senator from Tennessee [Mr. TAYLOR].

Mr. OVERMAN. I transfer my pair with the junior Senator from Missouri [Mr. WARNER] to the junior Senator from South Carolina [Mr. SMITH] and vote. I vote "yea."

Mr. SIMMONS. I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the Senator from Oklahoma [Mr. OWEN] and vote "yea."

The result was announced—yeas 28, nays 34, as follows:

YEAS—28.

| | | | |
|-----------|----------|-------------|------------|
| Bacon | Clay | Hughes | Paynter |
| Bailey | Cullom | Johnston | Percy |
| Bankhead | Cummins | La Follette | Purcell |
| Beveridge | Dixon | McInery | Rayner |
| Borah | Dolliver | Money | Simmons |
| Bristow | Frazier | Newlands | Smith, Md. |
| Clapp | Gore | Overman | Stone |

NAYS—34.

| | | | |
|-----------|-------------|------------|------------|
| Bourne | Clark, Wyo. | Gallinger | Piles |
| Brandegee | Crane | Gamble | Scott |
| Briggs | Curtis | Guggenheim | Smoot |
| Brown | Depew | Jones | Stephenson |
| Burkett | Dick | Kean | Sutherland |
| Burnham | Du Pont | Lodge | Warren |
| Burrows | Elkins | Nelson | Wetmore |
| Burton | Flint | Page | |
| Carter | Frye | Perkins | |

NOT VOTING—30.

| | | | |
|--------------|------------|------------|--------------|
| Aldrich | Davis | Martin | Smith, Mich. |
| Bradley | Dillingham | Nixon | Smith, S. C. |
| Bulkeley | Fletcher | Oliver | Taliaferro |
| Chamberlain | Foster | Owen | Taylor |
| Clarke, Ark. | Hale | Penrose | Tillman |
| Crawford | Heyburn | Richardson | Warner |
| Culberson | Lorimer | Root | |
| Daniel | McCumber | Shively | |

So Mr. CUMMINS's amendment to the amendment of the House of Representatives was rejected.

The PRESIDENT pro tempore. The question is on concurring in the amendment of the House.

Mr. CUMMINS. I offer the following amendment. I move to strike out all of line 9 after the period and lines 10, 11, 12, and 13 and to the period in line 14, and to insert in lieu thereof the following:

The board of trustees shall take from such bank or banks such indemnity bonds as the board may prescribe, approve, and deem sufficient and necessary to insure the safety and prompt repayment of such deposits on demand. At its option any bank may deposit collateral security in lieu of an indemnity bond, such collateral to be subject to the approval of said board.

Mr. STONE. On what page is that?

Mr. BRISTOW. Page 15.

Mr. CUMMINS. Page 15, section 9, after the word "reserve," in line 9.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Iowa to the amendment of the House of Representatives.

Mr. CUMMINS. Mr. President, the House bill which the Senate is asked to adopt provides that the banks in which the Government deposits the money which is collected at the post-offices, if it so deposits any money, shall secure the Government by a pledge of bonds that are supported by the taxing power, and no other security is permitted. This means two things: First, that the government deposit is made a lien, if you please, upon the assets of the bank, and that it has the preference over all other deposits of the bank, a provision which I believe to be most unfair and unwise; second, it excludes all other securities save a public bond—that is, a public obligation, such as a state bond, a county bond, a city bond, a school-district bond, or the like.

It is well known, it was perfectly known by the men who drew this bill, whoever they were, and by the men who support the bill, whoever they are, that the smaller banks throughout the country do not hold these government securities, for they bear usually a very small rate of interest—2 per cent, 3 per cent, 4 per cent, very rarely exceeding 3½ per cent—and it is the purpose of this substitution to make it impossible or unprofitable for the country banks, the smaller banks, to take these deposits and give this kind of security.

It is simply another evidence of the reversal of the entire policy of the Senate bill. It is simply another evidence of an effort to bring all the money which is gathered in these post-offices into the great centers of finance.

The amendment, Mr. President, that I have offered simply restores the Senate bill in that respect. I think that every Senator here voted for that provision when it was sought to be incorporated in the bill. There was no opposition to it whatever, as I remember, and now I want to see whether the Senate still believes in giving the country banks a little chance to share in this business that is about to be established in this country.

I ask upon the amendment the yeas and nays, not, of course, desiring to preclude further debate upon the amendment, but in order to know that we are to have the yeas and nays, I ask for them at this time.

The yeas and nays were ordered.

Mr. BRISTOW. Mr. President, the provision of the bill which the Senator from Iowa [Mr. CUMMINS] seeks to strike out makes it impossible for any country bank to be the depository of any of the postal savings-bank funds. If the Senate of the United States wants to preclude the state banks in every State in the Union from being depositories of this fund or every national bank that is not a government depository, then they will vote against the amendment of the Senator from Iowa. Now, what is this provision?

| | Per cent. |
|--|-------------------------|
| Salt Lake City, Utah | 4, 4½, and 5. |
| Phoenix, Ariz. | 5, 6, and 7. |
| Portland, Oreg. | 4, 5, and 6. |
| Reno, Nev. | 5 and 6. |
| Nashville, Tenn. | 3½, 4, 4½, and 5. |
| Raleigh, N. C. | 4 and 5. |
| Columbia, S. C. | 4, 4½, and 6. |
| Jackson, Miss. | 5 and 6. |
| Fort Smith, Ark. | 5. |
| Dallas, Tex. | 4, 5, and 6. |
| State, county, and municipal bonds owned by— | |
| National banks | \$156,314,142.43 |
| State banks | 65,514,641.21 |
| Mutual savings banks | 685,099,502.13 |
| Stock savings banks | 25,060,041.63 |
| Private banks | 3,228,802.32 |
| Loan and trust companies | 155,647,931.87 |
| Total | 1,090,865,061.69 |
| United States bonds owned by— | |
| National banks | \$739,732,612.39 |
| State banks | 4,859,260.94 |
| Mutual savings banks | 33,353,576.12 |
| Stock savings banks | 10,212,852.06 |
| Private banks | 609,219.30 |
| Loan and trust companies | 3,222,380.20 |
| Total | 791,989,901.01 |

The figures given above are statements of conditions at the close of business April 28, 1909.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Iowa [Mr. CUMMINS] to the amendment of the House of Representatives, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll. See page 8634
 Mr. BURTON (when his name was called). I am paired with the junior Senator from Mississippi [Mr. PERCY]. I transfer the pair to the junior Senator from South Dakota [Mr. CRAWFORD]. I vote "nay."

Mr. CHAMBERLAIN (when his name was called). I again announce my pair with the junior Senator from Pennsylvania [Mr. OLIVER]. If he were here, I should vote "yea."

Mr. CLAY (when his name was called). I announce my pair with the junior Senator from New York [Mr. ROOR]. I transfer the pair to the senior Senator from Virginia [Mr. DANIEL] and will vote. I vote "yea."

Mr. FLETCHER (when his name was called). As previously announced, I am paired for the day with the senior Senator from Maine [Mr. HALE]. If he were present, I should vote "yea."

Mr. JOHNSTON (when his name was called). I am paired with the junior Senator from Michigan [Mr. SMITH]. I transfer the pair to the junior Senator from Arkansas [Mr. DAVIS] and will vote. I vote "yea."

Mr. GALLINGER (when Mr. McCUMBER's name was called). I have been requested to announce the pair of the Senator from North Dakota [Mr. McCUMBER] with the junior Senator from Louisiana [Mr. FOSTER].

Mr. OVERMAN (when his name was called). I again announce my pair with the junior Senator from Missouri [Mr. WARNER]. If he were present, I should vote "yea."

While I am on my feet I desire to announce that the junior Senator from Louisiana [Mr. FOSTER] is absent unavoidably. He is paired with the Senator from North Dakota [Mr. McCUMBER]. I will let this announcement answer for all votes to-day.

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

Mr. SIMMONS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the Senator from Oklahoma [Mr. OWEN] and will vote. I vote "yea."

Mr. FRAZIER (when Mr. TAYLOR's name was called). My colleague is paired with the junior Senator from Kentucky [Mr. BRADLEY].

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

The roll call was concluded.

Mr. WETMORE. I desire to announce that my colleague [Mr. ALDRICH], who is unavoidably detained from the Senate, is paired with the senior Senator from Arkansas [Mr. CLARKE]. If my colleague were present, he would vote "nay."

Mr. BURTON (after having voted in the negative). May I ask if the Senator from South Dakota [Mr. CRAWFORD] has voted?

The PRESIDENT pro tempore. The Senator from South Dakota has voted.

* National-bank notes outstanding, \$635,998,078.50, secured by United States bonds.

Mr. BURTON. Then I withdraw my vote and reinstate the pair with the junior Senator from Mississippi [Mr. PERCY]. The result was announced—yeas 22, nays 36, as follows:

| YEAS—22. | | | |
|----------------|-------------|-------------|--------------|
| Bacon | Cummins | Johnston | Shively |
| Bailey | Curtis | La Follette | Simmons |
| Bankhead | Dolliver | Newlands | Smith, Md. |
| Borah | Frazier | Paynter | Smith, S. C. |
| Bristow | Gore | Purcell | |
| Clay | Hughes | Rayner | |
| NAYS—36. | | | |
| Bourne | Clark, Wyo. | Frye | Nelson |
| Brandegee | Crane | Gallinger | Page |
| Briggs | Crawford | Gamble | Perkins |
| Brown | Cullom | Guggenheim | Files |
| Bulkeley | Depew | Heyburn | Scott |
| Burkett | Dick | Jones | Smoot |
| Burnham | du Pont | Kean | Stephenson |
| Burrows | Elkins | Lodge | Sutherland |
| Carter | Flint | McEnery | Wetmore |
| NOT VOTING—34. | | | |
| Aldrich | Davis | Money | Smith, Mich. |
| Beveridge | Dillingham | Nixon | Stone |
| Bradley | Dixon | Oliver | Taliaferro |
| Burton | Fletcher | Overman | Taylor |
| Chamberlain | Foster | Owen | Tillman |
| Clapp | Hale | Penrose | Warner |
| Clarke, Ark. | Lorimer | Percy | Warren |
| Culberson | McCumber | Richardson | |
| Daniel | Martin | Root | |

So the amendment of Mr. CUMMINS to the amendment of the House of Representatives was rejected.

OMNIBUS PUBLIC BUILDINGS BILL.

Mr. SCOTT. Mr. President, I give notice that to-morrow morning immediately after the morning business I shall call up the public buildings bill (H. R. 26987).

INDIAN ALLOTMENTS, ETC.

Mr. CLAPP. I desire to make this statement to the Senate: Some time ago the House passed a bill containing many items asked for by the Department of the Interior with reference to Indian legislation. It has come over, and the Senate committee has reported a substitute bill, and to-morrow morning after the public-buildings bill is passed I shall ask the Senate to take up that bill.

NAVIGABLE WATERS WITHIN CITY LIMITS.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 6118) to confer upon state and municipal authorities certain powers with respect to navigable waters wholly within city limits, which was to strike out all after the enacting clause and insert:

That the consent of Congress is hereby given to the city of New York, in the State of New York, to obstruct navigation of any river or other waterway which does not form a connecting link between other navigable waters of the United States, and lying wholly within the limits of said city, by closing all or any portion of the same or by building structures in or over the same when the said city shall be lawfully authorized to do so by the State of New York: *Provided, however,* That any such obstruction shall be unlawful unless the location and plans for the proposed work or works before the commencement thereof shall have been filed with and approved by the Secretary of War and Chief of Engineers; and when the plans for any such obstruction have been approved by the Chief of Engineers and by the Secretary of War it shall not be lawful to deviate from such plans either before or after the completion of such obstruction, unless the modification of such plans has previously been submitted to and received the approval of the Chief of Engineers and the Secretary of War: *And provided further,* That the city of New York shall be liable for any damage that may be inflicted upon private property by reason of any of the provisions of this act.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved, and the United States shall incur no liability for the alteration, amendment, or repeal thereof to the city of New York, or to the owner or owners, or any other persons interested in any obstruction which shall have been constructed under its provisions.

Amend the title so as to read: "An act to confer upon the city of New York the power to obstruct certain navigable waters wholly within its limits."

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

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its chief clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 25552) making appropriation for sundry civil expenses of the Government for the fiscal year ending June 30, 1911, and for other purposes; further insists upon its disagreement to the amendments of the Senate upon which the committee of conference have been unable to agree; agreed to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon; and had appointed Mr. TAWNEY, Mr. SMITH of Iowa, and Mr. FITZGERALD managers at the conference on the part of the House.

The message also requested the return to the House of Representatives of the bill (S. 8668) amendatory of the act approved April 23, 1906, entitled "An act to authorize the Fayette Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of Brownsville, Fayette County, to a point in the borough of West Brownsville, Washington County."

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

S. 4711. An act changing the name of the St. Johns collection district, in the State of Florida, to the Jacksonville collection district;

S. 5035. An act granting cumulative annual leave of absence to storekeepers, gaugers, and storekeeper-gaugers, with pay;

S. 5048. An act providing that entrymen for homesteads within reclamation projects may assign their entries upon satisfactory proof of residence, improvement, and cultivation for five years, the same as though said entry had been made under the original homestead act;

S. 6877. An act to amend an act entitled "An act to incorporate the American National Red Cross," approved January 5, 1905;

S. 8094. An act to provide for the return of undelivered letters, and for other purposes;

S. 8222. An act granting to the Northern Pacific Railway Company the right to construct and maintain a bridge across the Yellowstone River;

S. 8316. An act authorizing the construction of a bridge across the Columbia River between the counties of Grant and Kittitas, in the State of Washington;

S. 8425. An act to authorize the St. Louis-Kansas City Electric Railway Company to construct a bridge across the Missouri River at or near the town of St. Charles, Mo.;

S. 8615. An act to authorize the Southern Development Company to construct a bridge across the Arkansas River; and

H. R. 17500. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

MONONGAHELA RIVER BRIDGE, PENNSYLVANIA.

The PRESIDENT pro tempore laid before the Senate the request of the House of Representatives for the return of the bill (S. 8668) amendatory of the act approved April 23, 1906, entitled "An act to authorize the Fayette Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of Brownsville, Fayette County, to a point in the borough of West Brownsville, Washington County," and there being no objection, the request was ordered to be complied with.

CHIPPEWA INDIANS IN MICHIGAN.

Mr. BROWN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16032) for the relief of the Saginaw, Swan Creek, and Black River band of Chippewa Indians, in the State of Michigan, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

"SECTION 1. That jurisdiction is hereby conferred upon the Court of Claims, with the right of appeal to the Supreme Court of the United States, to consider and adjudicate any claim, arising under treaty stipulations or otherwise, which the Saginaw, Swan Creek, and Black River band of Chippewa Indians, of the State of Michigan, have against the United States; and such suit or suits as may be instituted hereunder shall, upon notice, be advanced upon the docket of either of said courts for trial, and be determined at the earliest practicable time.

"SEC. 2. That upon the final determination of such suit or suits the Court of Claims shall decree such fees as the court shall find to be reasonable upon a quantum meruit for services performed, to be paid to the attorney or attorneys employed by the said band of Indians, and the same shall be paid out of the sum found to be due said band of Indians when an appropriation therefor shall have been made by Congress: *Provided*, That in no cases shall the fees decreed by the court amount in the aggregate to more than ten per centum of the amount of the judgment recovered, and in no event shall the aggregate exceed ten thousand dollars.

"SEC. 3. That the Secretary of the Interior be, and he hereby is, authorized to permit any religious or missionary organiza-

tion having lands reserved for mission and school purposes on the Yuma Reservation, in California, to select irrigable lands on said reservation equal in area to, and in lieu of, lands so reserved, and to issue a patent in fee therefor."

And the House agree to the same.

Amendment of title:

That the House recede from its disagreement to the amendment of the Senate amending the title and the House agree to the same.

NORRIS BROWN,
JOSEPH M. DIXON,
R. L. OWEN,

Managers on the part of the Senate.

CHAS. H. BURKE,
P. P. CAMPBELL,

JOHN H. STEPHENS,

Managers on the part of the House.

The report was agreed to.

POSTAL SAVINGS DEPOSITORIES.

The Senate resumed the consideration of the amendment of the House of Representatives to the bill (S. 5876) to establish postal savings depositories for depositing savings at interest with the security of the Government for repayment thereof, and for other purposes.

Mr. CUMMINS. I offer the amendment I send to the desk. The PRESIDENT pro tempore. The Senator from Iowa offers an amendment, which will be stated.

The SECRETARY. Strike out all after the period in line 10, also lines 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, and 21, and to the period in line 22, all on page 16, and insert the following:

Provided, however, That when in the judgment of the President, war or other exigency involving the credit of the Government so requires, the board of trustees may withdraw all or any part of said funds from the banks and invest the same in bonds or other securities of the United States bearing interest at not less than 2½ per cent per annum.

Mr. CUMMINS. Mr. President, the Senate will recall that when it had an opinion upon this subject and passed this bill it provided as I shall now read:

Provided, That when in the judgment of the President, war or any other exigency involving the credit of the Government so requires, the board of trustees may withdraw all or any part of said funds from the banks and invest the same in bonds or other securities of the United States: *Provided further*, That no part of said funds shall, in any event, be invested in bonds or other securities bearing interest at less than 2½ per cent per annum.

It will be observed that the amendment I have now offered strikes out the House provision upon this subject, and seeks to reintroduce into this bill the exact provision which was adopted by the Senate upon a former occasion.

This I suppose is the real vital difference between the House bill and the Senate bill. From the very first it has been the contention of those who really favored a postal savings-depository system that the money collected at the post-offices should be permitted to remain in the communities in which it is gathered. There never has been in all the debate, in all the controversy over this subject, a single voice raised in favor of the proposition which is now contained in the House bill. I mean the debate throughout the country and the discussion in the Senate. We spent, I think, a whole week in the Senate endeavoring to arrange in appropriate language a provision which would make it sure that the money would remain in the locality in which it is gathered unless needed in some grave emergency such as war or other danger to the public credit.

If I understand aright the temper of the people who have hitherto favored postal savings depositories, it has always been that to create postal savings banks at the expense of drawing the money from the community where it naturally comes together under the laws of trade and commerce and arbitrarily take it to Washington, or New York, or Philadelphia, or Chicago for investment in government securities was intolerable. It is the enemies of the postal savings institution who contend for this proposition, for I warn you that when you take the money that is deposited in the post-offices throughout the country, and under the provisions of this bill bring it to Washington for investment in bonds, or take it to New York for such use as those who believe in concentrated finances can make of it, any postal savings institution will rapidly fall into disrepute.

If it had been proposed in the Senate a few weeks ago to adopt a bill that would not protect the country in this respect it could not have received the votes of a majority of the Senators; it would not have received a respectable vote. But somehow or other, in the last few days it has been determined that the whole scheme must be changed and that the House bill must be accepted. I for one protest against it. What I seek to strike out is the House provision. What I seek to insert in lieu of that which is stricken out is the Senate provision.

In order to see whether we are of the opinion we were a few days ago or whether, under some influence not perceivable in debate, that opinion has changed, I call for the yeas and nays upon this amendment.

The yeas and nays were ordered.

Mr. HEYBURN. Mr. President, this amendment proposes in effect that in case of war the poor people shall pay all the expenses of the war. The money of these little depositors is to be drawn out to pay the expenses of the war, and the rich people will not have to contribute anything. I suppose the poor people who had their savings in the postal savings banks would have the alternative of enlisting at \$12 a month. That is all that would be left for them.

Mr. CARTER. Mr. President, the Senator from Iowa omitted to call the attention of the Senate to a very pertinent answer to the remarks he was pleased to make. It is true that the bill as passed by the Senate contains the limitation referred to by the Senator, providing that no bonds should be purchased by the trustees bearing less than 2½ per cent per annum. Senators know that that amendment was introduced and adopted with a view to precluding the investment of the funds in the 2 per cent bonds.

The President of the United States had expressed a view on this subject. Fairly construed, his remarks expressed solicitude with reference to the credit of the Government of the United States in relation to the 2 per cent bonds. It was true, and is true, as the President averred, that these bonds had a fictitious value in that they were made the basis of currency circulation of the national banks. It is evident to every Senator here present that if the 3 per cent Panama bonds were issued in adequate amount to act as a substitute in the national banks for the 2s, the 2s would be thrown upon the market and would go below par.

There is not in the Chamber a Senator, nor is there in the country a person, who would not view with great concern the drop of any security of our Government below par. It has been one of the boasts of our people for a generation that the credit of the Federal Government had reached the highest standard ever reached by government credit since the world began. I hope that we will all be able to the close of our days to continue to indulge that proud boast.

Very naturally the President of the United States, in whose care and keeping the credit of the country rests for the time being to no inconsiderable extent, had looked forward to a crisis such as that which is known now, and it is well to announce the fact that the Panama bonds are not being issued because of the desire to prevent those bonds from being substituted as a basis of circulation in place of the 2 per cent bonds.

But, Mr. President, this bill provides a higher rate of interest for the investment than the 2½ per cent restriction provided in the Senate bill. I will not undertake to analyze all of the provisions, but if the Senator will turn to page 18 of the bill and read the proviso beginning in line 18 on that page he will perceive that the 2½ per cent bonds provided for by the bill are made available for investment by the trustees. The section known as section 10 provides for the issue of bonds in twenty, forty, eighty, one hundred, and five hundred dollar denominations. These bonds are to be issued at 2½ per cent per annum. At the option of any depositor a current deposit of \$20 may be transformed into a bond of \$20, and inasmuch as the current deposit would bear but 2 per cent interest and the bond 2½ per cent, the process of transferring the current deposits into the interest-paying bond will be a common and a continuous proceeding on the option of the depositor.

Mr. CUMMINS. Mr. President—

Mr. CARTER. Now, just a moment. These bonds may likewise be issued to the trustees at 2½ per cent interest. Does the Senator from Iowa suspect or contend that trustees charged with a public trust, having 2½ per cent bonds available for investment, would dare invest in 2 per cent bonds in preference?

Mr. CUMMINS. Mr. President—

Mr. CARTER. This will be a very simple proceeding, Mr. President. In due course of time as the 2 per cents mature or become subject to call they will be transferred into or paid for these 2½ per cent bonds.

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Iowa?

Mr. CARTER. I yield to the Senator.

Mr. CUMMINS. I appeal to the Senator's wider knowledge upon this subject, and ask him if any depositor can exchange his deposit for a 2½ per cent bond unless, first, there are bonds of the United States outstanding subject to call; and, second, unless the Treasury is empty and needs replenishing by the sale of bonds?

Mr. CARTER. Of course the 2½ per cent bonds herein provided for are to replace bonds called for or matured.

Mr. CUMMINS. What bonds of the United States are now subject to call?

Mr. CARTER. I understand there are about \$8,000,000 of twos.

Mr. CUMMINS. What amount of bonds will be subject to call in the next few years?

Mr. CARTER. I am not prepared at the moment to answer the Senator.

Mr. CUMMINS. A very limited amount. So the proposal which is here held out to a depositor, and against which I have no objection whatsoever—for I am perfectly willing that depositors shall at their pleasure convert their deposits into bonds of the United States—is one which can not be accepted to any great extent, and it rather

Keeps the word of promise to our ear
And breaks it to our hope.

Mr. CARTER. Mr. President, I venture the statement, on the faith that the text will bear out what I say, that the trustees can not invest the funds of depositors in any bond under this bill bearing less than 2½ per cent, unless it is conceded that trustees acting in a trust relation will willfully and deliberately accept a lower rate when a higher rate is available.

Mr. CUMMINS. Mr. President, there is an issue of construction or of fact here which I think ought to be cleared up, because I know that the Senator from Montana does not intend to convey anything but a true impression.

Mr. CARTER. If the Senator will permit me, the Senator from Utah [Mr. SUTHERLAND] advises me that there are sixty-odd million dollars of 3 per cent bonds subject to call.

Mr. CUMMINS. I am told there are not. I do not know; the Senator from Utah may know; but I do not believe that there are. I take that largely from the statement of the Senator from Idaho [Mr. HEYBURN]. I am in the habit of relying on his statements of fact, and therefore I accept it with a good deal of assurance. But the Senator from Montana must know that these 2½ per cent bonds that are to be issued to depositors can not be issued save under two conditions:

First, when there are outstanding bonds of the United States subject to call, in which case the proceeds of the bonds shall be applied to the redemption at par of outstanding bonds of the United States subject to call; and, second, at times when under authority of law other than that contained in this act the Government desires to issue bonds for the purpose of replenishing the Treasury.

I want the Senator from Montana fully to understand that I make no objection to that part of this bill. When a depositor with sufficient money to his credit desires to withdraw it and invest it in a bond, it is quite right that he should have an opportunity to do it. I hope the Senator from Montana will not be successful in diverting the minds of Senators from the issue which I raised in my observations and which I seek to raise in my amendment.

It is the right of the trustees to withdraw all the money which is deposited in the bank whenever the President in his judgment believes that the welfare of the country will be better served by the investment of the money in bonds of the United States than in the banks of the United States. That is the power to which I object. The people of the part of the country from which I come do not want a savings depository system established unless the money which comes into the post-offices by virtue of it can be retained in the banks of the various localities, to be disposed of by them according to the laws or exigencies of commerce or business; and when they are presented with a bill which overturns all the views which they ever entertained with regard to a postal savings system they will protest, and they will have a right to protest, because we—I am now speaking of the Senate of the United States, in which this question has been so largely debated—never before suggested even that this money should be withdrawn from the community and brought here to serve the pleasure or, if you please, the need of a board of trustees or of banks in Washington, New York, or any other large center. That is the issue which we must meet. It is not whether an individual depositor shall be permitted to exchange his deposit for a bond. I am glad that is in the bill. That is a very good suggestion; but that is entirely foreign to the proposal to give the board this added power, an unlimited discretion, which history shows will be exercised in one way and one way only; and that enables the board to dig the channels through which the money of the country will flow in an unceasing stream from these communities into the Treasury of the United States or into these other banks.

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

Mr. CUMMINS. I yield to the Senator from Utah.

Mr. SUTHERLAND. The Senator from Montana stated a moment ago, upon the authority of the suggestion I made to him, that there were about \$63,000,000 of 3 per cent bonds which are on call now. I will say to the Senator from Iowa that my understanding is that there is somewhere between \$60,000,000 and \$64,000,000 of 3 per cent bonds that mature in 1918, but that are subject to call any time after the year 1908.

Mr. CUMMINS. I do not pretend to put my information upon that subject against that of the Senator from Utah. The Senator from Idaho stated yesterday that these bonds were not subject to call, or, at least, I so understood him, until 1918; and, I repeat, he is not in the habit of making statements that are not sustained by the facts. Therefore I accepted what he said in that respect. But it makes no difference with my argument. I would be very glad if there were these bonds subject to call. I would be very glad if these depositors had this privilege of exchanging their deposits. When a man, with full comprehension of what he is doing, desires to invest his money in a bond of the United States, I would be the last man to say nay. He has just as much right to buy a bond with it as he has to buy a bushel of oats with it, or a cow, or a horse. I am not objecting to this arbitrary power given to the board to take the money which depositors have not put in bonds for themselves and bring that money here to be invested in bonds and deprive the communities, which need that money in order to do business, of their natural resources. You will, as it seems to me, commit a grave injustice against the people of the country when you make any such provision as that.

Mr. SUTHERLAND. If the Senator will permit me, I have now in my hand the statement of the United States Treasury at the close of business, June 20, 1910, and I find under the head of "Bonds held in trust for national banks, June 20, 1910," United States loan of 1908-1918, 3 per cent bonds outstanding, \$63,945,460.

So, I think, it bears out the statement I made, that the bonds which mature in 1918 are subject to call after 1908.

Mr. CUMMINS. I am not disputing at all the statement just made. I do not think it is necessary to be so interpreted; but I do not dispute it; I care nothing about it; it is immaterial to the present controversy; it is not pertinent to the amendment which I have offered, no matter what may be the proper construction of the Treasury statement.

[Mr. NEWLANDS addressed the Senate. See Appendix.]

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The question is on agreeing to the amendment of the Senator from Iowa to the amendment of the House of Representatives, upon which the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I again announce my pair with the junior Senator from Pennsylvania [Mr. OLIVER]. If he were here, I should vote "yea."

Mr. CLAY (when his name was called). I am paired with the junior Senator from New York [Mr. ROOT]. If he were present, I should vote "yea."

Mr. JOHNSTON (when his name was called). I am paired with the junior Senator from Michigan [Mr. SMITH]. I transfer the pair to the junior Senator from Arkansas [Mr. DAVIS] and will vote. I vote "yea."

Mr. OVERMAN (when his name was called). I am paired with the junior Senator from Missouri [Mr. WARNER]. I transfer the pair to the senior Senator from Virginia [Mr. DANIEL] and will vote. I vote "yea."

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

Mr. SIMMONS (when his name was called). I am paired with the senior Senator from Pennsylvania [Mr. PENROSE].

Mr. WARREN (when his name was called). I again announce my pair with the senior Senator from Mississippi [Mr. MONEY], and therefore withhold my vote.

The roll was called.

Mr. WETMORE. I wish to announce that my colleague [Mr. ALDRICH] is unavoidably detained from the Chamber. If he were present he would vote "nay."

Mr. BURTON. I am paired with the junior Senator from Mississippi [Mr. PERCY]. I transfer the pair to my colleague [Mr. DICK] and will vote. I vote "nay."

The result was announced—yeas 22, nays 37, as follows:

YEAS—22.

| | | | |
|-----------|----------|-------------|--------------|
| Bacon | Dixon | La Follette | Shively |
| Bankhead | Dooliver | Newlands | Smith, S. C. |
| Beveridge | Frazier | Overman | Stone |
| Borah | Gore | Paynter | |
| Bristow | Hughes | Purell | |
| Cummins | Johnston | Rayner | |

NAYS—37.

| | | | |
|-----------|-------------|------------|------------|
| Bourne | Clark, Wyo. | Gallinger | Perkins |
| Brandegee | Crane | Gamble | Piles |
| Briggs | Crawford | Guggenheim | Scott |
| Brown | Cullom | Heyburn | Smoot |
| Bulkeley | Curtis | Jones | Stephenson |
| Burkett | Depew | Kean | Sutherland |
| Burnham | du Pont | Lodge | Wetmore |
| Burrows | Elkins | McInery | |
| Burton | Flint | Nelson | |
| Carter | Frye | Page | |

NOT VOTING—33.

| | | | |
|--------------|------------|------------|--------------|
| Aldrich | Davis | Money | Smith, Mich. |
| Bailey | Dick | Nixon | Taliaferro |
| Bradley | Dillingham | Oliver | Taylor |
| Chamberlain | Fletcher | Owen | Tillman |
| Clapp | Foster | Penrose | Warner |
| Clarke, Ark. | Hale | Percy | Warren |
| Clay | Lorimer | Richardson | |
| Culberson | McCumber | Root | |
| Daniel | Martin | Simmons | |

So the amendment of Mr. CUMMINS to the amendment of the House of Representatives was rejected.

Mr. BRISTOW. I move to amend by striking out, in line 22, on page 11, the word "such," between the words "designate" and "post-offices," and the words "as it may select," after the word "post-offices," and insert in line 23, after the word "offices," the following:

Upon a petition of 5 per cent of the patrons of such office.

So that the paragraph shall then read:

That said board of trustees is hereby authorized and empowered to designate post-offices to be postal savings depository offices upon a petition of 5 per cent of the patrons of such office.

I have some other amendments that I desire to submit. It is getting quite late, and I do not wish to detain the Senate.

The PRESIDING OFFICER. The question is on the amendment submitted by the Senator from Kansas to the amendment of the House of Representatives.

Mr. BRISTOW. I desire to be heard on the amendment, and I wish to ask the Senator from Montana if he desires to proceed further to-night.

Mr. CARTER. If the Senator desires to know my state of mind on the subject of voting, I will state to him that I expect and hope that the bill will be voted upon to-night.

Mr. CULLOM. Before we adjourn.

Mr. CARTER. Before we adjourn.

Mr. BRISTOW. If the Senator insists upon going ahead, I can stand it as long as anybody can, but I do not see any reason in punishing the Senate. But it is for the Senate to determine, of course.

Mr. CARTER. Mr. President—

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

Mr. BRISTOW. I do.

Mr. CARTER. If a definite hour for a vote to-morrow can be fixed, I shall be very glad to make a request that such hour be designated as will suit the convenience of the Senate; and in order to test the sense of the Senate on the subject, I now ask unanimous consent that the pending motion and all proposed amendments to the bill, pending or to be presented, be voted upon at 4 o'clock to-morrow afternoon.

Mr. SHIVELY. There is no disposition on this side of the Senate to delay reaching a vote on this bill, but there are a number of Senators who want to address the Senate briefly before the discussion is closed. The Senator from West Virginia [Mr. SCOTT] has announced that he will call up the public buildings bill, I think to-morrow. There is some little fear that there will not be proper opportunity for the discussion of this bill. So, with some reluctance, I shall have to object.

Mr. CARTER. I will state to the Senator from Indiana that inasmuch as the pending motion is the unfinished business of the Senate, we will certainly have the time between 2 and 4 o'clock to-morrow for general debate or for the presentation of such amendments as Senators desire to present. The hour of 5 o'clock may be more suitable. It would allow three hours clear for debate and amendment.

The Senator from West Virginia, it is true, has given notice of his desire to present the public buildings bill in the morning hour immediately after the close of the routine morning business. Undoubtedly that bill will be passed, because it is as popular now as it has ever been, and will meet with little or no opposition. Even the hasty reading by the Secretary is usually unchallenged when that bill is reached.

I will substitute the hour of 5. Certain Senators object—

Mr. SHIVELY. Would the Senator from Montana modify his request so as to complete this bill to-morrow as a legislative day?

Mr. CARTER. The legislative day is, as the Senator well knows, an almost interminable and uncertain quantity, and I doubt if many Senators here would feel disposed to consent

Mr. SCOTT. On page 37, after line 14, I move to insert:
Post-office at Chadron, Nebr., \$15,000.
The amendment was agreed to.
The next amendment was, on page 37, after line 16, to insert:
United States post-office at Wahoo, Nebr., \$10,000.
The amendment was agreed to.
The next amendment was, on page 38, after line 4, to insert:
United States post-office at Passaic, N. J., \$25,000.
The amendment was agreed to.
The next amendment was, on page 38, after line 19, to insert:
United States post-office at Nyack, N. Y., \$15,500.
The amendment was agreed to.
The next amendment was, on page 39, after line 5, to insert:
United States post-office at Burlington, N. C., \$10,000.
The amendment was agreed to.
The next amendment was, on page 39, after line 9, to insert:
United States post-office at Shelby, N. C., \$10,000.
The amendment was agreed to.
The next amendment was, on page 39, after line 21, to strike out:
United States post-office at Bellaire, Ohio, \$10,000, in addition to \$20,000 heretofore authorized.
The reading was continued to line 8, on page 40, the last paragraph read being the following:
United States post-office at Jackson, Ohio, \$7,500.
Mr. SCOTT. In line 8, before the word "dollars," I move to strike out "seven thousand five hundred" and to insert "ten thousand."
The amendment was agreed to.
The next amendment was, on page 40, line 10, before the word "thousand," to strike out "fifteen" and insert "ten," so as to make the clause read:
United States post-office at Logan, Ohio, \$10,000.
The amendment was agreed to.
The next amendment was, on page 40, after line 16, to insert:
United States post-office and court-house at Portland, Oreg., \$500,000.
The amendment was agreed to.
The next amendment was, on page 40, after line 22, to insert:
United States post-office at Dubois, Pa., \$25,000.
The amendment was agreed to.
The next amendment was, on page 41, after line 6, to insert:
United States post-office at Rochester, Pa., \$30,000.
The amendment was agreed to.
The next amendment was, on page 41, after line 8, to insert:
United States post-office at South Bethlehem, Pa., \$25,000.
The amendment was agreed to.
The reading was continued to line 14, on page 41, the last paragraph read being the following:
United States post-office at Titusville, Pa., \$5,000.
Mr. SCOTT. This item is in the wrong section of the bill. I ask that it be transposed to page 10 of the bill, after line 22.
The VICE-PRESIDENT. Without objection, the transposition will be made.
The reading was continued to line 18, on page 41, the last paragraph read being the following:
United States post-office at Marion, S. C., \$7,500.
Mr. SCOTT. Before the word "dollars," in line 18, I move to strike out "seven thousand five hundred" and insert "ten thousand."
The amendment was agreed to.
The next amendment was, on page 41, after line 18, to insert:
United States post-office at Madison, S. Dak., \$10,000.
The amendment was agreed to.
The next amendment was, on page 41, after line 20, to insert:
United States post-office at Redfield, S. Dak., \$10,000.
The amendment was agreed to.
The next amendment was, on top of page 42, to insert:
United States post-office at Martin, Tenn., \$5,000.
The amendment was agreed to.
The next amendment was, on page 42, after line 2, to insert:
United States post-office at Maryville, Tenn., \$10,000.
The amendment was agreed to.
The next amendment was, on page 42, after line 4, to insert:
United States post-office at Atlanta, Tex., \$5,000.
The amendment was agreed to.
The next amendment was, on page 42, after line 6, to insert:
United States post-office at Bay City, Tex., \$5,000.
The amendment was agreed to.
The next amendment was, on page 42, after line 8, to insert:
United States post-office at Beeville, Tex., \$5,000.
The amendment was agreed to.

The next amendment was, on page 42, after line 16, to insert:
United States post-office at Stamford, Tex., \$10,000.
The amendment was agreed to.
The reading was continued to line 20, page 42.
Mr. SCOTT. After line 20, I move to insert:
United States post-office at Richfield, Utah, \$5,000.
The amendment was agreed to.
The reading of the bill was continued. The next amendment was, on page 43, line 2, before the word "thousand," to strike out "twelve" and insert "ten," so as to make the clause read:
United States post-office at Warrenton, Va., \$10,000.
The amendment was agreed to.
The next amendment was, on page 43, after line 2, to insert:
United States post-office at Waynesboro, Va., \$5,000.
The amendment was agreed to.
The next amendment was, on page 43, after line 6, to insert:
United States post-office at Ellensburg, Wash., \$7,000.
The amendment was agreed to.
The next amendment was, on page 43, after line 12, to insert:
United States post-office at Wenatchee, Wash., \$10,000.
The amendment was agreed to.
The next amendment was, on page 43, after line 14, to insert:
United States post-office at Buckhannon, W. Va., \$10,000.
The amendment was agreed to.
The next amendment was, on page 43, after line 19, to strike out:
United States post-office at Moundsville, W. Va., \$15,000.
The amendment was agreed to.
The next amendment was, at the top of page 44, to insert:
United States post-office at Philippi, W. Va., \$8,000.
Mr. SCOTT. In line 1, after the word "post-office," I move to insert the words "and court-house." There is a United States court there.
The amendment to the amendment was agreed to.
The amendment as amended was agreed to.
The next amendment was, on page 44, after line 2, to strike out:
United States post-office at Wellsburg, W. Va., \$10,000.
The amendment was agreed to.
The reading was continued to line 10, on page 44, the last paragraph read being the following:
United States post-office at Fort Atkinson, Wis., \$10,000.
Mr. SCOTT. I move to strike out lines 9 and 10.
The amendment was agreed to.
Mr. SCOTT. On page 31, after line 16, I move to insert:
United States post-office at Fort Atkinson, Wis., \$60,000.
The amendment was agreed to.
The next amendment was, on page 44, after line 16, to insert:
United States post-office at Basin, Wyo., \$6,000.
The amendment was agreed to.
The next amendment was, on page 44, after line 18, to insert:
United States post-office at Buffalo, Wyo., \$7,000.
The amendment was agreed to.
The next amendment was, on page 44, after line 20, to insert:
United States post-office at Cody, Wyo., \$6,000.
The amendment was agreed to.
The next amendment was, on page 44, after line 22, to insert:
United States post-office at Green River, Wyo., \$6,000.
The amendment was agreed to.
The next amendment was, on page 46, after line 10, to add as a new section the following:

SEC. 8. That the Secretary of the Treasury be, and he is hereby, authorized and directed to enter into contracts for the enlargement, extension, remodeling, or improvement, upon the present site, of the United States post-office and court-house at Raleigh, N. C., so as to provide additional and necessary accommodations for the United States post-office, United States courts, and other governmental offices, at a limit of cost, complete, including fireproof vaults, heating and ventilating apparatus, and approaches, not exceeding \$225,000: *Provided*, That of the said amount fixed as the ultimate limit of cost not to exceed \$25,000 may be expended during the fiscal year ending June 30, 1911.

The amendment was agreed to.
The next amendment was, on page 47, after line 14, to add as a new section the following:

SEC. 10. That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post-office and other government offices in the city of New Haven and State of Connecticut, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed the sum of \$1,200,000: *Provided*, That not to exceed \$350,000 of this amount shall be available during the fiscal year ending June 30, 1911: *Provided further*, That the Secre-

tary of the Treasury be, and he is hereby, authorized, in his discretion, after completion of, to sell the old post-office and custom-house building and the site thereof, situated in the city of New Haven, Conn., at public or private sale, after proper advertisement, at such time and on such terms as he may deem to be to the best interests of the United States, and to execute a quitclaim deed to the purchaser thereof, and to deposit the proceeds of said sale in the Treasury of the United States as a miscellaneous receipt.

Mr. SCOTT. On page 48, line 6, after the word "of," I move to insert "the new federal building;" and in line 13, after the word "receipt," I move to insert:

And provided further, That the Secretary of the Treasury in his discretion may disregard the provision requiring 40 feet open space for fire protection.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 48, after line 13, to add as a new section the following:

SEC. 11. That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and building for the accommodation of the United States subtreasury and other governmental offices at New Orleans, La., at a cost for said site and building of not to exceed \$250,000.

The amendment was agreed to.

The next amendment was, on page 48, after line 20, to add as a new section the following:

SEC. 12. That the limit of cost heretofore fixed in section 32 of "An act to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, etc.," approved May 30, 1908, for the erection and completion of a memorial structure at Point Pleasant, W. Va., be, and the same is hereby, increased from \$10,000 to \$15,000.

The amendment was agreed to.

The reading of the bill was continued to line 9, page 52, the item for public building at New Bedford, Mass.

Mr. SCOTT. On page 52, line 9, before the word "dollars," I move to strike out "two hundred and twenty-five," and in lieu thereof insert "three hundred and fifty," so as to make the proviso read:

Provided, That this authorization shall not be construed as fixing the limit of cost of said building at the sum hereby named, but the building hereby provided for shall be constructed or planned so as to cost, complete, including fireproof vaults, heating and ventilating apparatus, and approaches, but exclusive of site, not exceeding \$350,000.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment was, on page 56, after line 8, to add as a new section, the following:

SEC. 25. That the Secretary of the Treasury be, and he is hereby, authorized and directed to accept for the United States, by donation, without expense to the United States, a suitable site for the use and accommodation of the United States post-office and other governmental offices at Bonne Terre, Mo.: *Provided,* That the Secretary of the Treasury may, in his discretion, accept a title which reserves or excepts all ores and minerals on the lands with the right to mine the same.

The amendment was agreed to.

The next amendment was, on page 63, after line 22, to add as a new section, the following:

SEC. 36. That the Secretary of the Interior be, and he is hereby, directed to acquire, by purchase or condemnation, for the purpose of providing a reservation for a public park, the several parcels of ground in the District of Columbia included between Euclid street, Columbia avenue or Fifteenth street, W street or Florida avenue, and Sixteenth street extended, in Hall and Elvan's subdivision of Meridian Hill, containing in the aggregate 437,000 square feet, more or less; and to pay for the said land and premises so taken, and the improvements thereon, the sum of \$490,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury of the United States not otherwise appropriated: *Provided,* That one-half of the said sum of \$490,000, or so much thereof as may be expended, shall be reimbursed to the Treasury of the United States out of the revenues of the District of Columbia, in four equal annual installments, with interest at the rate of 3 per cent per annum upon the deferred payments: *And provided further,* That one-half of the sum that shall be annually appropriated and expended for the maintenance and improvement of said lands as a public park shall be charged against and paid out of the revenues of the District of Columbia, in the same manner now provided by law in respect to other appropriations for the District of Columbia, and the other half shall be appropriated out of the Treasury of the United States. In case said parcels of ground can not be obtained by purchase at a price satisfactory to said Secretary of the Interior the same shall be condemned in the manner hereinafter prescribed.

That the Attorney-General, upon request of the Secretary of the Interior, is authorized and directed to make application to the supreme court of the District of Columbia, by petition, at a general or special term of said court, for an assessment of the value of said parcels of ground, and said petition shall contain a particular description of the property required, with the name of the owner or owners thereof, and his, her, or their residence, as far as the same can be ascertained, and the said court is hereby authorized and required, upon such application, without delay, to notify the owners and occupants of each such parcel, and to ascertain and assess the value of the same by appointing three commissioners to appraise the values thereof and to return the assessment to the court; and when the values of such parcels are thus ascertained and the said Secretary of the Interior shall deem the same reasonable the sum or sums so ascertained shall be paid into said court for their use. That the fee simple of all premises so appropriated for public use under the provisions hereof, and of which an appraisal shall have been made under the order and by direction of said court, shall upon payment into the said court as aforesaid of the amount so

ascertained and assessed as to each parcel be thereupon vested fully in the United States, and the right of possession thereof.

That the said court may direct the time and manner in which possession of the property condemned shall be taken or delivered, and may, if necessary, enforce any order or issue any process for giving and possession. The cost occasioned by the said condemnation proceedings shall be paid from the Treasury of the United States, out of any money not otherwise appropriated: *Provided,* That one-half of the said cost shall be reimbursed to the Treasury of the United States out of the revenues of the District of Columbia, in four equal annual installments, with interest at the rate of 3 per cent per annum upon the deferred payments. Other costs which may arise in the said proceedings shall be paid as the court may direct.

That whenever and as title to the several parcels of such real estate shall be acquired as aforesaid and the same shall be ready for delivery, and the sufficiency thereof shall be certified by the Attorney-General of the United States, the Secretary of the Treasury is hereby authorized and directed, upon the requisition of the said Secretary of the Interior, to pay into court the condemnation price of such property, parcel by parcel.

That the public park authorized and established by this act shall be under the joint control of the Commissioners of the District of Columbia and the Chief of Engineers of the United States Army.

The amendment was agreed to.

The next amendment was, on page 67, after line 2, to add as a new section the following:

SEC. 37. That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to acquire for a park, by purchase or condemnation, the tract of land known as Montrose, lying immediately north of Road or R street and east of Lovers lane, on Georgetown Heights, containing 16 acres, more or less, at an expense not exceeding \$150,000; and for that purpose the sum of \$150,000 is hereby appropriated, payable one-half out of the revenues of the District of Columbia and one-half out of any money in the Treasury not otherwise appropriated: *Provided,* That one-half of the said sum of \$150,000, or so much thereof as may be expended, shall be reimbursed to the Treasury of the United States out of the revenues of the District of Columbia, in four equal annual installments, with interest at the rate of 3 per cent per annum upon the deferred payments: *And provided further,* That one-half of the sum that shall be annually appropriated and expended for the maintenance and improvement of said lands as a public park shall be charged against and paid out of the revenues of the District of Columbia, in the same manner now provided by law in respect to other appropriations for the District of Columbia, and the other half shall be appropriated out of the Treasury of the United States. If said commissioners shall be unable to purchase said land at a price not exceeding the sum \$150,000, then they shall proceed to acquire said land in the manner prescribed for providing a site for an addition to the Government Printing Office in so much of the act approved July 1, 1898, as is set forth on pages 648 and 649 of volume 30 of the Statutes at Large, and for the purpose of said acquisition the Commissioners of the District of Columbia shall have and exercise all powers conferred upon the Public Printer in said act: *Provided,* That the public park authorized and established by this act shall be under the joint control of the Commissioners of the District of Columbia and the Chief of Engineers of the United States Army.

The amendment was agreed to.

The next amendment was, on page 70, after line 7, to add as a new section the following:

SEC. 41. That the Secretary of the Treasury be, and he is hereby, authorized, in his discretion, to exchange the present United States post-office site at Jeffersonville, Ind., for another suitable site: *Provided,* That such exchange shall be made without expense to the United States.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. BANKHEAD. I should like to have the Secretary turn to page 12, line 16, of the bill, and state the amendment made at that point.

The SECRETARY. On page 12, after line 15, the Committee on Public Buildings and Grounds reported the following amendment:

United States post-office at Searcy, Ala., \$45,000.

On motion of Mr. SCOTT, the name "Alabama" was stricken out, and in lieu thereof the name "Arkansas" was inserted.

Mr. BANKHEAD. That is all right.

Mr. JOHNSTON. Mr. President, I want to call the attention of the Senator from West Virginia [Mr. SCOTT] to line 16, on page 12. The following amendment is reported by the Committee on Public Buildings and Grounds:

United States post-office at Searcy, Ala., \$45,000.

Searcy is a very nice little village, and has about 200 inhabitants. I am satisfied that the appropriation was not intended for Searcy, Ala.

The VICE-PRESIDENT. The amendment has been changed so as to read "Searcy, Ark."

Mr. SCOTT. The amendment was corrected when the bill was being read and the committee amendments being acted on. The Senator from Alabama had called attention to it, and it has been already changed.

Mr. OWEN. On page 70, after line 12, I move to insert as a new section, to be known as section 42, the amendment which I send to the desk, transferring the jails of eastern Oklahoma to the several counties in which they are located, and I submit for the RECORD a letter from the Attorney-General relating thereto.

Mr. SCOTT. I will ask the Senator from Oklahoma whether or not there is any appropriation involved in the amendment?

Mr. OWEN. There is no appropriation whatever involved in the amendment. It is simply to authorize a transfer to the counties of jails that are no longer necessary to the Federal Government.

Mr. SCOTT. As I understand, there will probably be some money coming to the United States Government?

Mr. OWEN. There will be about \$6,000 coming to the United States Government.

Mr. SCOTT. As I am trying to look out for the United States Government, I will accept the amendment as a committee amendment.

The VICE-PRESIDENT. The amendment proposed by the Senator from Oklahoma will be stated.

The SECRETARY. On page 70, after line 12, it is proposed to insert as a new section, to be known as section 42, the following:

That the Attorney-General is hereby authorized and directed to convey unto the city of Muskogee, Okla., the federal jail at that city and all lands set apart therewith for the use of the Federal Government, and to convey unto the county of Craig, Okla., the federal jail at Vinita, Okla., and all lands set apart therewith for the use of the Federal Government, and to convey to the county of Pittsburg, Okla., the federal jail at McAlester, Okla., and all lands set apart for the use of the Federal Government, and to convey to the county of Carter, Okla., the federal jail at Ardmore, Okla., and all lands set apart therewith for the use of the Federal Government: *Provided*, That the properties hereinbefore mentioned shall not be so conveyed by the Attorney-General until the United States is reimbursed the amounts found to be due said United States for the support of Oklahoma prisoners by the United States marshals in the United States jails in Oklahoma from November 16, 1907, to the date of the passage of this act, and until Oklahoma by legislative enactment has made provision making it the duty of the keepers of all jails in Oklahoma to receive and safekeep therein all prisoners committed under the authority of the United States upon the same terms and conditions and under the like penalties as in the case of prisoners committed under authority of said State.

Mr. OWEN. I will say that that amendment was drawn in the Department of Justice itself.

Mr. KEAN. Let us have the letter to which the Senator has referred read.

Mr. SCOTT. I should like to have the Attorney-General's letter read.

Mr. OWEN. I send the letter to the desk.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

DEPARTMENT OF JUSTICE,
Washington, January 31, 1908.

Hon. ROBERT L. OWEN,
United States Senate.

SIR: I have the honor to acknowledge the receipt of your letter of the 18th instant, and, in reply to your inquiries, to inclose a memorandum of the examiner of titles of this department, which shows that the land upon which the United States jail at Muskogee, Okla., is erected is held in fee simple by the United States.

At present, as you are probably aware, the jail buildings owned by the Government at Vinita, Muskogee, McAlester, Ardmore, and Guthrie are occupied by prisoners most of whom were in jail at the time Oklahoma was admitted to statehood and who, by my direction, are being held by the United States marshals pending a determination as to whether they are not prisoners that should be turned over to the local authorities.

When Oklahoma makes provisions for the care of its prisoners, and also United States prisoners under temporary commitment, as well as those sentenced to short terms of imprisonment, similar to the provisions of other States, I see no objection to an act which will donate these jail buildings to the State. This would be in line with similar provisions in other cases where Territories were admitted to statehood.

Respectfully,

CHARLES J. BONAPARTE,
Attorney-General.

Mr. WARREN. Mr. President, I suggest to the Senator from Oklahoma that he have his amendment read as all other legislation of the kind reads, "That the Attorney-General, in his discretion," and so forth. If he will look at section 4, he will understand the suggestion.

Mr. OWEN. I agree to the interlineation suggested by the Senator from Wyoming. I will say that I have telegraphed to the Attorney-General to make a report upon this matter, and have just received from him the following telegram:

WASHINGTON, D. C., June 21.

Hon. R. L. OWEN,
Senate, Washington, D. C.:

I approve of the disposition of the Oklahoma jail matter in accordance with bill drawn in this department this morning.

WICKERSHAM.

The amendment, I repeat, was drawn in the Department of Justice yesterday and sent over to me.

Mr. DEPEW. I suggest to the Senator from Oklahoma that, instead of having the amendment read "authorized and directed," he leave out the words "and directed," so that the matter will be in the discretion of the Attorney-General.

Mr. OWEN. I accept the suggestion of the Senator from New York.

Mr. WARREN. I understand the Senator from Oklahoma to also accept the suggestion which I have made.

Mr. OWEN. Yes.

The VICE-PRESIDENT. The Secretary will state the modified amendment.

The SECRETARY. After the words "Attorney-General of the United States" it is proposed to insert the words "in his discretion," and after the word "authorized" it is proposed to strike out the words "and directed."

The VICE-PRESIDENT. Without objection, the amendment as modified will be agreed to. The Chair hears none.

Mr. FLETCHER. Mr. President, I suggest to the Senator from West Virginia [Mr. SCOTT], on page 64, line 9, after the word "necessary," it would be advisable to insert the words "which sum." As the language now is in the bill it does not make sense.

Mr. SCOTT. I accept the amendment as suggested by the Senator from Florida. It was an oversight in the confusion here in the reading of the bill.

The VICE-PRESIDENT. Without objection, the vote agreeing to the amendment will be reconsidered, and the amendment now proposed by the Senator from Florida will be stated.

The SECRETARY. On page 64, line 9, after the word "necessary," it is proposed to insert the words "which sum."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. GUGGENHEIM. On page 12, line 22, I move an amendment to strike out "seventy-five," before the word "thousand," and to insert in lieu thereof "one hundred," so as to make the appropriation \$100,000.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 12, line 23, before the word "thousand," it is proposed to strike out "seventy-five" and to insert "one hundred," so as to make the clause read:

United States post-office at Grand Junction, Colo., \$100,000.

Mr. SCOTT. In order that that matter may be taken up in conference, I will accept the amendment offered by the Senator from Colorado [Mr. GUGGENHEIM], so that we may have time to look the matter up and see whether there has been any mistake made in regard to it.

The VICE-PRESIDENT. Without objection, the amendment is agreed to.

Mr. NEWLANDS. Mr. President, I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Nevada will be stated.

The SECRETARY. It is proposed to add at the end of the bill the following:

That the office of the Supervising Architect of the Treasury shall hereafter be known as the bureau of public buildings and arts, and the Supervising Architect of the Treasury shall hereafter be known as the director of public buildings and arts. The present officials and employees of the Supervising Architect's office shall be the officials and employees of such bureau of public buildings and arts, and all appropriations, compensations, and salaries now authorized by law regarding the office of the Supervising Architect of the Treasury shall be available by such bureau. All the duties now required of the Supervising Architect of the Treasury shall become the duties of the director of public buildings and arts, and he shall have general direction of all work placed in charge of the bureau. Such bureau shall, until otherwise provided by law, be under the general supervision of the Secretary of the Treasury.

That the bureau of public buildings and arts shall have control of the construction and alteration of all public buildings, including the furniture and equipment for the same, the selection of sites for buildings and monuments, the landscape treatment of public grounds and parks, the selection and installation of statuary and paintings, and all other work of an artistic nature, and of the repair and preservation of the same, unless specifically otherwise directed by Congress. That the director of public buildings and arts shall, with the approval of the Secretary of the Treasury, organize such bureau into such divisions as will carry out the purposes of this act.

That it shall be the duty of the commission of fine arts to aid the director of public buildings and arts by their advice in matters of general artistic character in the various branches under his control; to aid in the selection of competitors where work in any of the branches is to be carried out under competition; to advise upon the character, design, site, and landscape treatment of all public works of architecture, painting, sculpture, monuments, parks, bridges, and other works of which the art of design forms a part; and to make recommendations for the conservation of all historic monuments.

Mr. SCOTT. Mr. President, I do not see any necessity for that amendment, and I raise the point of order that it is new legislation. I ask the ruling of the Chair.

The VICE-PRESIDENT. The Chair knows of no rule which prevents any such amendment as that offered by the Senator from Nevada upon a bill of this character.

Mr. KEAN. This is not a general appropriation bill.

The VICE-PRESIDENT. It is not a general appropriation bill.

Mr. NEWLANDS. I should like to make a statement.

Mr. SCOTT. I move, then, to lay the amendment on the table.

The VICE-PRESIDENT. The Senator from West Virginia moves that the amendment proposed by the Senator from Nevada be laid on the table.

Mr. NEWLANDS. I offered the amendment and had the floor. I have not yielded the floor.

Mr. SCOTT. I did not yield the floor, and I am in charge of the bill.

Mr. NEWLANDS. I do not understand that the chairman of the committee can take me off the floor for the purpose of making a motion to lay the amendment on the table. I wish to say a few words regarding the amendment, and then let it be disposed of, either by a motion to lay it on the table or otherwise.

Mr. SCOTT. I understood I had the floor, and yielded to the Senator from Nevada for the purpose of offering an amendment. I did not yield the floor.

The VICE-PRESIDENT. The Senator from Nevada [Mr. NEWLANDS] offered an amendment, and he is correct in stating that he had at no time surrendered the floor. The Chair supposed that he had, but the Chair now remembers that the Senator from Nevada never took his seat.

Mr. SCOTT. I hold that I had the floor, and I move to lay the amendment on the table.

The VICE-PRESIDENT. The Chair will recognize the Senator from West Virginia when the floor is unoccupied, but it has been occupied ever since the Senator from Nevada offered his amendment.

Mr. NEWLANDS. Mr. President, this bill is one making very large appropriations for public buildings, and among others an appropriation for a new building for the State, Post-Office, and other departments aggregating about \$8,000,000. The amendment which I offer is substantially a bill which I submitted some months ago and which provided for a bureau of public buildings and arts and also for a council of arts. That bill was referred to the Committee on the Library. When it came to that committee the chairman was doubtful as to the jurisdiction. Certainly the jurisdiction was a divided one, the Committee on Public Buildings and Grounds having jurisdiction of public buildings and the Committee on the Library having jurisdiction of measures relating to the arts. The bill, therefore, did not receive the consideration of the Committee on Public Buildings and Grounds, though I would have been glad to have had it referred to that committee.

So far as the council of arts is concerned, which was covered by this bill, it has already been provided for by recent action of Congress in the passage of a bill providing for a commission of fine arts under which seven men eminent in art have been appointed by the President. It seems to me that it is very desirable at this time, when we are entering upon very large expenditures for our public buildings, to have a proper organization of the service that is to attend to this great work.

The same criticism applies to the matter of public buildings that applies to the development of our waterways, namely, that our appropriations are going far ahead of efficient organization. I believe that the chairman of the committee and members of the Committee on Public Buildings and Grounds realize this fact, and I submit to them that this would be an appropriate time for so organizing the Supervising Architect's office of the Treasury as to make it the efficient means of carrying out the will of Congress.

Mr. President, the Institute of Architects has spoken upon this matter. It has presented a very able report through the committee on the bureau of arts, of which Mr. Trowbridge, of New York, is the chairman, from which I shall ask leave to insert some extracts in the RECORD.

In that report, Mr. President, the fact is pointed out that every civilized country has organized its great constructive work in some efficient way. In some of them they have a ministry of fine arts, which includes architecture and construction, and in others they have various forms of organization, involving the scientific coordination of all the various services which relate to construction in any form and the union of construction with art in such a way as to make great public buildings and monuments go down to posterity as fit examples of the culture of the time.

Mr. President, we have been so busy with practical matters, the development of rivers, and the construction of public buildings, that we have never yet taken hold efficiently of the artistic side of this work. We have taken a step in this direction recently by the organization of a Commission of the Fine Arts. It seems to me that we should go further and organize a bureau of public buildings and of arts, which can act in cooperation with this commission, calling it to its aid whenever it is needed.

I am aware that in the closing days of the session it is impossible to press upon the attention of the Senate this important subject; but I know that upon the Committee on Public Build-

ings and Grounds there are members, notably the Senator from Idaho [Mr. HEYBURN], who realize the value of the artistic and architectural development of the Nation and the value of these great public buildings as monuments to be handed down to posterity as evidences of the cultivation of our time.

I will not press this amendment at this time. I simply sought this opportunity to put in the RECORD certain matters upon this subject, and I trust that the committee will take hold of this subject at the next session and present some plan for a thoroughly efficient organization of the conduct of this great work.

At present the constructive work of the country is being done by the various departments in detached ways. There is no relation between them, no cooperation between them, and as yet there has been no thorough study of the adaptation of our public buildings to the various localities, their environment, their uses, and their future enlargement.

Everything has been done in an accidental way, through the recommendations of individual Representatives in Congress and individual Senators, who voice simply the sentiments of their communities with reference to the national needs there. It does seem to me that a thorough system should be organized, and I am sure that this is the view of the majority of the Committee on Public Buildings and Grounds. I hope that before long the agitation which has been conducted with so much vigor by the American Institute of Architects and by the artists and constructors of the country, and which is now having a great effect upon public opinion, will be felt in the legislation to be adopted in Congress. It is to be hoped that the President will enlist the Council of Arts, which embraces such distinguished constructors as Mr. Burnham, Mr. Hastings, and others, in the work of planning the organization of a bureau of public buildings, in order that Congress may have the benefit of their experience and recommendations.

I will withdraw my amendment and ask permission to insert in the RECORD certain extracts from the proceedings of these various organizations upon this subject.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The amendment is withdrawn. Without objection, the request of the Senator from Nevada to print certain extracts in the RECORD is granted.

The extracts referred to will be printed hereafter. The bill referred to is as follows:

[Sixty-first Congress, second session, Senate of the United States, December 10, 1909.]

Mr. NEWLANDS introduced the following bill; which was read twice and referred to the Committee on the Library.

A bill (S. 3718) for the creation of a bureau of arts and public buildings and of a council of the arts, and defining their duties.

Be it enacted, etc., That the office of the Supervising Architect of the Treasury shall hereafter be known as the bureau of arts and public buildings, and the Supervising Architect of the Treasury shall hereafter be known as the director of arts and public buildings. The present officials and employees of the Supervising Architect's office shall be the officials and employees of such bureau of arts and public buildings, and all appropriations, compensations, and salaries now authorized by law regarding the office of the Supervising Architect of the Treasury shall be available by such bureau. All the duties now required of the Supervising Architect of the Treasury shall become the duties of the director of arts and public buildings, and he shall have general direction of all work placed in charge of the bureau. Such bureau shall, until otherwise provided by law, be under the general supervision of the Secretary of the Treasury.

SEC. 2. That the bureau of arts and public buildings shall have control of the construction and alteration of all public buildings, including the furniture and equipment for the same, the selection of sites for buildings and monuments, the landscape treatment of public grounds and parks, the selection and installation of statuary and paintings, and all other work of an artistic nature, and of the repair and preservation of the same, unless specifically otherwise directed by Congress.

SEC. 3. That the President is authorized to appoint, by and with the consent of the Senate, an advisory council, to be known as the council of the arts, composed of not more than 30 eminent architects, painters, sculptors, landscape architects, and laymen, such body to be selected from names submitted to the President by the directors of the American Institute of Architects.

SEC. 4. That the duties of the council of the arts shall be to aid the director of arts and public buildings by their advice in matters of general artistic character in the various branches under his control; to aid in the selection of competitors where work in any of the branches is to be carried out under competition; to advise upon the character, design, site, and landscape treatment of all public works of architecture, painting, sculpture, monuments, parks, bridges, and other works of which the art of design forms a part; and to make recommendations for the conservation of all historic monuments. Such council shall serve without compensation, but the expenses necessarily incurred in the performance of their duties shall be paid from appropriations made for the conduct of the bureau. Such council shall make annual reports to the President of the United States, with such recommendations and suggestions as seem to them desirable; such reports shall be transmitted to Congress; and either House of Congress may at any time call upon such council for advice and reports.

SEC. 5. That the director of arts and public buildings shall be appointed by the President, by and with the consent of the Senate, from names submitted to him by the council of the arts. He must be, by education and experience, technically fitted to carry out the work of the bureau.

SEC. 6. That the director of arts and public buildings shall, with the approval of the Secretary of the Treasury, organize such bureau into such divisions as will carry out the purposes of this act.

that distribution as uniform and extended as it could be made. There is nothing vicious in the tendency of any law which leads people to invest in the bonds of the United States.

But, Mr. President, I am seeking this ghost of concentration, and I challenge Senators, who know where that concentration will occur through the machinations of these trustees, to give us the location of the haunted premises. The money, the 30 per cent, will pass from the banks, not into the Treasury, but into the securities that are bought, and the cash will be paid into the Treasury when the Treasury issues the bonds, and thereupon the money will become the property of the United States, and the bonds will become the property of the trustees of the savings institutions. So it would be with the 65 per cent should any condition ever arise when it was deemed necessary to invest this 65 per cent. But, if our theory is correct, the 65 per cent left in the banks will be largely new money that is not now in general circulation.

As I have taken occasion heretofore to state, in Austria some 40 odd per cent of the postal savings depositors are children, students, and working people, three classes who ordinarily have no banking accounts at all.

Thus the currency of the country, the lifeblood of our commerce, will be enriched, and the banks of the various localities, now apprehending dire consequences, will, if conducted according to good banking methods, increase their deposits rather than diminish them because of the thrift of the body of the people in each neighborhood.

Mr. SHIVELY. Mr. President—
The VICE-PRESIDENT. Will the Senator from Montana yield to the Senator from Indiana?

Mr. CARTER. I am glad to yield.
Mr. SHIVELY. I would like to call the Senator's attention to page 12 of the bill. The matter may not be unimportant, but I am curious to know just what it means. It reads:

Provided, That the Postmaster-General may, with the approval of the board of trustees, adopt some other device or devices in lieu of a pass book as a means of making and preserving evidence of deposits and withdrawals.

Will the Senator have the kindness to indicate what kind of device or devices are contemplated by this provision?

Mr. CARTER. That provision was inserted because of the inability of the committee at the time the bill was being considered to reach a conclusion sufficiently accurate to approve any of the many devices that were offered. There are certain devices used by the express companies and to some extent by the Post-Office Department for the purpose of minimizing the amount of bookkeeping to be done in connection with small accounts.

At the town of Petersburg, in Virginia, a company is possessed of a device which seems to be capable of keeping an account by merely punching out numbers with a punch in such fashion that if a depositor had one of these sheets and made a deposit at the post-office he would simply have the postmaster punch out the amount of the deposit with a peculiarly arranged punch.

Mr. SHIVELY. I can understand that if the "device" means something of that sort, it is unimportant; but may not this device take the form of a certificate authorized by the Postmaster-General, payable to the depositor or bearer, and capable of transfer? And might not the Postmaster-General break an account of \$100 into ten equal parts, and issue so many certificates capable of being placed in circulation?

Mr. CARTER. No. Obviously the Senator will observe that the terms which provide that he may adopt some other device "in lieu of" or as a substitute for the pass book.

Mr. SHIVELY. The certificate would be a substitute for the pass book as an evidence of the debt. To evidence the debt is the purpose of the pass book and of any device substituted for the pass book.

Mr. CARTER. It would cease to be a register upon which a series of deposits could be made as in the case of the pass book. It would have to be some device held in the possession of the depositor which could be presented at the post-office in lieu of the pass book, a bookkeeping device, of course; and the phraseology was inserted for the purpose of allowing the department some latitude in case a device of that kind, which was entirely secure and would work economy in the matter of bookkeeping while preserving the element of safety, could be hereafter approved by the department.

Mr. President, aside from this bond feature and the security feature, there remains the question of the indemnity bond. The bill as it passed the Senate provided that bonds of indemnity could be given by banks to secure deposits made by the Government, or, according to the bill as passed, the banks might elect to put up approved collateral security rather than indemnity bonds. The House provision eliminates the indem-

nity bond and confines it to collateral security backed by the taxing power. That, in my opinion, is more desirable than indemnity bonds signed by individuals.

If we were dealing with the subject at an earlier day in the session, I would look with some favor upon prescribing bonds of indemnity, provided they could be confined to solvent, reliable, surety companies; but I do think, upon reflection, that the Senate provision in that behalf which made it permissible to receive personal security was an ill-advised provision. We all know, or at least those of us who have practiced law to any extent, that banks, when called upon to give security, attachment bonds or other bonds, do not as a rule go to the men who have heavy balances in the bank. They generally, to use the language of the streets, "lay down" on the fellow who is in debt; so it is the debtor who would be hurt by these indemnity bonds when furnished by the banks, and these debtors, as a rule, would go to the wall when the bank closed its doors and became unable to extend its accommodations.

But this bill has reached a stage, in a parliamentary sense, where for the purpose of curing at the moment any little defect in that direction it seems to me better to err on the side of safety, because the collateral called for by this bill will insure the repayment of the government money without any litigation whenever a loss is incurred.

Finally in the bill comes a new provision, but it is not new to our consideration. In the bill of 1907, and again in the bill of 1908, presented by me to the Senate, and in numerous bills presented to both Houses of Congress for a long series of years, there occurred a provision which contemplated the transfer of the open account into a government bond of small denomination. Under the bills heretofore presented, as a rule, a depositor having \$10 at the post-office could elect to take a bond of the United States, and thus close up his account, or have it charged off to that extent. This bill, however, confines the small bonds to bonds of \$20, \$40, \$60, \$80, \$100, and \$500.

It leaves it optional with the depositor in the savings banks to take the bond for deposited amounts up to \$20, or some multiple thereof, and thus draw one-half of 1 per cent interest more than open accounts will draw. I am inclined to the opinion that the small denomination bonds will become very popular with the people of the country; that we will have young folks, who never saw a bond of the United States, and who, without this provision, would never see one, anxious to get one or more of these bonds.

I remember when the bonds of the Spanish-American war were issued I subscribed for two bonds of \$20 each for my small boys. I have known the boys to be very hard up since then—and they are good-sized young men now—but up to this hour they have never allowed either the principal or the interest on these bonds to be touched. I think they would borrow money from some one else rather than cash in the bonds. They are proud of having these bonds of the United States, the first property they ever owned, and I believe they will keep them until maturity, and probably some time after that, unless I remain in politics so long as to be compelled to sell everything about the premises.

Mr. President, still another feature that is new relates to the significance of the judgments of the courts as applied to deposits of deceased depositors, but that is a mere detail. Then there is a section which pledges the faith of the United States to the payment of all the depositors.

After having given the subject of postal savings banks most serious consideration for years, believing that they will prove an unmixed blessing to the struggling men, women, and children of this country, knowing the provisions of this House amendment as I do, I feel that I can assure every Senator who votes for the bill that he will find ample justification for his vote in the operations of the law when placed upon the statute books.

Mr. BURTON. I ask unanimous consent to insert in my remarks on this subject delivered yesterday certain statements and tables relating to United States and other bonds.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Ohio? The Chair hears none, and it is so ordered.

Mr. CARTER. I desire to inquire whether the yeas and nays have been ordered on any amendment.

The VICE-PRESIDENT. They have not been.

Mr. CARTER. I will inquire, then, what amendment is now pending.

The VICE-PRESIDENT. The amendment submitted by the Senator from Kansas [Mr. BRISTOW] is pending.

FIFTIETH ANNIVERSARY OF BATTLE OF GETTYSBURG.

The VICE-PRESIDENT appointed Mr. OLIVER, Mr. HEYBURN, and Mr. RAYNER members of the joint committee, on the part of the Senate, to confer with the fiftieth anniversary of the

battle of Gettysburg commission, in compliance with concurrent resolution of the House of Representatives No. 47, Sixty-first Congress, second session.

GEORGE DRAKE AND LILLIE NELSON.

Mr. BURNHAM. I am directed by the Committee on Claims, to whom was referred the bill (H. R. 19499) for the relief of George Drake and Lillie Nelson, to report it favorably without amendment, and I submit a report (No. 906) thereon.

Mr. JONES. I ask unanimous consent for the present consideration of the bill. It is very short.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to George Drake, of Olympia, Thurston County, Wash., \$237.50, and to Lillie Nelson, of Olympia, Wash., \$195, in full to them for injuries sustained by their minor children by the accidental explosion of a shell near the government artillery target range at Mount Prairie, Wash.

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

COMMANDER KENNETH M'ALPINE.

Mr. SMITH of Maryland. Are we going on with the calendar?

The VICE-PRESIDENT. There is but half a minute remaining before 5 o'clock.

Mr. SMITH of Maryland. I think we can get through with the bill I wish to call up in that time. I ask for the consideration of the bill (H. R. 21090) authorizing the President of the United States to appoint Commander Kenneth McAlpine a commander in the navy on the active list.

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

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

POSTAL SAVINGS DEPOSITORIES.

The Senate resumed the consideration of the amendment of the House of Representatives to the bill (S. 5876) to establish postal savings depositories for depositing savings at interest with the security of the Government for repayment thereof, and for other purposes.

The VICE-PRESIDENT. The hour of 5 o'clock having arrived, the Secretary will state the pending question.

The SECRETARY. The pending question is the amendment offered by the Senator from Kansas [Mr. BRISTOW], in section 3, page 11, line 22, after the word "designate" to strike out "such;" in the same line, after the word "post-offices," to strike out "as it may select," and in line 23, after the word "offices" to insert "upon a petition of 5 per cent of the patrons of such office," so that the clause will read:

That said board of trustees is hereby authorized and empowered to designate post-offices to be postal savings depository offices upon a petition of 5 per cent of the patrons of such office.

The VICE-PRESIDENT. The Senator from Kansas moves to amend the amendment of the House by the amendment which has been read. The question is on agreeing to the amendment of the Senator from Kansas.

The amendment to the amendment of the House was rejected.

The VICE-PRESIDENT. The question now is on the motion of the Senator from Montana [Mr. CARTER], that the Senate concur in the amendment of the House of Representatives.

Mr. BRISTOW. I offer an amendment, on page 17, lines 23 and 24, to strike out the words "two and one-half" and insert in lieu thereof the word "three," so as to read:

Which bonds shall bear interest at the rate of 3 per cent per annum.

Upon this amendment I ask for the yeas and nays.

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

Mr. CLAY (when his name was called). I announce my pair with the junior Senator from New York [Mr. ROOR] and the transfer of that pair to the senior Senator from Virginia [Mr. DANIEL], and I will vote. I vote "yea."

Mr. PAGE (when Mr. DILLINGHAM's name was called). I announce in behalf of my colleague [Mr. DILLINGHAM], who is detained by illness, that if present he would vote "nay." He is paired with the senior Senator from South Carolina [Mr. TILLMAN].

Mr. FLINT (when his name was called). I am paired with the senior Senator from Texas [Mr. CULBERSON]. I transfer that pair to the junior Senator from Nevada [Mr. NIXON]. I vote "nay."

Mr. OVERMAN (when Mr. FOSTER's name was called). I desire to announce that the Senator from Louisiana [Mr.

FOSTER] is unavoidably absent. He is paired with the Senator from North Dakota [Mr. MCCUMBER].

Mr. GUGGENHEIM (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. PAYNTER] and withhold my vote.

Mr. JOHNSTON (when his name was called). I am paired with the junior Senator from Michigan [Mr. SMITH]. I transfer that pair to the junior Senator from Arkansas [Mr. DAVIS] and vote "yea."

Mr. BACON (when Mr. MARTIN's name was called). I was requested to announce that the Senator from Virginia [Mr. MARTIN] is absent on account of illness in his family. His pair will subsequently be announced.

Mr. PILES (when his name was called). I am paired with the senior Senator from Iowa [Mr. DOLLIVER]. If he were present, I would vote "nay."

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

Mr. DU PONT (when Mr. RICHARDSON's name was called). My colleague [Mr. RICHARDSON] is absent from the city. If present and free to vote, he would vote "nay." As has been announced, he stands paired with the junior Senator from Virginia [Mr. MARTIN].

Mr. SCOTT (when his name was called). I have a general pair with the senior Senator from Florida [Mr. TALLAFERRO]. I transfer that pair to the junior Senator from Illinois [Mr. LORIMER] and vote "nay." I make this announcement for the day.

Mr. SIMMONS (when his name was called). I have a pair on this bill and on the amendments to the bill with the senior Senator from Pennsylvania [Mr. PENROSE]. If he were present, I would vote "yea."

Mr. WARREN (when his name was called). I stand paired with the senior Senator from Mississippi [Mr. MONEY]. I therefore withhold my vote.

Mr. WETMORE (when his name was called). I desire to announce the pair of my colleague [Mr. ALDRICH], who is unavoidably absent from the Senate, with the Senator from Arkansas [Mr. CLARKE]. I vote "nay."

The roll call having been concluded, the result was announced—yeas 25, nays 40, as follows:

| YEAS—25. | | | |
|----------------|-------------|------------|--------------|
| Bacon | Cummins | Newlands | Smith, Md. |
| Bankhead | Fletcher | Overman | Smith, S. C. |
| Beveridge | Frazier | Owen | Stone |
| Borah | Gore | Percy | Taylor |
| Bristow | Hughes | Purcell | |
| Chamberlain | Johnston | Rayner | |
| Clay | La Follette | Shively | |
| NAYS—40. | | | |
| Bourne | Carter | Flint | Nelson |
| Bradley | Clark, Wyo. | Frye | Oliver |
| Brandegee | Crane | Gallinger | Page |
| Briggs | Crawford | Gamble | Perkins |
| Brown | Cullom | Hale | Scott |
| Bulkeley | Curtis | Heyburn | Smoot |
| Burkett | Depew | Jones | Stephenson |
| Burnham | Dick | Kean | Sutherland |
| Burrows | du Pont | Lodge | Warner |
| Burton | Elkins | McEnery | Wetmore |
| NOT VOTING—27. | | | |
| Aldrich | Dillingham | Martin | Root |
| Bailey | Dixon | Money | Simmons |
| Clapp | Dolliver | Nixon | Smith, Mich. |
| Clarke, Ark. | Foster | Paynter | Tallafarro |
| Culbertson | Guggenheim | Penrose | Tillman |
| Daniel | Lorimer | Piles | Warren |
| Davis | McCumber | Richardson | |

So Mr. BRISTOW's amendment to the amendment of the House was rejected.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Montana [Mr. CARTER] that the Senate concur in the House amendment.

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

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

Mr. JOHNSTON (when his name was called). I announce my pair with the junior Senator from Michigan [Mr. SMITH], which I transfer to the junior Senator from Arkansas [Mr. DAVIS]. I vote "nay."

Mr. BACON (when Mr. MARTIN's name was called). I again announce the absence of the Senator from Virginia [Mr. MARTIN] on account of illness in his family. I will state that if he were present he would vote "nay."

Mr. PILES (when his name was called). I am paired with the senior Senator from Iowa [Mr. DOLLIVER]. He was compelled to leave the Chamber this afternoon on account of indis-

position. He authorized me to state that if he were present he would vote "nay." Were he present I should vote "yea."

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

Mr. DU PONT (when Mr. RICHARDSON'S name was called). My colleague [Mr. RICHARDSON] is absent from the city. Were he present and allowed to vote, he would vote "yea."

Mr. SIMMONS (when his name was called). I have a pair upon this bill with the senior Senator from Pennsylvania [Mr. PENROSE]. If he were present, I would vote "nay."

Mr. WARREN (when his name was called). I again announce my pair with the Senator from Mississippi [Mr. MONEY].

Mr. WETMORE (when his name was called). My colleague [Mr. ALDRICH] is paired with the senior Senator from Arkansas [Mr. CLARKE]. If my colleague were present, he would vote "yea." I vote "yea."

The roll call was concluded.

Mr. OVERMAN. I desire to announce that the junior Senator from Louisiana [Mr. FOSTER] is paired with the Senator from North Dakota [Mr. McCUMBER]. The Senator from Louisiana is unavoidably absent. If he were present, he would vote "nay."

Mr. PAGE. I again announce the absence of my colleague [Mr. DILLINGHAM] on account of illness. He is paired with the Senator from South Carolina [Mr. TILLMAN]. If my colleague were here and voting, he would vote "yea."

Mr. CLAY. I transfer my pair with the junior Senator from New York to the senior Senator from Virginia [Mr. DANIEL] and I will vote. I vote "nay."

The result was announced—yeas 44, nays 25, as follows:

| | | | |
|----------------|-------------|------------|--------------|
| YEAS—44. | | | |
| Beveridge | Burton | du Pont | Lodge |
| Borah | Carter | Elkins | Nelson |
| Bourne | Chamberlain | Flint | Oliver |
| Bradley | Clark, Wyo. | Frye | Page |
| Brandeggee | Crane | Gallinger | Perkins |
| Briggs | Crawford | Gamble | Scott |
| Brown | Cullom | Guggenheim | Smoot |
| Burkeley | Curtis | Hale | Stephenson |
| Burkett | Depew | Heyburn | Sutherland |
| Burnham | Dick | Jones | Warner |
| Burrows | Dixon | Kean | Wetmore |
| NAYS—25. | | | |
| Bacon | Frazier | Overman | Smith, Md. |
| Bailey | Gore | Owen | Smith, S. C. |
| Bankhead | Hughes | Paynter | Stone |
| Bristow | Johnston | Percy | Taylor |
| Clay | La Follette | Purcell | |
| Cummins | McEnery | Rayner | |
| Fletcher | Newlands | Shively | |
| NOT VOTING—23. | | | |
| Aldrich | Dillingham | Money | Simmons |
| Clapp | Dolliver | Nixon | Smith, Mich. |
| Clarke, Ark. | Foster | Penrose | Taliaferro |
| Culberson | Lorimer | Piles | Tillman |
| Daniel | McCumber | Richardson | Warren |
| Davis | Martin | Root | |

So the amendment of the House of Representatives was concurred in.

CONSERVATION OF NAVIGABLE RIVERS.

Mr. BRANDEGEE. I move that the Senate proceed to the consideration of the bill (S. 4501) to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers.

Mr. NEWLANDS. Mr. President—

Mr. LODGE. The motion is not debatable.

Mr. BURTON. I desire—

The VICE-PRESIDENT. The motion is not debatable.

Mr. BURTON. I ask unanimous consent—

Mr. GALLINGER and Mr. LODGE. I object.

The VICE-PRESIDENT. Objection is made.

Mr. BAILEY. I rise to a parliamentary inquiry.

The VICE-PRESIDENT. The Senator will state it.

Mr. BAILEY. Is the motion amendable?

The VICE-PRESIDENT. It is not amendable.

Mr. BAILEY. If it were—

The VICE-PRESIDENT. It is not debatable.

Mr. BURROWS. Of course it is not debatable, but I desire to inquire of the Senator from Connecticut how long this measure will probably—

The VICE-PRESIDENT. That is debate. The motion is not debatable. The question is on agreeing to the motion of the Senator from Connecticut. [Putting the question.] The yeas appear to have it.

Mr. BAILEY and Mr. NEWLANDS called for the yeas and nays, and they were ordered.

The VICE-PRESIDENT. The Secretary will call the roll.

Mr. BURROWS. Would it be in order to make a parliamentary inquiry?

The VICE-PRESIDENT. The Chair will recognize the Senator from Michigan for that purpose.

Mr. BURROWS. If this motion should not prevail, would it then be in order to move to consider what is known as the publicity bill?

The VICE-PRESIDENT. It would then be in order to consider some other bill.

Mr. CULLOM. I desire to announce that I shall move an executive session as soon as the motion is disposed of.

The VICE-PRESIDENT. The Secretary will call the roll on the motion of the Senator from Connecticut to proceed to the consideration of Senate bill 4501.

The Secretary proceeded to call the roll.

Mr. CLAY (when his name was called). I am paired with the junior Senator from New York [Mr. ROOF].

Mr. JOHNSTON (when his name was called). I am paired with the junior Senator from Michigan [Mr. SMITH].

Mr. SIMMONS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the Senator from Virginia [Mr. MARTIN] and vote. I vote "yea."

Mr. WARREN (when his name was called). I announce my pair with the senior Senator from Mississippi [Mr. MONEY]. The roll call was concluded.

Mr. OVERMAN. The Senator from Maryland [Mr. RAYNER] is unavoidably absent. He is paired with the junior Senator from Delaware [Mr. RICHARDSON].

The result was announced—yeas 48, nays 16, as follows:

| | | | |
|----------------|-------------|-------------|--------------|
| YEAS—48. | | | |
| Bacon | Clark, Wyo. | Gallinger | Perkins |
| Beveridge | Crane | Gamble | Piles |
| Bradley | Cullom | Guggenheim | Purcell |
| Brandeggee | Cummins | Hale | Scott |
| Briggs | Curtis | La Follette | Simmons |
| Burkeley | Depew | Lodge | Smith, S. C. |
| Burkett | Dixon | McEnery | Smoot |
| Burnham | du Pont | Nelson | Stephenson |
| Burrows | Elkins | Oliver | Sutherland |
| Carter | Fletcher | Overman | Taylor |
| Chamberlain | Flint | Page | Warner |
| Clapp | Frazier | | Wetmore |
| NAYS—16. | | | |
| Bailey | Brown | Gore | Newlands |
| Bankhead | Burton | Heyburn | Paynter |
| Bourne | Crawford | Hughes | Percy |
| Bristow | Dick | Jones | Shively |
| NOT VOTING—28. | | | |
| Aldrich | Dillingham | Martin | Root |
| Borah | Dolliver | Money | Smith, Md. |
| Clarke, Ark. | Foster | Nixon | Smith, Mich. |
| Clay | Frye | Owen | Stone |
| Culberson | Johnston | Penrose | Taliaferro |
| Daniel | Lorimer | Rayner | Tillman |
| Davis | McCumber | Richardson | Warren |

So Mr. BRANDEGEE'S motion was agreed to.

Mr. CULLOM obtained the floor.

Mr. LODGE. I ask unanimous consent to lay aside the unfinished business temporarily.

Mr. BAILEY. Pending that request for unanimous consent, I want to ask if the Senator from Illinois [Mr. CULLOM] intends immediately to move an executive session?

Mr. CULLOM. I do intend to do so.

Mr. BAILEY. Then, Mr. President, I shall object, unless we are afforded an opportunity to take up the publicity bill.

The VICE-PRESIDENT. Objection is made to the request of the Senator from Massachusetts [Mr. LODGE]. The Senator from Illinois.

Mr. HALE. Regular order, Mr. President.

The VICE-PRESIDENT. The regular order is demanded.

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

Mr. LODGE. I hope that that motion will not prevail.

The VICE-PRESIDENT. The question is on the motion of the Senator from Illinois [Mr. CULLOM] that the Senate proceed to the consideration of executive business.

The motion was not agreed to.

Mr. BRANDEGEE. Mr. President—

Mr. LODGE. I now renew my request—

The VICE-PRESIDENT. The Senator from Massachusetts will allow the Senator from Connecticut [Mr. BRANDEGEE] to make a statement, which he evidently desires to make.

Mr. LODGE. Certainly, I will.

Mr. BAILEY. Then, I will not object.

Mr. LODGE. I want the bill to which the Senator refers to come up. I do not mean to oppose it.

The VICE-PRESIDENT. The Senator from Connecticut [Mr. BRANDEGEE] is recognized, the Senator from Massachusetts [Mr. LODGE] having surrendered the floor.

Mr. BRANDEGEE. Mr. President, I do not intend to ask the Senate to go on to-night with the bill which has been taken up; but I desire to ask unanimous consent that the bill, together with the report of the Committee on Forest Reservations and the Protection of Game and the report by the Secretary of Agriculture, which I send to the desk, may be printed in the RECORD, so that Senators may have an opportunity to read them to-morrow morning. If that request is granted, I shall then ask unanimous consent to temporarily lay aside the unfinished business.

The VICE-PRESIDENT. Is there objection to the first request made by the Senator from Connecticut [Mr. BRANDEGEE] as to the printing in the RECORD of the documents referred to by him? The Chair hears none.

The documents referred to are as follows:

(Amendments are inclosed in brackets.)

A bill (S. 4501) to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers.

Be it enacted, etc., That the consent of the Congress of the United States is hereby given to each of the several States of the Union to enter into any agreement or compact, not in conflict with any law of the United States, with any other State or States for the purpose of conserving the forests and the water supply of the States entering into such agreement or compact.

SEC. 2. That the sum of \$200,000 is hereby appropriated and made available until expended, out of any moneys in the National Treasury not otherwise appropriated, to enable the Secretary of Agriculture to cooperate with any State or group of States, when requested to do so, in the protection from fire of the forested watersheds of navigable streams; and the Secretary of Agriculture is hereby authorized, and on such conditions as he deems wise, to stipulate and agree with any State or group of States to cooperate in the organization and maintenance of a system of fire protection on any private or state forest lands within such State or States and situated upon the watershed of a navigable river: *Provided*, That no such stipulation or agreement shall be made with any State which has not provided by law for a system of forest-fire protection: *Provided, further*, That in no case shall the amount expended in any State exceed in any fiscal year the amount appropriated by that State for the same purpose during the same fiscal year.

SEC. 3. That the Secretary of Agriculture, for the further protection of the watersheds of said navigable streams, may, in his discretion, and he is hereby authorized, on such conditions as he deems wise, to stipulate and agree to administer and protect for a definite term of years any private forest lands situated upon any such watershed whereon lands may be permanently reserved, held, and administered as national forest lands; but such stipulation or agreement shall provide that the owner of such private lands shall cut and remove the timber thereon only under such rules and regulations, to be expressed in the stipulation or agreement, as will provide for the protection of the forest in the aid of navigation: *Provided*, That in no case shall the United States be liable for any damage resulting from fire or any other cause.

SEC. 4. That there is hereby appropriated, for the fiscal year ending June 30, 1910 [1911], the sum of \$1,000,000, and for each fiscal year thereafter a sum not to exceed \$2,000,000 for use in the examination, survey, and acquirement of lands located on the headwaters of navigable streams or those which are being or which may be developed for navigable purposes: *Provided*, That the provisions of this section shall expire by limitation on the 30th day of June, 1915 [1916].

SEC. 5. That a commission, to be known as the national forest reservation commission, consisting of the Secretary of War, the Secretary of the Interior, the Secretary of Agriculture, and two Members of the Senate, to be selected by the President of the Senate, and two Members of the House of Representatives, to be selected by the Speaker, is hereby created and authorized to consider and pass upon [the question of purchasing] such lands as may be recommended for purchase as provided in section 6 [7] of this act, and to fix the price or prices at which such lands may be purchased, and no purchases shall be made of any lands until such lands have been duly approved for purchase by said commission: *Provided*, That the members of the commission herein created shall serve as such only during their incumbency in their respective official positions, and any vacancy on the commission shall be filled in the manner as the original appointment.

SEC. 6. That the commission hereby appointed shall, through its president, annually report to Congress, not later than the first Monday in December, the operations and expenditures of the commission, in detail, during the preceding fiscal year.

SEC. 7. That the Secretary of Agriculture is hereby authorized and directed to examine, locate, and recommend for purchase such lands as in his judgment may be necessary to the regulation of the flow of navigable streams, and to report to the national forest reservation commission the results of such examinations: *Provided*, That before any lands are purchased by the national forest reservation commission said lands shall be examined by the Geological Survey and a report made to the Secretary of Agriculture, showing that the control of such lands will promote or protect the navigation of streams on whose watersheds they lie.

SEC. 8. That the Secretary of Agriculture is hereby authorized to purchase, in the name of the United States, such lands as have been approved for purchase by the national forest reservation commission at the price or prices fixed by said commission: *Provided*, That no deed or other instrument of conveyance shall be accepted or approved by the Secretary of Agriculture under this act until the legislature of the State in which the land lies shall have consented to the acquisition of such land by the United States for the purpose of preserving the navigability of navigable streams.

SEC. 9. That the Secretary of Agriculture may do all things necessary to secure the safe title in the United States to the lands to be acquired under this act, but no payment shall be made for any such lands until the title shall be satisfactory to the Attorney-General and shall be vested in the United States.

SEC. 10. That such acquisition may in any case be conditioned upon the exception and reservation to the owner from whom title passes to the United States of the minerals and of the merchantable timber, or either or any part of them, within or upon such lands at the date of the conveyance, but in every case such exception and reservation and regulations under which the cutting and removal of such timber and the mining and removal of such minerals shall be done shall be expressed in the written instrument of conveyance, and thereafter the land reserved shall be done only under and in obedience to the rules and regulations so expressed.

SEC. 11. That inasmuch as small areas of land chiefly valuable for agriculture may of necessity or by inadvertence be included in tracts acquired under this act, the Secretary of Agriculture may, in his discretion, and he is hereby authorized, upon application or otherwise, to examine and ascertain the location and extent of such areas as in his opinion may be occupied for agricultural purposes without injury to the forests or to stream flow and which are not needed for public purposes, and may list and describe the same by metes and bounds, or otherwise, and offer them for sale as homesteads at their true value, to be fixed by him, to actual settlers, in tracts not exceeding 80 acres in area, under such joint rules and regulations as the Secretary of Agriculture and the Secretary of the Interior may prescribe; and in case of such sale the jurisdiction over the lands sold shall, ipso facto, revert to the State in which the lands sold lie. And no right, title, interest, or claim in or to any lands acquired under this act, or the waters thereon, or the products, resources, or use thereof after such lands shall have been so acquired, shall be initiated or perfected, except as in this section provided.

SEC. 12. That, subject to the provisions of the last preceding section, the lands acquired under this act shall be permanently reserved, held, and administered as national forest lands under the provisions of section 24 of the act approved March 3, 1891 (vol. 26, Stat. L., p. 1103), and acts supplemental to and amendatory thereof. And the Secretary of Agriculture may from time to time divide the lands acquired under this act into such specific national forests and so designate the same as he may deem best for administrative purposes.

SEC. 13. That the jurisdiction, both civil and criminal, over persons upon the lands acquired under this act shall not be affected or changed by their permanent reservation and administration as national forest lands, except so far as the punishment of offenses against the United States is concerned, the intent and meaning of this section being that the State wherein such land is situated shall not, by reason of such reservation and administration, lose its jurisdiction nor the inhabitants thereof their rights and privileges as citizens or be absolved from their duties as citizens of the State.

SEC. 14. That 5 per cent of all moneys received during any fiscal year from each national forest into which the lands acquired under this act may from time to time be divided shall be paid, at the end of such year, by the Secretary of the Treasury to the State in which such national forest is situated, to be expended as the state legislature may prescribe for the benefit of the public schools and public roads of the county or counties in which such national forest is situated: *Provided*, That when any national forest is in more than one State or county the distributive share to each from the proceeds of such forest shall be proportional to its area therein: *Provided further*, That there shall not be paid to any State for any county an amount equal to more than 40 per cent of the total income of such county from all other sources.

SEC. 15. That a sum sufficient to pay the necessary expenses of the commission and its members, not to exceed an annual expenditure of \$25,000, is hereby appropriated out of any money in the Treasury not otherwise appropriated. Said appropriation shall be immediately available, and shall be paid out on the audit and order of the president of the said commission, which audit and order shall be conclusive and binding upon all departments as to the correctness of the accounts of said commission.

SUPPLEMENTAL REPORT.

(To accompany S. 4501.)

The Committee on Forest Reservations and the Protection of Game, to which was referred Senate bill 4501, entitled "A bill to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," has had the same under consideration and begs leave to report that it recommends the passage of said bill with the following amendments:

In line 5, page 4, strike out the word "six" and insert in lieu thereof the word "seven."

In line 3, page 4, after the word "upon," insert the words "the question of purchasing."

In line 15, page 3, strike out the word "ten" and insert in lieu thereof the word "eleven."

In line 21, page 3, strike out the word "fifteen" and insert in lieu thereof the word "sixteen."

Your committee adopts the report of the Committee on Agriculture of the House of Representatives on the same bill, known as H. R. 11798, which report is as follows:

[House Report No. 1036, Sixty-first Congress, second session.]

The Committee on Agriculture, to which was referred the bill (H. R. 11798) to enable any State to cooperate with any other State or States for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers, after exhaustive hearings and careful consideration, deems it advisable to report favorably the same.

Section 1 gives the consent of Congress to the several States to enter into agreements with each other, when not in conflict with any law of the United States, for the purpose of conserving their forests and water supplies.

Section 2 appropriates \$200,000 to be expended by the Secretary of Agriculture in cooperation with any State or States, upon requests by them, in the protection from fire of the forested watersheds of navigable streams, and the Secretary of Agriculture is authorized to stipulate with any State or States to cooperate with them in the organization and maintenance of a system of fire protection on any private or state lands within them and situated upon the watersheds of navigable streams. It further provides that no such stipulation shall be made with any State which has not provided for a system of fire protection, and that in no case shall the amount expended in any State exceed the amount appropriated by that State for the same purpose.

Section 3 provides that the Secretary of Agriculture may, for the protection of the watersheds of navigable streams, on such conditions

Mr. WARREN. So that the conferees may consider this question and can know why the House added that proposition.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the committee.

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

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

The bill was read the third time and passed.
Mr. LODGE. I move that the Senate request a conference with the House on the bill and amendment, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to, and the Vice-President appointed Mr. LODGE, Mr. SMOOT, and Mr. BAILEY the conferees on the part of the Senate.

PUBLICITY OF CAMPAIGN CONTRIBUTIONS.

Mr. BURROWS. I ask unanimous consent for the present consideration of the bill (H. R. 2250) providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected.

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

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Privileges and Elections with an amendment to strike out section 5 in the following words:

SEC. 5. That the treasurer of every such political committee shall, not more than fifteen days and not less than ten days before an election at which Representatives in Congress are to be elected in two or more States, file in the office of the Clerk of the House of Representatives at Washington, D. C., with said Clerk, an itemized, detailed statement, sworn to by said treasurer and conforming to the requirements of the following section of this act. It shall also be the duty of said treasurer to file a similar and final statement with said Clerk within thirty days after such election, such final statement also to be sworn to by said treasurer and to conform to the requirements of the following section of this act. The statements so filed with the Clerk of the House shall be preserved by him for fifteen months, and shall be a part of the public records of his office, and shall be open to public inspection.

And to insert a new section 5, as follows:

SEC. 5. That the treasurer of every such political committee shall, within thirty days after the election at which Representatives in Congress were chosen in two or more States, file with the Clerk of the House of Representatives at Washington, D. C., an itemized, detailed statement, sworn to by said treasurer and conforming to the requirements of the following section of this act. The statement so filed with the Clerk of the House of Representatives shall be preserved by him for fifteen months, and shall be a part of the public records of his office, and shall be open to public inspection.

Mr. BAILEY. The amendment now pending provides only for a publication after the election, while the provision as it came to the Senate from the House provided for a publication both before and after the election. The Committee on Privileges and Elections of the Senate has recommended the amendment which the Clerk has just reported.

Speaking for myself and my political associates on that committee, we made no minority report, because we thought it would be better to pass the bill as thus amended than to jeopardize the passage of it by a serious contention over that provision.

However, we reserved the right in the Senate to vote against that amendment and to express our disapproval of it. It seems to me that if we only publish these contributions after the election has passed, a large part of the benefit which would accrue from their publication would be lost to the people. It seems to me something like the performance of closing the door of the stable after the horse has been stolen.

But, Mr. President, I shall not detain the Senate with any argument upon that question, because I am anxious to see this bill become a law. I am anxious to see it go as swiftly as possible to conference. I sincerely hope that the conference committee in its wisdom, will insist upon the provision of the House and thus compel the publication of these contributions before as well as after the election.

Mr. BEVERIDGE obtained the floor.
Mr. BURROWS. Mr. President—
The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Michigan?

Mr. BEVERIDGE. I rise for the purpose of asking a question of the chairman of the committee. Of course we are all in favor of this bill, as far as it goes, but does the chairman think that it is an effective publicity bill when it does not include state and other committees that have to do with the election of Congressmen and legislatures which elect Senators? Also, should it not include candidates for national offices? If we confine it merely to national committees and to committees which influence the election of Representatives in two or more States, have we not, after all, left the door open to the very thing

which we are intending to prevent? Can not the corrupting interests furnish their funds to these committees which, after all, have the elections immediately in charge?

I do not feel at liberty, as a member of the committee, to urge an amendment upon precisely the same grounds as the Senator from Texas has just stated with reference to himself, but I should like to know the chairman's opinion upon that.

Mr. BURROWS. Mr. President, I quite heartily agree with the Senator from Texas. There is but a single amendment to the bill as it came from the House of Representatives. The only controversy in the committee was whether the provisions which require the publication of expenses both before election and after election should remain in the bill. It was the judgment of the committee that the requirement of the publication of the expenses before the election was unnecessary and that the publication after the election would meet all requirements.

In answer to the Senator from Indiana, nobody contends that this is a perfect measure, but it is a step in the right direction, and I join the Senator from Texas in the hope that this bill will pass and that the conference committee will be able to adjust and settle the question.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

Mr. BAILEY. As there will be no roll call on the bill itself, I assume, I am going to ask the Senate to take enough time to call the yeas and nays on this amendment.

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

Mr. CLAY (when his name was called). I announce my pair with the junior Senator from New York [Mr. ROOT]. I transfer the pair to the senior Senator from Virginia [Mr. DANIEL], and will vote. I vote "nay."

Mr. JOHNSTON (when his name was called). I am paired with the junior Senator from Michigan [Mr. SMITH]. I transfer the pair to the junior Senator from Arkansas [Mr. DAVIS], and will vote. I vote "nay."

Mr. SIMMONS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the junior Senator from Virginia [Mr. MARTIN], and will vote. I vote "nay."

Mr. WARREN (when his name was called). I have a standing pair with the senior Senator from Mississippi [Mr. MONEY]. I transfer the pair so that Senator will stand paired with the junior Senator from Maine [Mr. FRYE], and I will vote. I vote "yea."

The roll call was concluded.
Mr. OVERMAN. I have been requested to announce that the senior Senator from Maryland [Mr. RAYNER] is paired with the junior Senator from Delaware [Mr. RICHARDSON]; also, that the junior Senator from Louisiana [Mr. FOSTER] is paired with the senior Senator from North Dakota [Mr. McCUMBER].
Mr. BACON. I again announce the absence of the junior Senator from Virginia [Mr. MARTIN] on account of illness in his family.

The result was announced—yeas 37, nays 30, as follows:

| | | | |
|----------------|-------------|-------------|--------------|
| YEAS—37. | | | |
| Bradley | Clark, Wyo. | Gamble | Perkins |
| Brandegee | Crane | Guggenheim | Piles |
| Briggs | Crawford | Hale | Smoot |
| Brown | Cullom | Heyburn | Stephenson |
| Bulkeley | Curtis | Jones | Sutherland |
| Burkett | Depew | Kean | Warren |
| Burnham | Dick | Lodge | Wetmore |
| Burrows | Dixon | Nelson | |
| Burton | du Pont | Oliver | |
| Carter | Gallinger | Page | |
| NAYS—30. | | | |
| Bacon | Clapp | Johnston | Shively |
| Bailey | Clay | La Follette | Simmons |
| Bankhead | Cummins | Newlands | Smith, S. C. |
| Beveridge | Fletcher | Overman | Stone |
| Borah | Flint | Owen | Taylor |
| Bourne | Frazier | Paynter | Warner |
| Bristow | Gore | Percy | |
| Chamberlain | Hughes | Purcell | |
| NOT VOTING—25. | | | |
| Aldrich | Elkins | Money | Smith, Md. |
| Clarke, Ark. | Foster | Nixon | Smith, Mich. |
| Culberson | Frye | Penrose | Taliaferro |
| Daniel | Lorimer | Rayner | Tillman |
| Davis | McCumber | Richardson | |
| Dillingham | McEnery | Root | |
| Dolliver | Martin | Scott | |

So the amendment was agreed to.

Mr. BEVERIDGE. I suggest an amendment in line 7 on page 1. But I will not offer it if it will by any possibility defeat this measure at this critical hour. It is to strike out the words "in two or more States." The object of this is, of course, to include all state and other committees if they have anything to do with the election of federal officers.

Mr. LODGE. That is a very sweeping amendment. If the National Government is going to go into the States and counties, it opens up a pretty large question. We have a very elaborate corrupt-practices act in my State, and have had for many years, which governs all our local committees, and if we are to have a national law come in and override that, it throws the whole thing into confusion. It seems to me it is rather going beyond the national province.

Mr. BAILEY. I hope the Senator from Indiana will not press that amendment, because if it should be adopted it would invalidate the whole measure.

The VICE-PRESIDENT. The Senator from Indiana has not offered the amendment. He simply offered a suggestion.

Mr. BEVERIDGE. I do not intend to offer it if it will endanger the passage of this present bill, ineffective as this bill is. I do not agree, of course, that it would invalidate the law. We have ample power over this matter so far as it affects the election of national officials. It would not invalidate this measure to include all committees who have to do with the election of federal officials.

But I will not offer the amendment if it will endanger this bill. But I insist that our jurisdiction extends to all committees that have anything to do with the election of federal officers. What good does it do to restrain national committees and not to touch the state, county, and other committees which do the immediate work? Could not the corrupters contribute to these latter committees directly under this bill?

I brought the matter up, notwithstanding the fact that I am a member of the committee, because it seems to me to be ineffective to require the publicity of contributions to national committees and committees that influence election of Representatives and Senators "in more than two States" and not do anything with those that affect those very things in one State.

If it is going to delay the passage of this measure I will not press it any further, though I serve notice now that at a later time, at the next session, I shall bring this in also as an amendment to this act. I withhold it now only because I do not at this stage desire to delay the passage of the bill in the least.

The VICE-PRESIDENT. If there are no further amendments, as in Committee of the Whole, the bill will be reported to the Senate.

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

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

The bill was read the third time, and passed.

EXECUTIVE SESSION.

Mr. CULLOM. 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 eight minutes spent in executive session the doors were reopened; and (at 6 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Thursday, June 23, 1910, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate June 22, 1910.

CONSULS.

Thomas R. Wallace, of Iowa, now consul at Jerusalem, to be consul of the United States of America at Martinique, West Indies, vice George B. Anderson, deceased.

William Coffin, of Kentucky, now consul at Tripoli, to be consul of the United States of America at Jerusalem, Turkey, vice Thomas R. Wallace, nominated to be consul at Martinique.

COLLECTOR OF CUSTOMS.

Marcus Johnson, of Minnesota, to be collector of customs for the district of Minnesota, in the State of Minnesota, in place of John Peterson, whose term of office expired by limitation May 31, 1910.

PROMOTION IN THE REVENUE-CUTTER SERVICE.

First Lieutenant of Engineers James Humphrey Chalker, to be senior engineer in the Revenue-Cutter Service of the United States, to rank as such from June 5, 1910, in place of Captain of Engineers Edward George Schwartz, retired.

UNITED STATES ATTORNEY.

Hiram E. Booth, of Utah, to be United States attorney for the district of Utah. (A reappointment, his term expiring June 26, 1910.)

PROMOTIONS IN THE NAVY.

The following-named lieutenants to be lieutenants in the navy from the dates set opposite their names, to correct the dates from which they take rank as previously confirmed:

Harold G. Bowen, January 31, 1910, and

Lucian Minor, March 17, 1910.

Boatswain Gerald Ollif to be a chief boatswain in the navy from the 16th day of May, 1910, upon the completion of six years' service in his present grade.

POSTMASTER.

Marion A. Humphreys to be postmaster at Salisbury, Md., in place of Marion A. Humphreys. Incumbent's commission expired May 24, 1910.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 22, 1910.

COLLECTOR OF CUSTOMS.

Marcus Johnson to be collector of customs for the district of Minnesota.

SURVEYOR OF CUSTOMS.

John R. Puryear to be surveyor of customs for the port of Paducah, in the State of Kentucky.

SECOND ASSISTANT COMMISSIONER OF INDIAN AFFAIRS.

Charles F. Hauke to be Second Assistant Commissioner of Indian Affairs.

MEMBER OF THE MISSISSIPPI RIVER COMMISSION.

Col. Walter L. Fisk to be member and president of the Mississippi River Commission.

PENSION AGENT.

Selden Connor to be pension agent at Augusta, Me.

RECEIVER OF PUBLIC MONEYS.

Robert X. Lewis to be receiver of public moneys at Havre, Mont.

REGISTERS OF LAND OFFICES.

Florian A. Carnal to be register of the land office at Havre, Mont.

Fred W. Stocking to be register of the land office at Olympia, Wash.

PROMOTIONS IN THE NAVY.

Ensign Edward L. McSheehy to be a lieutenant (junior grade).

Gunner Mons Monssen to be a chief gunner.

Gunner William J. Creelman to be a chief gunner.

POSTMASTERS.

CALIFORNIA.

Thomas C. Bouldin, at Azusa, Cal.

D. J. Reese, at Ventura, Cal.

William M. Tisdale, at Redlands, Cal.

Alfred A. True, at Highland, Cal.

FLORIDA.

Dick M. Kirby, at Palatka, Fla.

GEORGIA.

Henry Blun, jr., at Savannah, Ga.

MAINE.

James L. Holland, at York Village, Me.

MASSACHUSETTS.

Elisha S. Pride, at Prides Crossing, Mass.

MISSOURI.

Frank McKim, at Tarkio, Mo.

NEW YORK.

William S. Keene, at Cold Spring Harbor, N. Y.

OREGON.

Diana Snyder, at Aurora, Oreg.

PENNSYLVANIA.

James W. Johnston, at Springdale, Pa.

SOUTH DAKOTA.

William A. Carter, at Castlewood, S. Dak.

Arthur W. Jeffries, at Mellette, S. Dak.

TEXAS.

Jeff D. Burns, at Tyler, Tex.

Henry W. Derstine, at Merkel, Tex.

Amangan B. McCloud, at Tahoka, Tex.

Robert McKinnon, at Thurber, Tex.

Hal Singleton, at Jefferson, Tex.

WASHINGTON.

John F. Niesz, at Wapato, Wash.

Le Roy R. Sines, at Chelan, Wash.

Mr. BURROWS presented a petition of sundry teachers of Central High School, Detroit, Mich., praying for the establishment of a national department of health, which was referred to the Committee on Public Health and National Quarantine.

He also presented petitions of the St. Joseph County Medical Society, the Montcalm County Medical Society, the Michigan State Medical Society, the Houghton County Medical Society, the Stove Mounters and Steel Range Workers' Union of Detroit, and of Local Lodge No. 236, Brotherhood of Locomotive Firemen and Enginemen, of Saginaw, all in the State of Michigan, praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. PERKINS presented a petition of the Chamber of Commerce of Berkeley, Cal., praying that an appropriation be made for the extension of the work of the Office of Public Roads, Department of Agriculture, which was ordered to lie on the table.

Mr. WETMORE presented a petition of the Woman's Christian Temperance Union of Mount Pleasant, R. I., praying for the passage of the so-called "white-slave traffic bill," which was ordered to lie on the table.

Mr. KEAN presented memorials of F. Dritler, of Boonton; of the National Lock Washer Company, of Newark; and of F. Weingartner, of Englewood, all in the State of New Jersey; and of the National Association of Manufacturers, of New York City, N. Y., remonstrating against the adoption of the proposed amendment to the sundry civil appropriation bill exempting labor organizations from the operation of the Sherman anti-trust law, which were ordered to lie on the table.

Mr. PILES presented a petition of the Chamber of Commerce and Commercial Club of Port Angeles, Wash., praying that an appropriation be made for the extension of the work of the Office of Public Roads, Department of Agriculture, which was ordered to lie on the table.

Mr. CULLOM presented petitions of Local Lodge No. 716, of Villa Grove; of Local Lodge No. 535, of Chicago; of Local Lodge No. 538, of South Chicago; of Local Lodge No. 470, of Murphysboro; and of Local Lodge No. 49, of Decatur, all of the Brotherhood of Locomotive Firemen and Enginemen, in the State of Illinois, praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. HUGHES presented a petition of the Democratic State Editorial Association of Colorado, praying for the enactment of legislation to prohibit the printing of return envelopes by the Government, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of sundry members of the Ladies of the Maccabees of the World, of Rico, Idaho Springs, Florence, La Jara, and Longmont, all in the State of Colorado, praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of sundry teachers of the public schools of Durango, Colo., praying for the passage of the so-called "children's bureau bill," which were ordered to lie on the table.

He also presented petitions of sundry citizens of Colorado Springs, Colo., praying for the passage of the so-called "boiler-inspection bill," which were referred to the Committee on Interstate Commerce.

He also presented petitions of sundry citizens of Colorado, praying that an appropriation be made for the extension of the work of the Bureau of Public Roads, Department of Agriculture, which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. STONE, from the Committee on Foreign Relations, to whom was referred the bill (S. 8355) for the relief of Marcus Ramadanovitch, alias Radich, a Montenegrin subject, reported it with an amendment and submitted a report (No. 908) thereon.

Mr. CARTER, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 15395) for the relief of S. H. Loftin, reported it without amendment and submitted a report (No. 909) thereon.

Mr. FRAZIER, from the Committee on Military Affairs, to whom was referred the bill (H. R. 23997) for the relief of Jesse Elliott, reported it with an amendment and submitted a report (No. 913) thereon.

WAGES AND PRICES OF COMMODITIES.

Mr. LODGE. I submit the first report (No. 912) of the Select Committee on Wages and Prices of Commodities. I desire to state that there will be a minority report to be filed later, after the minority of the committee have had an opportunity to have an expert of their own go over the tables here presented.

I ask that an order be made that the minority report, whenever filed, shall be printed with the report of the majority. I also ask that there may be 5,000 copies each of the majority and minority reports printed.

The VICE-PRESIDENT. Is there objection to the order requested by the Senator from Massachusetts?

Mr. BACON. What is the order?

The VICE-PRESIDENT. That 5,000 extra copies of the report be printed.

Mr. LODGE. And of the minority report also.

The VICE-PRESIDENT. And also of the minority report, when presented.

Mr. NEWLANDS. What report is it, may I ask?

Mr. LODGE. A partial report from the Committee on Wages and Prices of Commodities.

There being no objection, the order was reduced to writing and agreed to, as follows:

Ordered, That 5,000 copies of Senate Report No. 912, Sixty-first Congress, second session, being the "First Report of the Select Committee on Wages and Prices of Commodities," and also 5,000 copies of the minority report of the same committee be printed.

ADDITIONAL JUDGE FOR EASTERN DISTRICT OF NEW YORK.

Mr. DEPEW. I am instructed by the Committee on the Judiciary, to whom was referred the bill (H. R. 20148) to provide for an additional judge of the district court for the eastern district of New York, to report it favorably without amendment, and I ask for its immediate consideration.

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

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

SALARIES OF DISTRICT ATTORNEYS AND MARSHALS IN TEXAS.

Mr. CLARK of Wyoming. From the Committee on the Judiciary, I report back favorably without amendment the bill (H. R. 12434) to make uniform the salaries of United States district attorneys and marshals in Texas. I call the attention of the Senator from Texas to the bill.

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

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

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

COURTS IN OKLAHOMA.

Mr. OVERMAN. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 8913) to provide for times and places for holding of the regular terms of the United States circuit and district courts for the western district of the State of Oklahoma, and for other purposes, to report it favorably without amendment. I call the attention of the Senator from Oklahoma to the report.

Mr. GORE. I ask for the present consideration of the bill just reported by the Senator from North Carolina.

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

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

LARNIE DEAN AND JAMES DEAN.

Mr. OLIVER. I am directed by the Committee on Claims, to whom was referred the bill (H. R. 8667) for the relief of Larnie Dean and James Dean, to report it favorably without amendment, and I submit a report (No. 907) thereon. I call the attention of the Senator from West Virginia [Mr. SCOTT] to the bill.

Mr. SCOTT. I ask for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to Larnie Dean and James Dean, of Marion County, W. Va., the sum of \$200, in full compensation for loss of land, overflowed, submerged, and rendered worthless by the construction of locks and dams in the improvement of navigation on the Monongahela River, West

Virginia, during the years 1901 to 1903, pursuant to an act of Congress.

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

THE FIVE CIVILIZED TRIBES.

Mr. OWEN. I am instructed by the Committee on Indian Affairs, to whom was referred the bill (S. 8661) for the final disposition of the affairs of the Five Civilized Tribes, and for other purposes, to report it favorably with amendments, and I submit a report (No. 910) thereon. I ask for the present consideration of the bill.

The VICE-PRESIDENT. 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 first amendment was, on page 1, line 6, after the word "Tribes," to strike out all of the bill down to and including the word "appropriated," on page 1, line 14, in the following words:

All school funds of the Five Civilized Tribes, whether heretofore set apart or not, shall be added to the funds of the tribes for per capita distribution, and the same is hereby appropriated for that purpose, and all funds due to any such tribes as annuities shall be capitalized on the basis of 20 for 1 whenever the Secretary of the Interior is ready to make the final distribution of the tribal funds in per capita payments, and a sum sufficient to pay the same is hereby appropriated.

The amendment was agreed to.

The next amendment was, on page 2, line 1, after the word "executives," to strike out the words "their secretaries" and to insert "one secretary to each chief executive, who shall also act as national secretary."

The amendment was agreed to.

Mr. KEAN. I think we ought to have some explanation of the bill.

Mr. OWEN. I did not understand the Senator.

Mr. KEAN. I merely asked for some explanation of the bill.

Mr. OWEN. I will ask the Secretary to read the letter of the Secretary of the Interior, if the Senate will prefer that.

Mr. KEAN. Certainly.

Mr. OWEN. The first item in the bill provides for the extension of the time as to town lots. It includes the town lots of McAlester, for example, on which the Government has property, and which has itself been forfeited by a failure to pay the amount required. The Secretary of the Interior has recommended it. The bill contains a number of small items which are necessary to winding up the affairs of those five tribes.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

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

The SECRETARY. On page 2, line 12, after the words "nineteen hundred and eight," insert:

Provided, Such conveyances were not made for an unreasonable consideration nor in fraud.

The VICE-PRESIDENT. Without objection, the amendment will be agreed to.

Mr. CURTIS. Is the bill being considered by unanimous consent?

The VICE-PRESIDENT. The bill is up by unanimous consent.

Mr. CURTIS. If it is not too late, I will object to it.

The VICE-PRESIDENT. It is too late. The bill is under consideration by unanimous consent.

Mr. KEAN. The bill was read for the information of the Senate.

The VICE-PRESIDENT. The bill was read for the information of the Senate, after which the Chair put the question, and unanimous consent was given for its present consideration. Two amendments have been agreed to, and the Chair was just putting the question on agreeing to another amendment.

Mr. CURTIS. I understand the first part of the bill, which I understand has been agreed to, is proper and needed legislation, but this item just read is very strongly opposed by the Attorney-General and by the Secretary of the Interior, and I think it very unwise to pass a bill of the kind by unanimous consent. I understand the very same matter is now in conference, or will be in conference within a day or two, when perhaps a satisfactory amendment may be agreed to between the House and the Senate.

I suggest to the Senator from Oklahoma to let the bill go over until to-morrow and let us see if the matter is not taken up in conference, and I hope if it is that an amendment may be agreed upon which is satisfactory to the departments.

Mr. OWEN. In answer to what the Senator says with regard to the opposition of the Interior Department on this particular item, I will state that the bill was sent over to the Secretary of the Interior and his letter is here to speak for itself, submitted with the report. In so far as that question is concerned, an express provision is made that cases involving fraud or inadequate consideration are not to apply.

Mr. CURTIS. Does the Senator say he has a letter from the Secretary of the Interior in favor of the provision now before the Senate?

Mr. OWEN. I say the letter of the Secretary of the Interior deals with this question and points out that it would be objected to in cases involving fraud and inadequate consideration, and that an exception has been provided for by the committee covering that point.

Mr. CURTIS. If the Senator has a letter from the Secretary of the Interior which covers this question, I hope it may be read.

Mr. OWEN. I will ask that the letter of the Secretary of the Interior be read, if the Senator desires it.

The VICE-PRESIDENT. Without objection, the Secretary will read the letter of the Secretary of the Interior.

The Secretary proceeded to read the letter, which is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, June 21, 1910.

HON. MOSES E. CLAPP,
Chairman Committee on Indian Affairs,
United States Senate.

SIR: In response to your request of June 14, 1910, for a report on S. 8661, entitled "A bill for the final disposition of the affairs of the Five Civilized Tribes, and for other purposes," introduced in the Senate on June 11, 1910, by Mr. OWEN, of Oklahoma, I have the honor to suggest that the first item, authorizing the Secretary of the Interior to accept payment of the full amount of purchase money due on all town lots declared forfeited in the Five Civilized Tribes, be enacted into law.

Such item is made urgent and necessary by complications that have arisen upon failure of the original purchaser or schedulee to pay the full amount of purchase money due for town lots sold in town sites created in the Five Civilized Tribes, for his failure to pay which the Secretary of the Interior has declared forfeited all rights of the purchaser therein, together with all money paid thereunder, and has directed the lots upon which such forfeiture has been declared to be resold at public auction for cash, pursuant to section 12 of the act of Congress approved April 26, 1906. (34 Stat. L., 137.)

The Indian appropriation act approved March 3, 1909 (35 Stat. L., 805), extended the time to December 1, 1909, within which town-lot payments in default could be made before working forfeiture, but that time having expired, the Secretary has declared forfeited and caused to be sold many town lots for payments in default of which the present holders, purchasers from original schedulees, had no notice of amounts declared delinquent, having failed to file in the office of the Commissioner to the Five Civilized Tribes any record of the transfer of ownership of which the commissioner keeps only a record of the original schedulees, to whom notices of default were sent. Such subsequent purchasers protest against the declaration of forfeiture and sale of such lots on the ground that they are innocent purchasers for value and without notice of default, and have tendered and are willing to pay the amount of purchase money due, but the Secretary of the Interior has no authority to accept payments after declaration of forfeiture, which reverts the title to the lots in the nation.

It is believed that many meritorious cases require relief, and that the enactment of the proposed item in the form drawn will afford a remedy.

The bill also provides, line 6, that all school funds of the Five Civilized Tribes, whether heretofore set apart or not, shall be added to the funds of the tribe for per capita distribution, and the sum is hereby appropriated for that purpose.

It has been found necessary heretofore to use tribal funds for the support of the various schools in the several nations. Thirty-six tribal boarding schools or academies have been in existence for many years, and in the past have contributed in large measure to the advancement of the Indian people. Originally established and conducted by the tribal authorities, provision for their continued operation by the Secretary of the Interior was given by section 10 of the act of April 26, 1906 (34 Stat. L., 137-140), and funds for the purpose were appropriated.

For the fiscal year 1909 an appropriation of \$300,000 was made for the maintenance of all schools among the Five Tribes, of which amount \$235,291 was expended for the support of public day schools, and from the balance of the appropriation and from the tribal funds there was expended for the support of the 36 tribal schools \$325,329.

During the fiscal year 1910, with an appropriation of \$150,000 for all schools, there has been expended to date approximately \$102,550 for support of day schools, and from tribal funds, largely for the conduct of the tribal boarding schools, the approximate sum of \$342,322. By agreement with the Seminole Nation, approved by act of July 1, 1898 (30 Stat. L., 567), the sum of \$500,000 of the funds belonging to the Seminole Nation was set apart as a permanent school fund, the interest thereon at 5 per cent to be used for the maintenance of the two academies of this nation.

Thus it will be seen that it has been the well-established practice, in accordance with both the letter and the intention of the laws, to use the funds of the respective nations so far as necessary for the education of their children.

For the fiscal year 1911 an appropriation of \$75,000 has been made for the support of tribal schools, but this amount will be insufficient for the conduct of such schools as should be continued. There are at present about 36,000 individuals among the restricted allottees of the Five Tribes. The lands of the freedmen, with the exception of those of the Seminole Nation, are subject to taxation, and the State should provide for their education. Therefore it is the policy of the department to discontinue schools solely for the benefit of this class. It is also the intention to discontinue several of the boarding schools, although definite plans have not been formulated, and it is not possible at this time

to say what ones should be abandoned. So there will remain the necessity of providing for the education of the Indians until public facilities to which they may have access are provided by the State, and the restricted full bloods especially will be entirely dependent on the Federal Government for their education. Many of the present school plants are in need of better equipments, and the buildings, obviously old, are in urgent need of repair.

Although some of the schools shall be discontinued and only such maintained as are indispensable to afford training and education to those who will not obtain it otherwise, yet tribal funds will be required for their operation and improvement. Funds sufficient for school purposes should remain within the control of the department, and I recommend, therefore, that this provision of the bill be not enacted at this time.

The department offers no objection to the abolition of the tribal offices named in item 3, but suggests that the words "their secretaries," on lines 1 and 2, page 2, be stricken out and in lieu thereof these words be inserted: "one secretary to each chief executive, who shall also act as national secretary," as some of the chief executives have practically two secretaries.

The department urges that item 4, commencing with line 7 and concluding with line 12, on page 2, validating certain conveyances of inherited lands, be stricken from the bill as contrary to an opinion of the Attorney-General of August 17, 1909, on the subject, and is curative legislation which will validate conveyances procured for inadequate consideration and the result of unconscionable bargains. Dealing in full-blood inherited titles has been a most prolific field of graft, and it has been openly boasted that deeds would not be submitted for approval of department, but legislation validating same would be obtained. It would tend to dismissal of many suits already instituted by the Department of Justice to remove clouds from title to inherited land.

On May 18, 1910, the department transmitted to the chairman of the Senate Committee on Indian Affairs a copy of a telegram from the United States Indian superintendent, Union Agency, Muskogee, Okla., dated May 13, 1910, vigorously protesting against (the McGuire amendment, being section 29 to H. R. 24992) the exact language of the item in this bill (S. 8661) as follows:

"Press reports indicate passage amendment to omnibus Indian bill validating Five Tribes full-blood inherited land sale without approval of department. I desire to earnestly protest against this curative legislation. While there are many legitimate sales which are being promptly approved upon submission, there are hundreds that are absolutely unconscionable. Dealing in full-blood inherited title has been most prolific field of graft, and it has been openly boasted that deeds would not be submitted for approval of department, but legislation validating same would be obtained. Only best cases have been submitted, and of these investigation shows many instances where prices wholly inadequate and alleged consideration not paid. In one case recently submitted consideration was raised and accepted by purchaser from \$1,800 to \$15,000. Have no objections to unrestricted sale by mixed-blood heirs, but ignorant, full-blood heirs certainly need protection. Believe bill should be vigorously opposed. Letter follows."

On May 24, 1910, the department transmitted to your committee the letter that followed the above telegram, to which you are referred for another case wherein was paid an additional consideration of \$13,200, and in another case the grantee paid grantor an additional \$18,050. The superintendent shows that in cases already investigated a difference of \$91,202.23 has been found between the amounts received by the heirs and the amount at which the land has been appraised, of which \$23,517 has been collected, and the sum of \$67,685.23 has been called for before the deeds will be recommended for approval. It can readily be seen what great graft will be killed by eliminating the provision from the bill, which should be done.

With the objections noted, the bill meets the approval of the department.

Very respectfully,

R. A. BALLINGER, *Secretary.*

Mr. CURTIS. There is no dispute about the first amendment. That ought to go through. There is no question about that. The part of the bill I object to is that which takes away from the Secretary of the Interior the duty of approving the deeds of full-blood heirs conveying inherited lands.

The VICE-PRESIDENT. The question, then, is on agreeing to the amendment, if no further reading of the letter is desired. The amendment has been read.

The amendment was rejected.

The VICE-PRESIDENT. The next amendment of the committee will be stated.

Mr. CURTIS. I ask that the item be read to which the amendment was proposed. I want to move to strike it out.

The VICE-PRESIDENT. The Secretary will read the part of the bill requested.

The SECRETARY. Page 2, beginning in line 7, reads as follows:

Conveyances made by full-blood heirs subsequent to July 27, 1909, of allotted lands of allottees who died prior to May 27, 1908, shall be subject to the same rule of law as if the allottee had died subsequent to May 27, 1908.

Mr. CURTIS. I move to strike out that clause.

The VICE-PRESIDENT. The Senator from Kansas moves to strike out what the Secretary has just read.

Mr. CURTIS. The remarks I made a few minutes ago are applicable to this part of the bill, which was opposed by the Secretary of the Interior, upon a report from the officers of the department, in which they say that many of the frauds committed in Oklahoma against the property there is traceable to the law which was passed two or three years ago taking away from the Secretary of the Interior the duty of approving the deeds made by full-blood heirs to their inherited property, and which is sought to be extended by this amendment. The same objection was made by the Attorney-General, and I think it would be unwise to put this provision in the bill by unanimous consent at this time. I therefore ask that my amendment be

agreed to. The letter of the Attorney-General is dated May 21, 1910, and that of the Secretary of the Interior is dated May 24, 1910, and are each addressed to the chairman of the Committee on Indian Affairs [Mr. CLAPP].

Mr. OWEN. Mr. President, this is a matter which relates peculiarly to Oklahoma. It is a matter with which the people of Kansas are not peculiarly concerned. The Oklahoma delegation desires this legislation. The distinction which has been made with regard to these dead claims, so called, is an artificial line drawn on the 27th of July, 1908. The rule of the probate court applies to all cases subsequent to May 27, 1908. This proposal is to make them uniform, so that the probate courts of the State of Oklahoma shall have due honor and respect as a State of equal status with any other State in the Union.

I shall not debate it. I leave it to the Senate, and I ask the Senate to approve it.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Kansas to strike out the clause which has been read.

The amendment was agreed to.

The VICE-PRESIDENT. If there are no further amendments as in Committee of the Whole, the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

Mr. CURTIS. I should like to hear the bill read as it stands.

The VICE-PRESIDENT. Without objection, the Secretary will read the bill as it is recommended to the Senate by the Committee of the Whole.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to accept payment of the full amount of purchase money due, including interest to date, on all town lots heretofore declared forfeited in the Five Civilized Tribes. All tribal offices are hereby abolished except the chief executives, one secretary to each chief executive, who shall also act as national secretary, and the mining trustees of the Choctaw and Chickasaw nations, and the attorneys of the said tribes, whose offices shall terminate June 30, 1912, unless otherwise expressly provided by law, at which date the tribal existence shall terminate.

All per capita payments made to citizens of the Five Civilized Tribes in distributing the tribal property as provided by agreement shall be made by check, requiring two witnesses to the signature or mark of the payee: *Provided,* That in no case shall any such check be discounted at a rate in excess of one-half of 1 per cent under penalty of \$1,000 fine.

Mr. CURTIS. I think the bill as amended should be passed. The amendments were concurred in.

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

INSURANCE COMPANIES IN THE DISTRICT OF COLUMBIA.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred S. Res. 236, submitted by Mr. GALLINGER on the 16th ultimo, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Senate resolution 236.

Resolved, That the Committee on the District of Columbia be, and hereby is, authorized and directed, by subcommittee or otherwise, to prepare a code of laws for the regulation and control of insurance companies doing business within the District of Columbia; and for this purpose they are authorized to sit, by subcommittee or otherwise, during the session or recess of the Senate, to employ experts, administer oaths, take testimony, send for persons and papers, employ a stenographer to report its hearings, and to have such hearings printed. Said committee shall report the code prepared by them to the Senate. And all necessary expenses to carry out the provisions of this resolution shall be paid from the contingent fund of the Senate.

CLERK TO COMMITTEE ON PACIFIC RAILROADS.

Mr. KEAN. I report, from the Committee to Audit and Control the Contingent Expenses of the Senate, a resolution, for which I ask present consideration.

The Secretary read the resolution (S. Res. 273), as follows:

Senate resolution 273.

Resolved, That the Committee on Pacific Railroads be authorized to employ an additional clerk until the beginning of the next session of Congress at the rate of \$1,440 per annum, to be paid from the contingent fund of the Senate.

Mr. OVERMAN. What is the object of the resolution, Mr. President?

Mr. KEAN. It is to authorize the Committee on Pacific Railroads to employ a clerk until the beginning of the next session of Congress. The reason for this is that the present clerk is ill with typhoid fever.

Mr. CLAPP. I suppose the railroad bill which has been recently passed has added very materially to the work of that committee.

Mr. KEAN. Not at all; but the Senator, who is the chairman of the committee is entitled to a clerk. If his clerk is ill, he ought to have some one else to assist him.

Mr. SHIVELY. Does the Senator from New Jersey think the committee will have a meeting? Has it had a meeting at the present session?

Mr. KEAN. I am not informed on that subject.

The VICE-PRESIDENT. In the absence of objection, the resolution is agreed to.

USELESS PAPERS IN DEPARTMENT OF COMMERCE AND LABOR.

Mr. SIMMONS, from the Joint Select Committee on the Disposition of Useless Papers in the Executive Departments, submitted the following report (No. 911), which was read, considered by unanimous consent, and agreed to:

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

Your committee have met and, by a subcommittee appointed by your committee, carefully and fully examined the said reports so referred to your committee and the statements of the condition and the character of such files and papers therein described, and we find and report that the files and papers described in the report of the Secretary of Commerce and Labor in House Document No. 949, Sixty-first Congress, second session, dated June 4, 1910, are not needed in the transaction of the current business of such departments and bureaus and have no permanent value or historical interest.

Respectfully submitted to the Senate and House of Representatives.

F. M. SIMMONS,

J. B. FRAZIER,

Members on the part of the Senate.

ARTHUR L. BATES,

J. FRED. C. TALBOTT,

Members on the part of the House.

COMMERCE COURT JUDGES.

Mr. BACON. I introduce a bill which I ask may be read in full at the desk before the order of reference is made. It is very short.

The bill (S. 8823) to amend the act entitled "An act to create a commerce court, and to amend the act entitled 'An act to regulate commerce,' approved February 4, 1887, as heretofore amended, and for other purposes," approved June 18, 1910, was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That the five circuit judges authorized to be appointed by the first section of said act and their successors in office shall constitute the permanent judges of the said commerce court, and shall not after their appointment be designated by the Chief Justice of the United States for service in the circuit court of any district or the circuit court of appeals for any circuit, nor shall they exercise any of the powers of a circuit court judge except those specified in said act as the powers of the said commerce court.

Sec. 2. That in the case of the death, resignation, or vacancy from any other cause of either of the said five judges appointed under the provisions of the said act, the President shall, by and with the advice and consent of the Senate, appoint his successor in said office, to be clothed with the same duties and powers and limitations thereof as are specified in the said act creating the said commerce court as amended and prescribed in this act.

Sec. 3. That the circuit judges of the United States other than the said five judges authorized to be appointed under said act approved June 18, 1910, and the successors in office of the said five judges, shall not be eligible to perform or exercise the duties and powers of the said court of commerce created by said act, nor shall they be designated or assigned by the Chief Justice of the United States for service in said commerce court or to exercise or perform any of the powers or duties of said court.

Sec. 4. That all laws and parts of laws conflicting with this act be, and the same are hereby, repealed.

Mr. BACON. Mr. President, before the reference of the bill is made, I desire to say simply a word.

As will be recognized by the Senate, it is a bill to amend the act recently passed and approved creating the commerce court. I want to say that in the introduction of this bill I am not moved by any purpose to indicate a partisan or factious opposition to what has been already enacted into law, but it is simply my design to accomplish what I think is for the public good and what I believe is in accord with the general sentiment of Congress, of the legal profession, and of the bench of the country at large.

I will state briefly what that purpose is. Of course it is a well-known fact in the Senate that I did not favor the creation of this court. I think it an unnecessary court; but, waiving that question, this bill does not seek in any manner to dispense with that court or to abolish it, nor in any way to deprive it of any of its powers. It is simply a bill seeking to constitute a regular body of judiciary for that court, confining them to that court, and not permitting the law to remain as it is now under which that court is mingled, as it were, with the circuit courts of the United States.

The two principal features objectionable in the present law in the constitution of that court are these: The first one is that the five judges, who are to be appointed under the name of circuit judges but in reality as judges of the court of commerce, are made eligible, after they have completed their service of five years in that court, to be transferred to duty in the circuit courts; in other words, while they are judges of the commerce court they have none of the powers of the judges of the circuit courts, but are confined specifically by the terms of that act to the performance and the exercise of the powers of the commerce court. I think that it would be infinitely better that the judges of that court should remain judges of that court, and I do not think that five years' service upon that bench is any special qualification for proper and efficient service on the circuit bench. On the contrary, I think it is a distinct disqualification, and will inure undoubtedly to the depreciation of the character of the service which is now rendered, and which will otherwise be rendered, by the circuit court judges in the exercise of the powers of the circuit courts of the United States.

The next objection is that while the judges of the commerce court can be transferred for duty to the circuit court bench after serving five years upon the commerce court, it is provided, under the recently enacted law, that the present circuit court judges can be taken from their places upon the circuit court bench, deprived of their powers as circuit judges, denied the right to exercise them for five years, and be assigned to duty for five years upon the bench of the commerce court.

This bill is designed simply to correct those two features by making the judges of the commerce court the permanent judges of the court, and not permitting them to be transferred thereafter to the circuit court; and, second, permitting and requiring the present circuit court judges to remain in their present stations, and in the exercise of their full powers as circuit court judges, and not permitting or requiring them to be taken from their places on the circuit court bench and to be transferred to the commerce court.

I introduce the bill, Mr. President, in no partisan spirit, but in the utmost good faith in the hope, not, of course, that action may be had at the present session, but in the hope that within the present Congress it may receive calm and careful and unpartisan and dispassionate consideration on the part of the Senate and of the House, and that it may become a law.

I ask, Mr. President, that the bill be referred to the Committee on the Judiciary.

The VICE-PRESIDENT. Without objection, the bill will be referred to the Committee on the Judiciary, at the request of the Senator from Georgia.

BILLS AND JOINT RESOLUTION INTRODUCED.

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

By Mr. PAGE (for Mr. DILLINGHAM):

A bill (S. 8824) granting an increase of pension to Clark H. Butterfield (with an accompanying paper); to the Committee on Pensions.

By Mr. LA FOLLETTE:

A bill (S. 8825) to promote the safety of employees and travelers on railroads by requiring common carriers engaged in interstate commerce by railroad to establish and maintain a safe and sufficient clearance between structures located on their roadways and cars passing over their lines, and for other purposes; to the Committee on Interstate Commerce.

By Mr. OLIVER:

A bill (S. 8826) to repay the Pennsylvania Railroad Company for expenses incurred by it under quarantine and disinfection orders of the Department of Agriculture; to the Committee on Claims.

By Mr. JONES:

A bill (S. 8827) granting an increase of pension to John H. Reed; to the Committee on Pensions.

By Mr. LODGE:

A bill (S. 8828) authorizing the Secretary of Commerce and Labor to exchange the site of the proposed immigration station at Boston, Mass., in his discretion; to the Committee on Public Buildings and Grounds.

By Mr. BANKHEAD (by request):

A bill (S. 8829) to protect persons who report crimes against oppression while so doing or on account of so doing; to the Committee on the Judiciary.

By Mr. FLINT:

A joint resolution (S. J. Res. 118) making an appropriation to permit the President to protect lands and property in Imperial Valley, California; to the Committee on Appropriations.

[From Hon. Harry T. Toulmin, United States district judge, Mobile, Ala.]

The Federal Reporter reports in full all decisions of the circuit and district courts, and also of the several circuit courts of appeals. They are cited as authority to the circuit and district courts oftener, and the judges of these courts are called on to examine and consider them greatly more than any other authorities now brought to their attention, and hence they are in constant use by the judges and in the courts. At a majority of the places where these courts are held the judges are put to great inconvenience in getting access to these decisions. A messenger is often kept busy going to the offices of the different local attorneys to borrow these books for the use of the judges, and he is not always successful. This is notably so where the judges are holding court away from their places of residence, where many of them—most of them, perhaps—have the Federal Reporter in their private libraries. I have had considerable experience in holding court away from my own home, and have sometimes experienced great inconvenience and trouble in getting these decisions for consultation and when they were needed by the court. I may mention as an illustration of this statement places in our own State (Birmingham and Huntsville), and my experience extends to Florida, Mississippi, and Texas as well. Here at home I keep my Federal Reporters in my library at my residence as more convenient for me in my night work.

There ought to be a set of these Reporters in the court or some adjoining room for the use of the judges, the district attorney, and lawyers having business in the courts, particularly the nonresident lawyers, who come from different parts of the district to attend these courts.

The Reporters referred to are as essential now as the United States Supreme Court Reports. The decisions of the circuit courts of appeals particularly are as important to us under our present system as those of the United States Supreme Court, and I submit should be furnished by the Government in the same way.

[From Hon. William J. Wallace, United States circuit judge, Albany, N. Y.]

It would be a great convenience to the judges and also to the bar, and in my judgment would be to the public advantage to have the decisions of the circuit and district courts of the United States as collected in the volumes of the Federal Reporter accessible at every court-house where terms of the federal courts are held. Any legislation by Congress looking to this result would meet my cordial approval.

DEPARTMENT OF JUSTICE, Washington, D. C., January 19, 1908.

SIR: Replying to your letter of the 15th instant, referring for my consideration and suggestions thereon two proposed amendments to the sundry civil appropriation bill providing for the purchase and distribution of the Federal Reporter and digest to the United States courts and officers, I take pleasure in stating that this department is in entire accord with the purposes of these amendments and deems it a matter of highest importance that United States judges and attorneys and that each federal court should be supplied with these books.

Every reported decision of the federal courts (the United States Court of Claims excepted) may be found in three series of books—the United States Supreme Court Reports, the Federal Reporter, and the Federal Cases. No comment is necessary with regard to the United States Reports. Prior to 1880 the decisions of the circuit and district courts of the United States were published by private enterprise, at irregular intervals, many of the decisions not being printed at all. The Federal Reporter is a series of reports which began in 1880, and purports to contain every decision of the circuit and district courts of the United States, including the United States circuit courts of appeals, from that date to the present time.

This is the only series of books wherein these decisions are all reported, and it is therefore indispensable in the interest of an expeditious, uniform, and correct administration of justice by these courts that they be supplied with copies of their own decisions. This department has received a number of communications from federal judges complaining of the embarrassment and difficulty under which they labored in the discharge of their duties for want of the Federal Reporter.

There can be no question that every United States judge, attorney, and federal court, with the possible exception of some of the territorial courts, should be supplied with this series of books. If, however, preference is to be given to either series, the Federal Reporter should be supplied first.

Very respectfully, P. C. KNOX, Attorney-General.

Hon. GEORGE F. HOAR, Chairman Committee on the Judiciary, United States Senate.

DEPARTMENT OF JUSTICE, Washington, D. C., February 10, 1908.

MY DEAR SIR: I am duly in receipt of your letter of the 8th instant, inclosing a copy of H. R. 16653, "A bill to provide for the distribution of the reports of the United States circuit courts of appeals and of the United States circuit and district courts to certain officers of the United States, and for other purposes," and in accordance with your suggestion I beg to say that the department deems it desirable that the Federal Reporter should be furnished to the United States courts and officials, as provided by the terms of the bill. The department has no doubt that, if the Congress deems it advisable to undertake the expense involved, the work of the legal officers of the Government will be materially facilitated thereby. The amount per volume stated in the bill is in accordance with the statements contained in a letter from the vice-president of the company which publishes these books.

Yours, very truly, CHARLES J. BONAPARTE, Attorney-General.

Hon. JOHN J. JENKINS, M. C., Chairman Committee on the Judiciary, House of Representatives.

The PRESIDING OFFICER. For the present the further consideration of the bill will be waived until the Senator from Nevada gets his amendment. The next bill on the calendar will be proceeded with.

OMNIBUS CLAIMS BILL.

The bill (S. 7971) for the allowance of certain claims reported by the Court of Claims, and for other purposes, was announced as next in order.

Mr. BRISTOW. I ask that the bill may go over.

The PRESIDING OFFICER. The bill will go over on the objection of the Senator from Kansas.

LAND AT HOT SPRINGS, ARK.

The bill (H. R. 22231) granting to the city of Hot Springs, Ark., land for street purposes was considered as in Committee of the Whole.

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

REPORTS OF CIRCUIT COURTS OF APPEALS, ETC.

Mr. BORAH. I ask that the consideration of Senate bill 179 be resumed.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 179) to provide for the distribution of the reports of the United States circuit courts of appeals and of the United States circuit and district courts to certain officers of the United States, and for other purposes.

Mr. NEWLANDS. I offer the following amendment.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. It is proposed to add a new section at the end of the bill, as follows:

Sec. 5. That the Secretary of the Interior be, and he is hereby, authorized and directed to purchase from the reporter of the court of appeals of the District of Columbia a sufficient number of the complete sets of the reports of said court and of the current volumes thereof as may be issued from time to time, to enable him to distribute the same as hereinbefore provided for in case of the Federal Reporter and Federal Cases. And that such sum of money as is required to pay for the volumes of said reports is hereby appropriated out of any money in the Treasury not otherwise appropriated: Provided, That not to exceed \$5 per volume shall be paid for the same, the said books to be distributed under the direction of the Secretary of the Interior.

Mr. OVERMAN. The Senator from Idaho does not agree that that amendment should be made?

Mr. KEAN. It sounds very much like some promotion enterprise. I hope it will not be agreed to.

Mr. NEWLANDS. The amendment simply covers the reports of the court of appeals of the District of Columbia. There is the same reason why those reports should be in the libraries of the various circuit judges of the United States as there is that the reports of any State should be in their hands. This amendment was incorporated in the bill as it passed either the Senate or the House, I forget which—the Senator from Idaho perhaps can inform me—when this matter was last up. I see no reason why it should not be inserted. I presented the matter to the Senator from Idaho and he informed me that there would be no objection to the amendment.

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

Mr. SUTHERLAND. I hope that the amendment will not be agreed to. It seems to me that the reports of the courts of the District of Columbia are of no general use to the various district and circuit judges of the United States. Certainly they would not be as useful as many of the reports of the States. It seems to me it would be an utterly useless expense.

Mr. NEWLANDS. Mr. President, it seems to me that the circuit courts of appeal ought to be put upon an equality so far as their decisions are concerned, and if the decisions of one circuit court of appeals are of value to the United States judges, I can not understand why the decisions of the court of appeals of the District of Columbia should not be equally valuable. That court certainly has the consideration of very important cases, many cases which arise under laws that are passed by Congress submitting matters for their jurisdiction. We have now a proposal on the part of the Interior Department that certain questions relating to the decisions of land controversies shall be appealed to the court of appeals of the District of Columbia.

I can see no reason for a distinction between the courts. If we are to distinguish, why should we not have a roll of honor of the different circuit courts of appeal in the country and indicate that the reports of certain courts are of more value than those of others, and that, therefore, the libraries of the circuit courts of appeal should be confined to the decisions of such favored courts? I can not understand why there should be any distinction whatever.

We have here in this District 300,000 people, and are likely to have a population of a million; a population largely in excess of that of many States and likely to rival that of a great many others. It seems to me that the decisions of this court ought to be put upon an equality with those of the other courts.

Mr. HEYBURN. Mr. President, through some accidental circumstance the court of appeals in the District of Columbia was given a title similar to certain courts sitting in the judicial districts and circuits of the United States. There is no similarity between the jurisdiction or the scope of the jurisdiction of the court of appeals in the District of Columbia and that exercised by the circuit courts of appeal in the several circuits. The questions arising in the several circuits are of general application and general interest. The character of cases arising in the District of Columbia is of no interest outside of the District of Columbia. The court of appeals, as it happens to be termed here, is not a court of corresponding jurisdiction with that of the circuit courts of appeal in the several circuits, and its decisions do not relate to the same class of cases. The scope of the decisions is not similar at all to that of the circuit courts of appeal whose decisions will be found in the Federal Reporter. The Federal Reporter also contains the decisions of the circuit judges in cases that are not appealed, which are final and are of very great importance. There is, as I have said, no corresponding class of cases here before the court of appeals of the District of Columbia. I think it would be a waste of money to print these reports, as they are a class of reports that would be of no use whatever to judges.

The United States should publish and pay for and furnish free the decisions of its courts to its judges in order that every judge may have the benefit of the wisdom of the other judges. It would tend to uniformity of decisions between the various courts and to uniformity in the rule of action. It must be obvious to anyone that every United States judge should have access, without cost to himself, to the decisions of other United States judges in courts of similar jurisdiction.

While I am thoroughly in accord with the provisions of the pending bill, because it is the best that we can do under all the circumstances, I would cheerfully support a measure that would provide for publishing at the expense of the Government the decisions of its own courts. It always did seem to me like a piece of neglect or oversight that the Government should allow the decisions upon which the law of the land rests to remain in the custody and subject to private enterprise, giving the courts no access to the judgment of other courts of similar jurisdiction.

Mr. NEWLANDS. I hope the Senator from Idaho will not oppose this amendment. I think he underrates the importance of the District court of appeals and of its decisions. My attention has been frequently called to cases of very large importance that have been pending in that court. I recall the recent decision regarding the boycott that attracted the attention of the entire country; and the cases which will be brought here of national scope and importance will increase. It seems to me that if we are to furnish the courts of appeal with complete libraries containing the decisions of the United States courts, we ought to furnish the decisions of this court also.

I do not intend to take up the time of the Senate by an elaborate discussion of this matter, but it seems to me very clear. I now submit the question to a vote of the Senate.

Mr. OVERMAN. Mr. President, I hope the amendment will not be adopted. It will cost the Government a great deal of money, and will result in the sending of books all over this country that will never be taken down from the shelves; not a lawyer or a judge will ever consult them.

The PRESIDING OFFICER. The question is on the amendment submitted by the Senator from Nevada [Mr. NEWLANDS]. The amendment was rejected.

Mr. BAILEY. Mr. President, I am not going to detain the Senate nor object to the passage of this bill, except this far: I am convinced, and I have for a long time been convinced, that the Government of the United States ought to print the proceedings of its courts exactly as it prints the proceedings of its Congress, and that it ought to dispose of them in the same way. You never shall get my consent to give any man the right to copyright a proceeding of any department of this Government. That, however, is not exactly the issue here. I simply want to record that as a sort of a protest against the method of allowing these decisions to be reported and then to be copyrighted by individuals or corporations. I would just as soon allow some printing company to copyright the CONGRESSIONAL RECORD or the public documents from the executive departments.

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.

PAY DEPARTMENT, UNITED STATES ARMY.

The bill (S. 1941) to increase the efficiency of the Pay Department, United States Army, was considered in Committee of the Whole.

Mr. WARREN. Mr. President, I submit an amendment to the bill, which is to strike out the whole of the bill and to insert a substitute therefor.

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

The SECRETARY. It is proposed to strike out all after the enacting clause of the bill and to insert:

That the President be, and he is hereby, authorized to appoint the army paymasters' clerks now in service to be paymasters' assistants in the army, and hereafter no person shall be appointed an army paymaster's clerk, but any vacancy occurring in the list of paymasters' assistants whose appointment is authorized by this act shall be filled by the appointment by the President of a citizen of the United States who shall be between 21 and 28 years of age at the date of his appointment and who shall have passed a satisfactory examination, under such regulations as may be established by the President, as to habits, moral character, mental and physical ability, education, and general fitness for the service: *Provided*, That paymasters' assistants appointed under this act shall have the pay and allowances of second lieutenants, except commutation of quarters, fuel, and light, and shall be on the same footing as commissioned officers of the army as to tenure of office, retirement, pensions, increase of pay, and subjection to the rules and articles of war: *Provided further*, That paymasters' clerks who are now in the service and who may be appointed paymasters' assistants under this act may, after becoming 64 years of age, upon the recommendation of the Paymaster-General of the Army and a medical board approved by the Secretary of War, be retained in active service until they shall have reached the age of 70 years: *Provided further*, That each paymaster's assistant shall furnish a bond for the faithful performance of his duties in such sum as may be fixed by the Secretary of War.

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

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.

CLAIMS OF SHAWNEE AND DELAWARE INDIANS.

The bill (S. 6454) to provide for the settlement of claims of the Shawnee and Delaware Indians was announced as next in order.

The PRESIDING OFFICER. The Secretary will read the bill for information, subject to objection.

The Secretary read the bill.

Mr. KEAN. That is a bill, as I understand, to provide for rendering judgment against the United States.

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

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with an amendment, in section 4, page 3, line 2, after the word "case," to strike out "under any written contracts by them executed," so as to make the section read:

SEC. 4. That in rendering the judgments provided for in section 1 of this act against the United States in favor of the individual Indians the court shall ascertain and fix the just amount of attorney's fees in each case, and in its decree set apart the same out of the amount due to each individual Indian and cause a separate judgment warrant to issue to the claimant and to his attorney in full payment for his services in this behalf to such individual Indian, his heirs or legal representatives.

Mr. KEAN. Mr. President, I should like to ask the Senator from Oklahoma why those words "under any written contracts by them executed" are stricken out.

Mr. OWEN. The purpose of striking them out was to allow the court to be free from any suggestion of a written contract and to be limited to a quantum meruit.

Mr. KEAN. I think those words ought to stay in.

Mr. OWEN. The committee thought it was better to have them go out. It is not very important, however, one way or the other.

Mr. KEAN. I hope the amendment will not be agreed to.

Mr. BROWN. Mr. President, the reason, I understand—

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

Mr. KEAN. I think I shall have to object to the bill, Mr. President. I object.

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

EQUALIZATION OF CREEK ALLOTMENTS.

The bill (S. 7364) providing for the equalization of Creek allotments was announced as next in order.

The Secretary read the bill.

Mr. KEAN. I understand that the amount involved in this bill is \$750,000, and that the attorney's fee is to be 10 per cent. I think the bill had better go over, Mr. President.

The PRESIDING OFFICER. The bill will go over, under objection.

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

| | | | |
|-------------|------------|----------|------------|
| Bacon | Clay | Heyburn | Scott |
| Bourne | Crane | Hughes | Shively |
| Brandegee | Curtis | Johnston | Simmons |
| Briggs | Depew | Jones | Smoot |
| Bristow | Dolliver | Kean | Stephenson |
| Bulkeley | du Pont | Lodge | Stone |
| Burkett | Fletcher | Oliver | Sutherland |
| Burnham | Flint | Overman | Warner |
| Burrows | Frazier | Owen | Warren |
| Burton | Gallinger | Page | Wetmore |
| Carter | Gamble | Paynter | |
| Chamberlain | Gore | Perkins | |
| Clark, Wyo. | Guggenheim | Purcell | |

The PRESIDING OFFICER. Forty-nine Senators have answered to their names. A quorum is present.

Mr. PAYNTER. Mr. President, I will detain the Senate but a moment longer. I desire to quote from the report of the Secretary of Agriculture upon the question of the lands in the White Mountains and in the Appalachian Chain:

WHITE MOUNTAINS.

The timber lands of the White Mountains are in the main held by a few large companies, nearly all of whom are cutting extensively on the spruce stands for pulp or lumber manufacture. The plants of some of these companies represent an investment of several hundred thousand dollars. Manifestly, in negotiating for these lands, in so far as they bear uncut timber, the value of the plant must enter into the consideration. In addition, the stumpage value of spruce ranges from \$4.50 to \$6 or \$7 per thousand. This would give the best stands a value of \$75 to \$125 or more per acre.

The hard woods of the White Mountains, of which there is a large area, have not the value of spruce, nor are they as yet being extensively cut. Their stumpage value is from \$2.50 to \$4 per thousand, depending upon location, stand, and quality.

The cut-over lands have a value ranging from \$1 to \$6 or \$8 per acre, depending upon the condition of the timber growth upon them.

The question of the acquirement of timber lands by the Government has been considered with the principal owners of the region. While unwilling to dispose of their virgin timber lands, except at very high prices, they are willing to consider the sale of their cut-over lands, the lands lying too high for lumbering, and the mountain tops.

A careful study of the situation leads to the conclusion that most of the lands of these classes can be bought at an average price of \$6 per acre.

Now, as to the Appalachian Mountains:

SOUTHERN APPALACHIAN MOUNTAINS.

In the Southern Appalachians the timber lands are owned by large companies to a less extent than in the White Mountains, but even here as much as 50 per cent of many localities is under such ownership.

Timber-land owners in the Southern Appalachians are generally inclined to sell their lands to the Government at a reasonable price, regardless of whether the lands contain virgin timber or are cut over. Furthermore, many of them are favorable to the transfer of their lands, themselves retaining the right to cut and remove certain kinds of timber above specified sizes.

In considering the practicability of the Government's purchasing land for national forests in the Southern Appalachians conference has been freely had with timber-land owners, lumbermen, real-estate dealers, and title examiners. Moreover, attention has been paid to the sales which have been made during the past two years and the prices which have been paid.

The price of virgin hard-wood land varies from \$5 to \$12 per acre, depending on accessibility and kind and quality of timber. Cut-over lands are worth from \$2 to \$5 per acre, their value likewise depending upon their location and the condition of the timber growth upon them.

Mr. President, it appears from the statement of the Secretary of Agriculture that the lands proposed to be bought are largely owned by companies; that some of the land will probably cost from \$75 to \$125 per acre; that some of these companies have large plants costing several hundred dollars that would have to be bought. It looks very much like some, if not all, of these companies are willing to sell their land to the Government. Doubtless they are all strong conservationists. I do not think much of the money proposed to be expended will conduce in any material degree to protect our navigable waters. The evidence of Colonel Bixby and others strongly support this view. In addition to that, it seems to me that those to be benefited by the purchase of the land are companies with large holdings. The facts are such I can not give the bill my support.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Missouri [Mr. STONE].

The amendment was rejected.

The PRESIDING OFFICER. The bill is still before the Senate as in Committee of the Whole and open to amendment.

Mr. BURTON. Mr. President, I move that the Senate adjourn.

The PRESIDING OFFICER. The question is on the motion of the Senator from Ohio [Mr. BURTON].

The motion was not agreed to.

Mr. BURTON. I ask for the yeas and nays. The yeas and nays were not ordered.

Mr. GALLINGER. Regular order, Mr. President.

The PRESIDING OFFICER. The question now is upon—

Mr. BURTON. Mr. President, I will address the Senate for a moment. I should have greatly appreciated the courtesy of an adjournment at this time. It is my intention to speak upon this bill at considerable length. The question is of such tremendous import, as I view it, that I can not think with complacency of the passage of this bill without thorough consideration in all its phases. I had hoped that an adjournment would be had at this time. I do not recall a case in which a Senator having made the request which I made about an hour ago, was refused the favor of an adjournment and a postponement of his remarks to the following day; but those on the other side having declined to grant that request and a motion to adjourn having been declared voted down, I shall now proceed to address the Senate. I trust, however, that during all the time in which I am speaking a quorum of the Senate will be present.

Mr. GORE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Oklahoma?

Mr. BURTON. I do.

Mr. GORE. I raise the point that there is no quorum present.

The PRESIDING OFFICER. The Secretary will call the roll.

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

| | | | |
|-------------|------------|-------------|------------|
| Bourne | Clay | Heyburn | Scott |
| Brandegee | Crane | Jones | Shively |
| Briggs | Curtis | Kean | Smoot |
| Bristow | Depew | La Follette | Stephenson |
| Bulkeley | du Pont | Lodge | Stone |
| Burkett | Fletcher | Oliver | Sutherland |
| Burnham | Flint | Overman | Warner |
| Burrows | Gallinger | Page | Warren |
| Burton | Gamble | Paynter | Wetmore |
| Carter | Gore | Perkins | |
| Clark, Wyo. | Guggenheim | Purcell | |

The PRESIDING OFFICER. Forty-two Senators have answered to their names.

Mr. BRANDEGEE. I ask that the names of absent Senators be called.

The Secretary called the names of the absent Senators.

Mr. JONES. I desire to state that my colleague [Mr. PILES] is necessarily detained from the Chamber and will be for the remainder of the evening.

Mr. OLIVER. My colleague [Mr. PENROSE] is detained from the Senate on account of sickness.

Mr. PAGE. I announce that my colleague [Mr. DILLINGHAM] is detained from the Senate by illness, and probably will not be able to be in the Senate during the remainder of the week.

Mr. BRANDEGEE. Mr. President, has the announcement been made of the call of the Senate?

The PRESIDING OFFICER. The Chair has announced that 42 Senators have answered to their names. There is not a quorum present.

Mr. BRANDEGEE. I move that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The Senator from Connecticut moves that the Sergeant-at-Arms be directed to request the attendance of the absent Senators. The question is on that motion.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant-at-Arms will execute the order of the Senate.

Mr. JOHNSTON and Mr. HUGHES entered the Chamber and responded to their names.

Mr. SHIVELY. I move that the Senate adjourn.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Indiana. [Putting the question.] By the sound the "noes" seem to have it.

Mr. SHIVELY. I ask for the yeas and nays.

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

Mr. BULKELEY. I rise to a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BULKELEY. I should like to inquire if, during a call of the Senate where a quorum has not been disclosed, and a call of the Senate is proceeding, any other business is in order?

Mr. LODGE. A motion to adjourn is always in order.

The PRESIDING OFFICER. The Chair understands that a motion to adjourn can be made at any time.

The Secretary resumed the calling of the roll.

Mr. CLAY (when his name was called). I am paired with the junior Senator from New York [Mr. Root]. On the motion to adjourn, I presume I am entitled to vote. I vote "yea."

The roll call having been concluded, the result was announced—yeas 13, nays 26, as follows:

| YEAS—13. | | | |
|----------------|-------------|-------------|--------------|
| Bourne | Curtis | Jones | Stone |
| Bristow | Gore | Purcell | |
| Burton | Hughes | Shively | |
| Clay | Johnston | Stephenson | |
| NAYS—26. | | | |
| Brandegee | Clark, Wyo. | Heyburn | Simmons |
| Briggs | du Pont | Kean | Smoot |
| Bulkeley | Fletcher | La Follette | Sutherland |
| Burkett | Flint | Lodge | Warner |
| Burnham | Gallinger | Oliver | Warren |
| Burrows | Gamble | Page | |
| Carter | Guggenheim | Perkins | |
| NOT VOTING—53. | | | |
| Aldrich | Cullom | Lorimer | Rayner |
| Bacon | Cummins | McCumber | Richardson |
| Bailey | Daniel | McEnery | Root |
| Bankhead | Davis | Martin | Scott |
| Beveridge | Depew | Money | Smith, Md. |
| Borah | Dick | Nelson | Smith, Mich. |
| Bradley | Dillingham | Newlands | Smith, S. C. |
| Brown | Dixon | Nixon | Taliaferro |
| Chamberlain | Dolliver | Overman | Taylor |
| Clapp | Elkins | Owen | Tillman |
| Clarke, Ark. | Foster | Paynter | Wetmore |
| Crane | Frazier | Penrose | |
| Crawford | Frye | Perce | |
| Culberson | Hale | Piles | |

So the Senate refused to adjourn.

Mr. GALLINGER. Let the order agreed to long ago be executed—

Mr. SHIVELY. There is no quorum, Mr. President.

The PRESIDING OFFICER. The Sergeant-at-Arms, the Chair supposes, is carrying out the order of the Senate.

At 6 o'clock and 47 minutes p. m., Mr. SMITH of South Carolina entered the Chamber, and responded to his name.

At 6 o'clock and 50 minutes p. m., Mr. DOLLIVER entered the Chamber, and responded to his name.

Mr. STONE. I move that the Senate take a recess until 10 o'clock to-morrow morning.

The PRESIDING OFFICER [Mr. KEAN in the chair]. The Senate is under an order requesting the attendance of Senators, and no motion to take a recess is in order.

Mr. STONE. I ask unanimous consent, if it is necessary, to vacate the order, and that we take a recess until 10 o'clock to-morrow morning.

The PRESIDING OFFICER. What is the request of the Senator?

Mr. STONE. To vacate the order and take a recess until 10 o'clock to-morrow morning.

The PRESIDING OFFICER. The Senator from Missouri asks unanimous consent to vacate the order by which the Sergeant-at-Arms was directed to request the attendance of absent Senators.

Mr. BRANDEGEE. Has a quorum developed, Mr. President?

The PRESIDING OFFICER. A quorum has not developed.

Mr. BRANDEGEE. I object.

The PRESIDING OFFICER. Objection is made.

Mr. STONE. I should like to ask if a motion to adjourn or to take a recess is not in order while the order directing the Sergeant-at-Arms to notify Senators and bring them in is operating.

The PRESIDING OFFICER. The only motion, the Chair—

Mr. LODGE. A motion to take a recess is not in order in the absence of a quorum.

The PRESIDING OFFICER. That is correct.

Mr. LODGE. The only motion in order is a motion to adjourn.

The PRESIDING OFFICER. A motion to adjourn is not in order at the present time, because such a motion has already been voted down and no business has intervened.

Mr. BURTON. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BURTON. Is a motion to vacate the order that the Sergeant-at-Arms bring in absentees in order?

The PRESIDING OFFICER. A request for unanimous consent to that effect was made, and it was objected to.

Mr. BURTON. Can the motion be made?

The PRESIDING OFFICER. The Senator can make the motion. The Chair of course—

Mr. BURTON. I do not say that I intend to make it, but I ask just as a matter of general information.

The PRESIDING OFFICER. The Chair supposes it is in order.

Mr. GALLINGER and others. Regular order!

Mr. PURCELL. I move that the Senate adjourn.

The PRESIDING OFFICER. No business has intervened since the last motion.

Mr. PURCELL. No business can intervene, because there is no quorum to do business with.

Mr. LODGE. Pending the execution of the order and when no quorum is present, no motion is in order except a motion to adjourn, and of course there being no possibility of intervening business, the motion to adjourn is not kept out, as it is under the general situation when intervening business is required before a motion to adjourn can be made; that is, when a quorum is present business must intervene, but it is obvious that when no business can intervene a motion to adjourn can be renewed. Otherwise the Senate is in a position where it can not even adjourn.

Mr. PAGE. I should like to ask if it would not be parliamentary at this stage of the proceedings to move to vacate the order which is now pending.

The PRESIDING OFFICER. The Chair supposes that a motion is in order that further proceedings under the call be dispensed with.

Mr. PAGE. I move that further proceedings under the call be dispensed with.

Mr. SHIVELY. I make the point of order that that motion is not in order until a quorum shall have appeared.

The PRESIDING OFFICER. The Chair holds that it is in order.

Mr. GALLINGER. The Sergeant-at-Arms has not reported. I think it is the duty of the Sergeant-at-Arms to make a report to the Senate.

Mr. BURTON. The whole theory of parliamentary procedure in regard to this matter is that less than a quorum can adjourn, and they can act in all matters pertaining to the securing of a quorum or vacating an order. There is no doubt as to that.

The PRESIDING OFFICER. The question is on the motion of the Senator from Vermont to vacate the order instructing the Sergeant-at-Arms to request the attendance of absent Senators.

Mr. PURCELL. I make a motion to adjourn.

Mr. GALLINGER. That is not in order.

Mr. LODGE. It is perfectly clear that under the rule a motion to vacate is not in order. The rule is absolutely explicit. Pending the execution of the order and until a quorum is present, no motion is in order except a motion to adjourn. The rule is absolutely explicit.

Mr. BURTON. Then I move that the Senate do now adjourn.

The PRESIDING OFFICER. The Senator from Ohio moves that the Senate adjourn.

Mr. GALLINGER. Pending that, I will inquire how many Senators have answered to their names.

The PRESIDING OFFICER. Forty-six Senators have answered to their names.

Mr. BURTON. I wish also to suggest that quite a number of those who have answered have left the Chamber.

Mr. STONE. Mr. President, is a parliamentary inquiry in order at this stage?

The PRESIDING OFFICER. It is.

Mr. STONE. I submitted an amendment to the pending bill providing for a survey, and so forth, of certain lands in Missouri, Arkansas, and Louisiana. I have been informed that that—

Mr. LODGE. I think a debate is out of order under the rule.

The PRESIDING OFFICER. Debate is not in order.

Mr. STONE. I am not debating. I want to know the status of that amendment. I want to know if it has been acted upon.

The PRESIDING OFFICER. Debate is not in order. That is not a parliamentary inquiry.

Mr. STONE. It is not debate, then.

The PRESIDING OFFICER. The Senator is not in order. The question is on the motion of the Senator from Ohio that the Senate adjourn. [Putting the question.] The noes appear to have it.

Mr. BURTON. I ask for the yeas and nays.

The yeas and nays were not ordered.

The PRESIDING OFFICER. The motion is not agreed to. The Senate refuses to adjourn.

Mr. OWEN entered the Chamber and answered to his name. The PRESIDING OFFICER. Forty-seven Senators have answered to their names. A quorum is present.

Mr. GALLINGER. I move that the Senate take a recess until 10 o'clock to-morrow morning.

The motion was agreed to; and (at 7 o'clock and 5 minutes p. m.) the Senate took a recess until to-morrow, Friday, June 24, 1910, at 10 o'clock a. m.

was simply the unfinished business we might have the same proceeding go on through the next session of Congress, and any one Senator who did not like what the majority of the Senate had finally determined upon would talk the whole project to death. I think my proposition is much more in the interest of legislation along these lines than the suggestion made by the Senator from Nevada, which I had considered before presenting the matter to the Senate.

Mr. NEWLANDS. I will state to the Senator that so far as I am concerned I want to help the Senator in hastening the disposition of the bill.

Mr. BRANDEGEE. I know the Senator does.

Mr. NEWLANDS. I would not do anything that would prevent it from being disposed of at the next session; but I do not know whether the Senator really appreciates what I have said upon that subject.

Mr. BRANDEGEE. I appreciate it.

Mr. NEWLANDS. When a day is fixed for the disposal of a bill and amendments to it, then interest in the question ends and it comes up simply on that day, while those who are urging amendments in good faith for the enlargement of the bill, more comprehensive plans, and so forth, do not find that they have auditors to listen to them. I should like a real contention on this bill, a real debate, a real discussion. That is all I am intent on.

I ask the Senator from Connecticut whether it would not satisfy him to make the bill the unfinished business at the next session. Then after the consideration of the bill for a certain time I will certainly join with the Senator in fixing a day for a final vote upon it.

Mr. BRANDEGEE. If I had the slightest idea that could be done I would have suggested it; but to suggest it would be to encounter a dozen objections. I am going to try to have it made the unfinished business at the next session.

The VICE-PRESIDENT. It is now the unfinished business.

Mr. BRANDEGEE. Will it continue to be the unfinished business at the next session?

The VICE-PRESIDENT. It will continue so until the Senate otherwise orders.

Mr. BRANDEGEE. Very good; then the Senator from Nevada has what he desires.

Mr. GALLINGER. Of course; but it is quite proper some of us should say we do not propose to tie up the business of the Senate for two months by any such permission. That would be absurd.

Mr. NEWLANDS. Of course not.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Connecticut?

Mr. NEWLANDS. If the Senator will bring this up a little later I will confer with him and we will see whether we can not come to an understanding.

Mr. BRANDEGEE. With the notice given by the Senator from Maine [Mr. HALE] that he intends immediately to move a recess until 2 or 3 o'clock, and then with conference reports and other privileged matters coming up it would be equivalent to defeating the whole proposition to delay further this question.

Mr. NEWLANDS. Mr. President, I will not object.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and the order is entered.

OCEAN MAIL SERVICE AND PROMOTION OF COMMERCE.

Mr. GALLINGER. This important matter having been disposed of, I now move, in accordance with the notice I gave some days ago, that the Senate proceed to the consideration of the bill (S. 6708) to amend the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports and to promote commerce."

Mr. OVERMAN. Does the Senator from New Hampshire desire to enter upon the discussion of that bill at this session?

Mr. GALLINGER. No; I am quite willing to lay it aside after it has been taken up.

Mr. OVERMAN. I should object if the Senator wants to proceed with it.

Mr. GALLINGER. I ask for a vote on my motion.

The VICE-PRESIDENT. The question is on the motion of the Senator from New Hampshire that the Senate proceed to the consideration of the bill.

Mr. OVERMAN. I object.

Mr. GALLINGER. Question!

The VICE-PRESIDENT. The question is on agreeing to the motion.

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

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

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

Mr. PAGE (when Mr. DILLINGHAM's name was called). I announce the absence on account of illness of my colleague [Mr. DILLINGHAM]. He is paired with the senior Senator from South Carolina [Mr. TILLMAN].

Mr. FLINT (when his name was called). I am paired with the senior Senator from Texas [Mr. CULBERSON]. I transfer that pair to the junior Senator from Nevada [Mr. NIXON], who is absent to-day, and vote. I vote "yea."

Mr. GUGGENHEIM (when his name was called). I announce my pair with the senior Senator from Kentucky [Mr. PAYNTER]. If he were here, I should vote "yea."

Mr. SCOTT (when his name was called). I have a general pair with the senior Senator from Florida [Mr. TALIAFERRO]. I transfer that pair to the junior Senator from Illinois [Mr. LOBMEYER] and vote. I vote "yea." I will let this announcement stand for all future roll calls to-day.

Mr. WARREN (when his name was called). I have a standing pair with the senior Senator from Mississippi [Mr. MONEY]. I transfer that pair, so that he will stand paired with the junior Senator from Maine [Mr. FRYE], and vote. I vote "yea."

The roll call was concluded.

Mr. GUGGENHEIM. I transfer my pair with the senior Senator from Kentucky [Mr. PAYNTER] to the senior Senator from Pennsylvania [Mr. PENROSE] and vote. I vote "yea."

Mr. JOHNSTON. I failed to state on the roll call that I have been paired with the junior Senator from Michigan [Mr. SMITH]. I transfer that pair to the junior Senator from Arkansas [Mr. DAVIS] and vote. I vote "nay."

The result was announced—yeas 35, nays 21, as follows:

YEAS—35.

| | | | |
|-------------|------------|---------|------------|
| Bradley | Cullom | Heyburn | Scott |
| Brandegee | Curtis | Jones | Simmons |
| Briggs | Depew | Kean | Smoot |
| Bulkeley | Dick | Lodge | Stephenson |
| Burnham | Elkins | Nelson | Sutherland |
| Burrows | Flint | Oliver | Warner |
| Carter | Gallinger | Page | Warren |
| Clark, Wyo. | Guggenheim | Perkins | Wetmore |
| Crane | Hale | Piles | |

NAYS—21.

| | | | |
|-------------|----------|------------|--------------|
| Bailey | Clapp | Johnston | Smith, S. C. |
| Borah | Cummins | Newlands | Stone |
| Bristow | Fletcher | Overman | Taylor |
| Brown | Frazier | Owen | |
| Burton | Gore | Purcell | |
| Chamberlain | Hughes | Smith, Md. | |

NOT VOTING—36.

| | | | |
|--------------|------------|-------------|--------------|
| Aldrich | Culbertson | Gamble | Penrose |
| Bacon | Daniel | La Follette | Percy |
| Bankhead | Davis | Lorimer | Rayner |
| Beveridge | Dillingham | McCumber | Richardson |
| Bourne | Dixon | McEnery | Root |
| Burkett | Dolliver | Martin | Shively |
| Clarke, Ark. | du Pont | Money | Smith, Mich. |
| Clay | Foster | Nixon | Taliaferro |
| Crawford | Frye | Paynter | Tillman |

So Mr. GALLINGER's motion was agreed to.

CENTENNIAL OF REPUBLIC OF MEXICO.

Mr. BACON. Mr. President, I desire to say that I appreciate very highly the honor conferred in the appointment of myself on the commission to Mexico on the occasion of the centennial of the Republic. My engagements, however, are such that it will be impossible for me to serve. I therefore beg to be relieved from that duty.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Georgia to be relieved from service upon the commission named by him? The Chair hears none. The Chair announces the appointment of the junior Senator from North Carolina [Mr. OVERMAN] to succeed the senior Senator from Georgia as a member of the commission.

CONSERVATION OF NAVIGABLE RIVERS.

Mr. HALE. Mr. President, the Senator from North Carolina [Mr. SIMMONS] desires to take the floor, and I shall not now submit my proposition for a recess. I shall do so at the end of his remarks.

Mr. SIMMONS obtained the floor.

Mr. BURTON. Will the Senator from North Carolina yield for a moment, as I desire to submit a resolution?

Mr. SIMMONS. I will.

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

The Secretary read the resolution (S. Res. 278), as follows: Senate resolution 278.

Resolved, That the Secretary of Agriculture be, and hereby is, requested to investigate and report to the Senate concerning the probable cost, extent, and location of the lands available for purchase under Senate bill 4501, entitled "A bill to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers."

Mr. BURTON. I ask unanimous consent for the immediate consideration of the resolution.

Mr. GALLINGER. Mr. President, my attention was diverted for the moment, and I ask that the resolution submitted by the Senator from Ohio [Mr. BURTON] may be again read.

The VICE-PRESIDENT. The Secretary will again read the resolution, at the request of the Senator from New Hampshire.

The Secretary again read the resolution.

Mr. BURTON. The latter part of the resolution, let it be borne in mind, is a description of the title of the bill to which it refers.

Mr. GALLINGER. I am somewhat disturbed about the term "available for purchase." I take it for granted that there is an enormous area of land that might be "available for purchase" that might not be needed. If the Senator from Ohio thinks that would really be quite a proper inquiry, I shall not object. I agree to the purpose which the Senator has in view. Would the Senator from Ohio agree to the phrase "and probably necessary?"

Mr. BURTON. "Available and probably necessary."

Mr. GALLINGER. "And probably necessary."

Mr. BURTON. I consent to the insertion of the words "and probably necessary."

Mr. GALLINGER. The phrase "character of the land" I think likewise should be inserted.

Mr. BURTON. That, I think, would be included in the general purview of the resolution. I do not think there would be any question about that.

Mr. GALLINGER. I do not insist upon the insertion of the last words I have mentioned.

The VICE-PRESIDENT. In the absence of objection, the resolution will be modified as indicated.

Mr. SMITH of South Carolina. Mr. President, I should like to ask the Senator from Ohio [Mr. BURTON] if he means that the Secretary of Agriculture is to deal with the lands that affect these water supplies.

Mr. BURTON. That would be necessarily implied. The fact is these examinations would be determined by the language of the bill. We can not make it any clearer than that.

Mr. SMITH of South Carolina. I was listening to the objection the Senator from New Hampshire [Mr. GALLINGER] made and the modifying words which he wished to incorporate. I have reference to the discrimination about the watersheds that lie contiguous to our rivers and the great damage which we sustained in 1908. I should be delighted to vote for the resolution on the ground that we did sustain a loss, which, if I had time now, I should like to discuss.

Mr. BURTON. I think that would be included in the language of the resolution. The fact is, quite elaborate examinations have already been made; but the object of this resolution is to bring these examinations down to date and add to the knowledge already obtained and presented in systematic form to Congress.

Mr. SMITH of South Carolina. Mr. President, as the Senator from New Hampshire intimated otherwise, I should like to have the resolution restricted, if possible, merely to those lands that affect the flow of the streams, because objection has been made to this bill on the ground that there would be land that it would not affect.

Mr. BURTON. I would say that the bill takes care of that. The Secretary of Agriculture would be confined in his examination to those lands described in the bill and to the purpose set forth in the measure itself.

The VICE-PRESIDENT. Is there objection to the immediate consideration of the resolution submitted by the Senator from Ohio [Mr. BURTON]?

Mr. BRANDEGEE. Mr. President, I shall not object to the resolution, but I desire to call the attention of the Senator from Ohio to the fact that, in my judgment, everything that he calls for in his resolution was done several years ago by the Secretary of Agriculture, whose report to Congress is printed in the Record. The Senator himself has been quoting in the last two or three days from that report and criticising the whole scheme because the Secretary said that the purchase of 75,000,000 acres of land was necessary in the Appalachians. It seems to me a work of supererogation to go all over that same ground again.

Mr. STONE. Mr. President, I object to the present consideration of the resolution.

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

Mr. SIMMONS. Mr. President, the increased cost of many articles in common use has arrested the attention of the public. On January 10, 1910, the Senate directed the Secretary of Commerce and Labor to transmit information on that subject. In conformity, the Secretary transmitted his response on February

3. The tables he brought to the attention of the Senate indicate advances in nearly every commodity.

Various causes have been assigned for these increases in price. Prices are somewhat based on the cost of production and are largely determined by supply and demand, and changes in prices are brought about by causes that affect these basic elements. The increase in the circulation, higher wages, a higher standard of living, and other such causes, have doubtless exerted an influence toward increasing prices.

In so far as the increase has been affected by an advance in the price of labor, whether on the farm or in the factories; in so far as it represents an elevation in the standard of living; whether in our own country or abroad; in so far as the high prices are a measure of prosperity, a natural accompaniment of prosperous times, we should hail it with satisfaction. But in so far as it is to be attributed to artificial, unnatural, and improper causes, the wrong and injustice done to those of our citizens who suffer from the increased cost of living should be removed.

On January 28 the distinguished Senator from Massachusetts [Mr. LODGE], in an exceedingly comprehensive speech on the subject of prices, reached the conclusion that the cause of the advance in prices was the addition to the supply of gold throughout the world, operating to cause an inflation of prices, and that the advance was not to be attributed to the tariff.

On a careful review of the facts, I am led to a different opinion and conclusion.

If the fundamental cause were the increased supply of gold, we would expect a general and uniform advance in prices, an advance world-wide and extending to all the commodities that have a world-wide market. Beginning with 1887, more than twenty years ago, the addition of both gold and silver annually to the supply of the precious metals has been notable. But while the addition to the supply of gold has been constant, prices of commodities have greatly fluctuated.

In this country instead of an advance from 1890 to 1897 prices declined 23 points, or 20 per cent. At page 555, Statistical Abstract for 1908, is given the relative prices of all commodities. It is stated for 1890 at 112.9; and for each subsequent year as follows: 1891, 111.7; 1892, 106.1; 1893, 105.6; 1894, 96.1; 1895, 93.6; 1896, 90.4; and for the year 1897, 89.7; there being a decline of 23.2 points, or 20 per cent. During that period there was, with the exception of the year 1896, an annual increase of the per capita circulation. Notwithstanding that in 1891 there was an increased per capita over 1890, prices fell. In 1892 there was a larger increase per capita, and prices fell again; fell 5 per cent. In 1894, when the per capita remained the same as in 1892, prices took another tumble, falling 10 per cent. During all this time the stock of gold of the world was annually increasing. The annual increment in the world's supply of gold between 1876 and 1890 was more than \$100,000,000, reaching in the latter year \$118,000,000. In 1896 it rose to over \$200,000,000 and in 1897 to over \$236,000,000. The annual addition to the supply of gold doubled during the seven years between 1890 and 1897, a period of falling prices, that for 1897 being 100 per cent greater than for 1890, the average annual increase during that period being 14 per cent.

These tables show that during the years between 1890 and 1897, coincident with these additions to the gold supply and with an increased circulation, there was a decline in prices. This fact is inconsistent with the theory that an increase in the gold supply always brings increased prices. The advance in prices began in 1897 and 1898, and coincident with it was a continued increase in the annual gold supply. Relative prices were in 1897, as stated, 89.7; and there was a constant advance until they reached 129.5 in 1907, a rise of 40 points, being 44 per cent.

In 1897 the annual increment in the stock of gold was, as I have stated, \$236,000,000, and it constantly rose until it reached \$410,000,000 in 1907. During this decade—a decade of rising prices—the increase in the annual addition to the supply was 70 per cent, being an average for those ten years of 7 per cent annually.

But it is to be recalled that the similar increment between 1890 and 1897 was 100 per cent, being 14 per cent annually.

In other words, during the period while the annual addition to the gold supply was increasing 14 per cent, prices in this country fell 23 per cent, whereas during the period while the annual addition was increasing at the rate of 7 per cent, prices rose 44 per cent in this country. These facts are utterly inconsistent with the theory that the cause of the advance in prices has been the enlarged supply of gold.

That the cause of these increases in prices is not primarily due, as now contended by our opponents, to the increased supply of gold, but to the protective system, is shown by the fact that these increases have not been general and uniform in any country, but have been largely confined to those countries having a protective tariff.

H. J. Res. 240. Joint resolution to carry out the provisions of an act to present replica of the statue of General Von Steuben to the German Emperor and to the German nation.

SENATORIAL INVESTIGATION.

Mr. HUGHES. Mr. President, I rise to a question of highest privilege affecting the Senate of the United States. In this connection I offer the following resolution:

Senate resolution 281.

Resolved, That a committee of five, to be appointed by the Chair, be, and it is hereby, directed to investigate and report whether any Senator of the United States is or during his term of office has been interested in or connected with legislation affecting the approval of Indian contracts or has done anything because of said interest and whether any improper attempts or efforts to prevent or to secure the passage of a statute affecting the approval of Indian contracts have been made at this session of Congress; and said committee is authorized to sit and proceed in the vacation.

Mr. President, there have been statements made in this body of a character so serious that it seems to me, as it does to many others, that the Senate can not in justice to itself fail to take cognizance of them and take steps to ascertain what the truth may be with regard to them; and because of that fact, and feeling that it is not wise or just to pass the matter by in silence, I have prepared this resolution, so that the Chair may appoint a committee to investigate and report to the Senate what the facts may be.

I ask for the present consideration of the resolution.

The VICE-PRESIDENT. The Senator from Colorado asks unanimous consent for the consideration of the resolution he has presented. Is there objection?

Mr. HALE. Under the rules, the resolution goes to the Committee to Audit and Control the Contingent Expenses of the Senate.

The VICE-PRESIDENT. Under the statute, that is correct.

Mr. HUGHES. I ask unanimous consent that the resolution be adopted, it being one affecting the highest privilege of the Senate, without following the rule.

The VICE-PRESIDENT. It is statutory.

Mr. GALLINGER. That is the law.

The VICE-PRESIDENT. It is not a rule.

Mr. HUGHES. I have called for no expenditure in connection with this matter.

The VICE-PRESIDENT. The Chair thought otherwise.

Mr. HUGHES. There is no provision for any expenditure whatever in the resolution which I have presented.

Mr. HALE. Then it will be of no avail whatever.

Mr. HUGHES. I think it will be of avail.

The VICE-PRESIDENT. The Senator from Colorado asks unanimous consent for the present consideration of the resolution. Is there objection?

Mr. HALE. I object. Mr. President—

The VICE-PRESIDENT. Objection is made. The Senator from Maine is recognized.

Mr. HUGHES. I move—

The VICE-PRESIDENT. The Senator from Maine has been recognized.

Mr. HALE. I will not object.

The VICE-PRESIDENT. The Senator from Maine withdraws his objection. Is there objection to the present consideration of the resolution? The Chair hears none, and without objection—

Mr. CARTER. Mr. President—

The VICE-PRESIDENT. Without objection, the resolution is agreed to.

Mr. CARTER. In connection with the resolution—

The VICE-PRESIDENT. The Senator from Maine has the floor. Does the Senator from Maine yield to the Senator from Montana?

Mr. HALE. In one moment.

Mr. CARTER. In connection with the resolution—

The VICE-PRESIDENT. The Senator from Maine has been recognized and can not be taken off his feet except by his consent.

Mr. HALE. I will yield in one moment.

Mr. CARTER. I understood the Senator from Maine had the floor for the purpose of considering the resolution.

The VICE-PRESIDENT. Since that time the Chair again recognized him.

Mr. CARTER. I addressed the Chair when unanimous consent was given for the purpose of considering the resolution. I now rise—

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Montana?

Mr. HALE. Yes; in one moment.

Mr. CARTER. To present by request—

The VICE-PRESIDENT. The Senator can not present anything until the Senator from Maine yields the floor to him, which he says he will do in a moment.

Mr. CARTER. I rise to a question of order, Mr. President,

The VICE-PRESIDENT. The Senator will state it.

Mr. CARTER. The Senator from Maine surrendered the floor for the purpose of considering a resolution which was brought forward by unanimous consent. When unanimous consent was given, I addressed the Chair on the question for the purpose of presenting a paper to be read in connection with the consideration of the resolution, which was to be considered by unanimous consent. I believe I was entitled to recognition on the resolution. The matter I have in hand will consume but a moment. It consists of a paper to be read and placed in the RECORD in connection with the resolution.

Mr. HALE. Mr. President—

The VICE-PRESIDENT. The Senator from Maine.

Mr. HALE. I submit a comparative statement of the appropriations—

Mr. CARTER. Mr. President, I insist upon my question of order.

The VICE-PRESIDENT. The Chair holds that he recognized the Senator from Maine, and that the Senator from Maine is entitled to the floor and can only be taken from the floor either by surrendering the floor or by yielding.

Mr. LODGE. I understand the resolution has been agreed to.

The VICE-PRESIDENT. The resolution has been agreed to by unanimous consent.

Mr. LODGE. Unanimous consent was given to take it up, and it has since been agreed to.

The VICE-PRESIDENT. It was since agreed to by unanimous consent on the statement of the Chair.

Mr. CARTER. Unanimous consent was given, but that was for the purpose of taking up the resolution for consideration.

The VICE-PRESIDENT. The Chair put the question thereafter whether the resolution should be agreed to by unanimous consent.

Mr. CARTER. I was at the time that question was put demanding recognition.

The VICE-PRESIDENT. If the Senator from Montana desires to object, the Chair will hold that the resolution was not passed by unanimous consent.

Mr. CARTER. I had no intention of objecting to the consideration of the resolution. I desired, however, to present a paper to be read in connection with the resolution after unanimous consent for its consideration had been given.

Mr. HALE. Mr. President, I shall be out of the way of the Senator in a moment if he will not be so insistent. I have the floor.

The VICE-PRESIDENT. The Chair holds that the Senator from Maine has the floor, but the Chair can not refrain from suggesting that, on the statement of the Senator from Montana, fairness would require that he be permitted to have the paper read in connection with the resolution to which it refers.

Mr. HALE. That I do not object to, Mr. President.

Mr. CARTER. I thank the Chair for his consideration. I present, by request, the following paper to be read in connection with the resolution.

The VICE-PRESIDENT. Without objection, the Secretary will read the paper. The Chair hears no objection.

The Secretary read as follows:

To the Senate of the United States:

I respectfully petition the Senate to direct an immediate open and thorough investigation of the charges made upon the floor of the Senate on June 24, 1910, by Senator Gore of Oklahoma. Senator Gore's statement that I was interested in the McMurray contracts is false and has no foundation except the fact that Ex-Senator Chester I. Long and myself recently appeared as attorneys for Mr. McMurray at a hearing before the Attorney-General directed by the President of the United States upon Mr. McMurray's application to have his contracts with individual citizens of the Choctaw and Chickasaw nations recognized as legal obligations.

I have had no part in asking the enactment or the defeat of any legislation directly or indirectly affecting these contracts. From my knowledge, as Mr. McMurray's attorney, I am satisfied his contracts are legal, that they were obtained by open and honest methods, and that they will, if carried out, be of great advantage to the people of these Indian nations. Mr. McMurray has in the past secured for these Indians, through legislation and judicial procedure, many millions which otherwise might have been lost to them.

I am satisfied that neither Mr. McMurray nor anyone else has maintained a lobby or has employed a single individual to urge legislation upon Congress favorable to his interests, and I am assured by Mr. McMurray that any suggestion of attempted bribery of Senator Gore, on behalf of Mr. McMurray, is absolutely false.

These statements on the floor of the Senate, by Senator Gore, privileged in character by reason of his official position, are prejudicial to the good name and reputation of men of honorable standing and should not be permitted by the Senate to remain against them without full investigation and an opportunity where all may be heard.

If Senator Gore chooses to make such charges and avoids the responsibility of asking an investigation, I respectfully appeal to the Senate for appropriate action to the end that the reputation of American citizens may not be destroyed by false statements made under the privilege of official position.

JOHN M. THURSTON.

The VICE-PRESIDENT. The Senator from Maine.

Mr. HUGHES. I should like to make an inquiry in connection with the paper just read.

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

Mr. HALE. I have not the floor.

The VICE-PRESIDENT. The Senator from Maine resigns the floor.

Mr. HUGHES. I did not understand whether the Chair announced that the resolution had been adopted, and so held.

The VICE-PRESIDENT. The Chair announced that the resolution had been adopted by unanimous consent.

Mr. HUGHES. That is the way that I understood it, but there was some confusion at the time.

The VICE-PRESIDENT. The Chair stated that if there was no objection the resolution was adopted, and no objection was made.

Mr. OWEN. I send to the desk certain letters which I desire to go into the RECORD, and certain other papers, a part of which relate to the question of the McMurray contracts.

The VICE-PRESIDENT. Is there objection to printing the matter in the RECORD? The Chair hears none.

The matter referred to is as follows:

UNITED STATES SENATE,
Washington, D. C., April 14, 1910.

SIR: I am informed that one Mr. J. F. McMurray, of my State, has recently presented to you for your approval a contract between himself and the Choctaw and Chickasaw tribes of Indians respecting the sale of the segregated coal and asphalt lands belonging to said tribes of Indians. You will please pardon me for saying that this contract was submitted to your predecessor and was by him rejected and disallowed. That course was eminently wise and judicious. No service can be rendered to the Indians equivalent to the consideration provided for in the contract.

It is the duty of the Oklahoma delegation to protect and promote both the interests and the welfare of these Indians. No greater service can be rendered either by the delegation or by yourself than to shield the Indians against the payment of the unearned commissions provided for in the proposed contract. I sincerely trust that you may feel justified in rejecting and disallowing this agreement.

It is probable that other contracts between Mr. McMurray and individual Indians may have been called to your attention. These contracts are equally without consideration and deserve no official recognition at your hands or at the hands of Congress.

Most respectfully,
T. P. GORE.

The PRESIDENT, White House.

MAY 10, 1910.

To the honorable ATTORNEY-GENERAL,
Washington, D. C.

SIR: I have been advised by the President that the McMurray contracts with the Choctaw Indians are now in the hands of yourself and the Secretary of the Interior for consideration and for a report to His Excellency. I take this opportunity to express my most earnest protest against the approval of these contracts and to express the hope that they will not commend themselves to your favorable consideration. I desire to say that I oppose these contracts, because, first, the original contract is illegal; second, both the original and the individual contracts are unnecessary, unjust, and unwise.

The original contract between the governor of the Choctaw Nation and Mr. McMurray is illegal, because the act of the Choctaw council upon which this contract was sought to be based was disapproved by President Roosevelt on February 17, 1908. Under the act of April 26, 1906, no act of the Chickasaw and Choctaw council is valid (with one or two inconsequential exceptions) until and unless such act is approved by the President of the United States. The act of the Choctaw council, approved July 3, 1905, on which this contract was founded, having been disapproved, it is of course a nullity.

The act of President Roosevelt in disapproving this act of the Choctaw council was supported by a letter from the chief of the Choctaw tribe recommending the disapproval of the contract. It was supported by a letter from J. George Wright, Commissioner of the Five Civilized Tribes of Indians, and also by a letter from Secretary of the Interior James R. Garfield.

My opposition to the original contract and the individual contracts is not based merely upon the fact that said original contract is illegal, but that if all of said contracts were not liable to the objection of illegality, still they are to the objection that they are entirely unnecessary.

It is among the highest duties of the President of the United States, Secretary of the Interior, Commissioner of Indian Affairs; it is likewise the duty of both branches of Congress and the Indian committees of both branches of Congress; it is also the duty of the two Senators and the five Representatives in Congress from Oklahoma to protect the interests and to promote the welfare of these tribes of Indians.

It is not only the duty of these officials to safeguard and defend the rights of the Indians, but it is also the duty of Messrs. McCurtain & Hill, their regular attorneys; of Mr. Ormsby McHarg, special attorney of the Choctaw tribe. I may be pardoned for saying that in your letter to the President under date of February 3, 1910, recommending the appointment of Mr. McHarg the necessity for his appointment was based on the existence of these individual contracts between the members of the Choctaw tribe of Indians and Mr. McMurray. If it were necessary to appoint Mr. McHarg for the very purpose of protecting the Indians against the McMurray contracts, it could not, of course, be desirable now to ratify those very contracts against which the Indians needed protection.

Furthermore, I oppose these contracts because they are unjust. The coal and asphalt lands belonging to the Choctaws and Chickasaws are estimated to be worth from \$30,000,000 upward. I am reliably advised that there is a syndicate now formed in New York willing and ready to pay thirty millions or more as soon as the lands are placed on the market. A 10 per cent fee on this vast sum would aggregate \$3,000,000, and I presume, the largest fee paid in the history of the world. It seems to me that this money ought to be saved to the Indians themselves instead of being needlessly paid for the useless services of Mr. McMurray or anyone else. If those who are officially charged with the protection of the Indians are not equal to the task and private assistance should be found desirable, I beg to submit that the best legal talent and the highest legal character could be obtained in behalf of the Chickasaws and Choctaws for one-tenth of 1 per cent on the sale price of these mineral lands. I should not favor a contract calling for even

this low percentage, because such a contract would be equally unjust, if not equally injurious, with the one calling for the larger commission.

Permit me to say, further, that I introduced a bill on Wednesday last providing that contracts affecting tribal money and property of the Five Civilized Tribes should receive the approval of Congress as a condition precedent to their validity. This measure has been favorably reported to the Senate and will probably pass at an early date. Pending this bill I hope that favorable action will not be taken upon the so-called McMurray contracts.

If I may venture an opinion, it seems to me that the contracts entered into between Mr. McMurray and the individual members of the tribe could receive no force and no validity from the President's approval. In other words, these are not such contract or contracts as was contemplated by the act of February 26, 1906. These agreements may be entirely valid as between Mr. McMurray and the individual Indians themselves, but that against which I protest is the effort on the part of any official of the Government to give validity or any special standing and recognition to these contracts by a formal ratification and approval. I fear that such an approval might one day be made the basis at least for an effort to secure the collection of these fees from the Treasury of the United States through congressional action.

I know the aversion which every busy man feels toward the perusal of a long letter, but my interest in this matter and the importance of this question to the Indians involved will serve as my apology and invoke your pardon.

Most respectfully,

T. P. GORE.

OFFICE OF THE ATTORNEY-GENERAL,
Washington, D. C., May 11, 1910.

Hon. THOMAS P. GORE,
United States Senate.

MY DEAR SIR: I have your favor of 10th instant, expressing opposition to the approval of certain contracts made between the Choctaw Indians and Mr. McMurray, which are now before the Secretary of the Interior and myself for consideration and report to the President.

The original contracts to which you refer, which were obviously illegal, have been withdrawn from our consideration, and the only matter we now have under advisement is the contract or contracts between individual members of the Choctaw and Chickasaw tribes and Mr. McMurray. Both the Secretary and myself will give very careful consideration to these contracts.

Respectfully,

GEO. W. WICKERSHAM,
Attorney-General.

[Telegram.]

APRIL 14, 1910.

To the PRESIDENT, White House:

The contract between J. F. McMurray and the Choctaw and Chickasaw tribes of Indians for the sale of the segregated coal and asphalt lands belonging to said tribes was rejected and disallowed by President Roosevelt. I trust it will be rejected and disallowed by you. The fees and commissions would aggregate approximately \$3,000,000, which could not be earned by the attorneys and would be a net loss to the Indians.

Most respectfully,

T. P. GORE.

To the honorable ATTORNEY-GENERAL,
Washington, D. C.

MY DEAR SIR: I am pleased to acknowledge receipt of your valued favor of the 11th instant, respecting the contracts between Mr. McMurray and certain members of the Choctaw and Chickasaw tribes of Indians. I beg to advise you that Senate bill 8093 passed the Senate on yesterday. This bill provides that all contracts affecting the tribal money and property of the Five Civilized Tribes must receive the approval of Congress before they shall become valid and binding. If this measure becomes a law, it will protect the Choctaws and Chickasaws against all contracts of a character similar to the McMurray agreements. Permit me to express the hope that no action will be taken upon the McMurray contracts pending this legislation in Congress.

Most respectfully,

T. P. GORE.

UNITED STATES SENATE,
Washington, D. C., April 15, 1910.

MY DEAR MR. PRESIDENT: I wish to put on record my earnest disapproval of the contract submitted to you by J. F. McMurray proposing a payment to him and his associates of 10 per cent of the recovery from the sale of the coal and asphalt properties of the Choctaw and Chickasaw nations.

I am informed that he has personal contracts with the individual members of these two tribes for 10 per cent of the recovery of the balance due them by the United States.

I cordially approve reasonable compensation to attorneys for services actually performed. The fees proposed in this case are grossly unjust and would be so regarded by the people of our State. My duty to your administration compels me to register my views in regard to this matter in order that I may protect your administration against public disapproval in my State. Any reasonable compensation to attorneys for professional services shown to have been performed, I am sure, would meet the cordial approval of the Oklahoma delegation, but enormous fees paid for services which are peculiarly the duty of the Oklahoma delegation to perform will not meet the approval of the Oklahoma delegation or of the people of Oklahoma.

I remind you of three personal visits I have recently made, urging your action in settling the affairs of the late Five Civilized Tribes, and particularly immediate action in regard to the Choctaw coal and asphalt fields.

Yours, very respectfully,

R. L. OWEN.

To the PRESIDENT.

[Telegram.]

APRIL 15, 1910.

ORMSBY MCHARG, Esq.,
Attorney Choctaw Nation, New York City:

I call your attention to the immediate pendency of the J. F. McMurray contract with the Choctaws and Chickasaws, proposing a payment to him of 10 per cent of the sale of the value of the coal and asphalt property under a contract some years ago, which President Roosevelt refused to approve, and desire to know your attitude with regard to it.

President Taft is being urged to approve it. The Oklahoma delegation is opposed to the approval of this contract, and request your immediate cooperation.

Yours, very respectfully,

R. L. OWEN.

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[Telegram.] NEW YORK, April 15, 1910.

Hon. R. L. OWEN, United States Senate, Washington, D. C.: Telegram relative to McMurray contract just received. My only knowledge of contract is hearsay. Likely unnecessary for me to say that if terms of contract are as outlined in your telegram I will oppose its approval by the President. If contract is as you say, it covers my employment by Choctaws, in furtherance of which I am working, preparing bill to be submitted to Oklahoma delegation and Secretary of the Interior, which has for its purpose immediate sale of property of Choctaws and Chickasaws. Ten per cent on government estimate of value of coal land and asphalt property most exorbitant fee.

ORMSBY MCHARG, Attorney Choctaw Nation.

[Telegram.] WASHINGTON, D. C., April 15, 1910.

ORMSBY MCHARG, Attorney Choctaw Nation, New York City: Your immediate protest to the President against the McMurray contract is necessary. Your contract unquestionably covers the sale of the coal. President Roosevelt refused to approve this contract, and you should at least wire, asking to be heard by the President before he acts in the matter.

R. L. OWEN, United States Senator.

SUGGESTIONS FOR PLATFORM USE.

[By R. L. OWEN.]

We have the honor to present suggestions which we trust may be useful to those charged with the duty of drawing Democratic platforms. We, the representatives of the Democratic party of —, in convention assembled, declare the following principles: We emphasize again the declaration of our Democratic national platform of 1908: "The conscience of the Nation is now aroused and will free the Government from the grip of those who have made it a business asset of the favor-seeking corporations. It must become again a people's government, and be administered in all departments according to the Jeffersonian maxim, 'equal rights to all, special privileges to none.' " "Shall the people rule?" is the overwhelming issue which manifests itself in all the questions now under discussion. That such is the primary issue has become perfectly clear. Only where there is a properly framed system of direct primaries and other up-to-date governmental mechanism do the people rule or can the people rule. During the past two years the gross abuses of power by the Republican national and state organizations, usually termed the "machine," have emphasized the fact that you, the people, do not rule. The Payne-Aldrich tariff law has not removed the tariff shelter from the trusts, and there is no pretense that it has done so. It has not lowered in the least the cost of living. Monopolies are not controlled, but multiply, and with insolent power have seized every American market place. The monopolists are rapidly acquiring all the wealth produced by the people and reducing millions of the weaker citizens to abject poverty. White women are bought and sold like animals, and hopeless poverty yields to heartless vice. The physical property of the interstate railroads is still without valuation, all of which demonstrates the completeness with which these and other special-privilege corporations are in power. Back of this rule of privilege is the coercion of impoverished employees and the secret and corrupt use of millions of dollars of campaign funds for the nomination and election of the Republican regulars. The Republican congressional committee has refused to publish the names of its campaign contributors, while the Democratic congressional committee and the Democratic national committee both did so, and before the election. This attitude of the committees and the subsequent continuation of legal privileges by the Republican machine is conclusive proof of its corrupt alliance with the special interests; and this proof is supplemented by the continued refusal of the Republican machine to establish a system whereby there shall be publicity of campaign funds before the election. The Democratic Representatives in Congress continue to stand for the people's-rule system. The National Democracy declared it the chief national issue; and thus the underlying issue continues to be, Shall you, the people, reestablish a system of government in which you will rule? Shall you cast off your masters and become self-governing men? Your immediate master in government is the Republican machine, financed by the holders of privilege and owned by them. So long as machine-rule system of government is permitted to continue, the sinister alliance will exist. You can not control the trusts by the Government when the Government is controlled by the trusts. The indecent and injurious alliance between the trusts and the Government has been denounced openly by the most prominent Republicans in Congress—by Senator DOLLIVER, of Iowa; by Senator LA FOLLETTE, of Wisconsin; by Congressman NORRIS, of Nebraska, and others—and recognized by many leading Republicans who are utterly disgusted with the rule of corrupt privilege. But the Aldrich-Cannon machine insists that the people do rule; that they rule through the Republican machine organization. The organization is glorified by CANNON and ALDRICH. If the people rule, why don't the people get what they want? Why has there been no reduction of the tariff? Why has there been no reciprocity, but a law authorizing retaliation instead? Why has there been no effective control of monopoly? Why has there been no lowering of prices on the necessities of life? Why no genuine control of railroad freight and passenger rates? Why no control of railway discriminations between cities? Why no control of overcapitalization of stocks and bonds of railways and of industrial monopolies? Why no physical valuation of railroads as a basis of fair rates as urged for years by our Interstate Commerce Commission? Why does the United States Senate block the election of Senators by direct vote of the people? Why should one man control the Senate and one man control the House of Representatives? Why should there be machine rule at all? Why no control of the telegraph and telephone monopolies? Why no control of the express companies? Why no parcels post?

Why no progressive inheritance tax on gigantic estates, which all civilized countries except ours enjoy? Why no control of the gigantic gambling in stocks and bonds and in agricultural products? Why no development of national good roads? Why no development of our national waterways system? Why no national law for publicity for campaign funds before elections and a sound corrupt-practices act? Why are the publications of fraternal orders, of educational societies, and the magazines denied reasonable rights and threatened with higher rates? They are talking too much of the evil of machine rule. Why no department of labor? Why no department of education? Why no department of health? Why are the labor unions and farmer unions classed as conspiracies in restraint of trade and their prayers denied? What does forty-five thousand millions of corporate wealth, listed by Moody, mean, with 10,000,000 sweat-shop workers and desperately poor struggling for bare maintenance? What does a thousand million in one man's hands mean, when white women are bought and sold like beasts because of helpless poverty? The reason is plain: Gigantic fortunes built on monopoly, protected from competition abroad, are absorbing the national wealth and are in alliance with the Republican machine, to which they secretly contribute millions of money, to be repaid in the legislation and immunity which the machine controls. The industrial monopolies oppose a lower tariff and lower prices, and in vain the people petition the political machine for relief. The railroad monopolists oppose lower and fairer freight rates, physical valuation, control of capitalization, and control of speculation in stocks and bonds, so the people appeal to the machine in vain. The express companies oppose a parcels post, so the people are denied relief by the machine. The railroad monopolists do not want improved waterways, fearing competition, nor improved public roads, and the machine takes no interest in the people's wishes. The big interests oppose a progressive inheritance tax and an income tax, so, after much talk, the machine gives no substantial relief. Publicity for campaign contributions before elections and a thoroughgoing corrupt-practices act would ruin the alliance, so there is no action. The whole system of government has become one of special favoritism and special privilege, and members of the machine openly barter with each other for them. The United States Senate opposes the direct election of Senators because the people, voting directly, would overthrow the machine and machine-made Senators. The honest Republican citizen and voter is as badly injured and oppressed by the operations of the machine as other citizens and worse, because his confiding belief in the integrity of his party's leaders is betrayed. The denial of the great essentials the people want is all the proof the people need that the machine rules and that the people do not rule. The question is, Will the people throw off the rule of special privilege and become self-governing men in fact as well as in theory? In behalf of the Democratic party of — we pledge to you, the entire people of the State, that the Democratic nominees for the legislature will each be invited to make to you the following pledge in writing: To the people of the — district, State of —: I pledge to you that if you elect me to represent you in the legislature I will vigorously work and vote for the needed mechanism whereby you can actually exercise your sovereignty. To that end I will stand for the passage of the following laws in their most thoroughgoing and perfected form: First. An honest registration law and a really secret ballot. Second. A thoroughgoing direct-primary system covering local, state, and congressional offices, direct election of delegates to party conventions, direct election of party committeemen, and a means whereby the voters in each party can directly instruct delegates, as in Texas. Third. A vigorous corrupt-practices act, with limitation of the use of money by candidates and all others to the absolute necessities of the campaign, with publicity of such funds immediately before the nominating primaries and before the elections, with publicity pamphlets setting forth the argument for and against men and measures, delivered to each voter free by the secretary of state before the nominating primaries and before the elections. Fourth. An authorization to the people to install the Des Moines plan of municipal government, a notable success, already adopted in a large number of cities during the last two years. Fifth. An improved form of the Illinois public-opinion law, whereby the people can vote directly on public questions, the will of the majority becoming an instruction to legislative representatives—national, state, and local. Sixth. And especially will I stand for the initiative and the referendum, by which the people can initiate laws they do want if the legislature fails to act, and can veto laws they do not want if the legislature should enact such laws. Seventh. The right of recall, by which any state or municipal official can be retired if he proves to be dishonest or inefficient. Eighth. A law establishing in the voters at the primaries and at the elections a right to indicate a second choice and a third choice, thereby resulting in majority nominations and majority elections and enabling the progressives to get together without fusion. (See S. Doc. 603, 61st Cong., 2d sess.) Thus the Democratic nominees will be made an agency whereby the needed laws shall be installed and do away forever with successful political corruption in this country. When you, the people, vote for Democratic nominees who are pledged to this platform you will in reality vote for yourselves, for your own power, the actual establishment of your own sovereignty, and for the overthrow of the corrupt political machine that has seized the powers of government and is subjecting you to the unendurable pilfering of its commercial allies. When the proposed system of party government is established you can secure whatever other reforms are needed. THE REFORMER. [Benton Bradley, in La Follette's.] Does it make you mad when you read about Some poor, starved devil who flickered out, Because he had never a decent chance In the tangled meshes of circumstance? If it makes you burn like the fires of sin, Brother, you're fit for the ranks—fall in!

Does it make you rage when you come to learn
Of a clean-souled woman who could not earn
Enough to live, and who fought, but fell
In the cruel struggle and went to hell?
Does it make you seethe with anger within?
Brother, we welcome you—come, fall in!

Whoever has blood that will flood his face
At the sight of the beast in the holy place;
Whoever has rage for the tyrant's might,
For the powers that prey in the day and night;
Whoever has hate for the ravening brute
That strips the tree of its goodly fruit;
Whoever knows wrath at the sight of pain,
Of needless sorrow and heedless gain;
Whoever knows bitterness, shame, and gall
At the thought of the trampled ones doomed to fall,
He is a brother in blood, we know;
With brain afire, and with heart aglow,
By the light in his eyes we sense our kin—
Brother, you battle with us—fall in!

AN ADDRESS BY ROBERT L. OWEN IN NEW YORK ON THE ANNIVERSARY OF THE BIRTHDAY OF THOMAS JEFFERSON, APRIL 13, 1908.

MR. PRESIDENT AND GENTLEMEN OF THE NATIONAL DEMOCRATIC CLUB: It has been one hundred and sixty-five years since the birth of Thomas Jefferson—the patron saint of the Democracy. In the centuries to come the dignity and the value of this great intelligence and of this great heart will rise higher and higher in the estimation of man, for the birth of no man since the birth of Christ has been so serviceable to his fellow-men.

We do well annually to assemble and burn incense on the altar in his memory—the man who taught religious liberty and the first to write it in the statutes of Virginia; the man who taught freedom of speech; who put an end to entailed estates, overthrew the law of primogeniture, and in 1777 introduced in the Virginia assembly the first bill providing universal education and the first bill to forbid dueling; who established the University of Virginia; the man who condemned monopoly and slavery, and pointed out their dangerous tendencies; the man, above all other things, who loved his fellow-men and trusted them, and regarded them as his brothers and worthy to govern themselves; the man who stood firmly for a strict construction of the Constitution, who maintained the reserved rights of the States and of the people of the States; a man whose ideas of government were so sound and so true that within a few short years his doctrines—opposition to slavery excepted—were established in the hearts and minds of all of the people of the United States, so that there was in effect only one party in the decade following his Presidency.

OKLAHOMA.

You eastern sons of the national Democracy may fancy that Oklahoma is a long way off and has but few ties with Thomas Jefferson, but I call your attention to the fact that the purest Jeffersonian Democracy upon the continent is in the heart of Oklahoma—all of the teachings of Thomas Jefferson are vitally active in the constitution of Oklahoma. Oklahoma is more indebted to Thomas Jefferson than is New York, because Thomas Jefferson, in the Louisiana Purchase, acquired by purchase the very soil of Oklahoma, and made many republics where one empire had controlled. The people who first settled Oklahoma carried with them the liveliest memories of Thomas Jefferson. Among the first settlers of Oklahoma was my Indian grandfather, a leader of the Cherokees, who carried with him as a precious memory a silver medal, which I now show you, given to him by Thomas Jefferson. On the one side is a medallion of Jefferson and the inscription, "Th. Jefferson, President of the U. S., A. D. 1801," and on the other side, embossed, are two hands in friendly grasp, with the legend "Peace and friendship."

In the most beautiful part of the Cherokee Nation I have a country place named for the residence of Thomas Jefferson, and called Monticello. At this country place the great-granddaughter of Thomas Jefferson gave birth to two of his descendants, Adalade and Pattie Morris.

Oklahoma has many ties binding that great Commonwealth to Thomas Jefferson, but chief of all are the intellectual and spiritual ties, drawn from the soul of Thomas Jefferson, establishing great principles of government necessary to the welfare and the happiness of man.

RELIGIOUS FREEDOM.

The great doctrine of religious freedom taught by Jefferson is found recorded in the Oklahoma bill of rights, section 5:

"SEC. 5. No public money or property shall ever be appropriated, applied, donated, or used, directly or indirectly, for the use, benefit, or support of any sect, church, denomination, or system of religion, or for the use, benefit, or support of any priest, preacher, minister, or other religious teacher or dignitary, or sectarian institution as such."

The right of free speech is written in the same bill of rights, section 22, as follows:

"SEC. 22. Every person may freely speak, write, or publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions for libel, the truth of the matter alleged to be libelous may be given in evidence to the jury, and if it shall appear to the jury that the matter charged as libelous be true, and was written or published with good motives and for justifiable ends, the party shall be acquitted."

And the principle of universal education is there adopted (Art. XIII):

"SECTION 1. The legislature shall establish and maintain a system of free public schools wherein all the children of the State may be educated."

"SEC. 2. The legislature shall provide for the establishment and support of institutions for the care and education of the deaf, dumb, and blind of the State."

"ART. XXI. Educational, reformatory, and penal institutions and those for the benefit of the insane, blind, deaf, and mute, and such other institutions as the public good may require, shall be established and supported by the State in such manner as may be prescribed by law."

NO SLAVERY.

Thomas Jefferson was strongly opposed to slavery, as he indicated in many ways.

In his letter to E. Rutledge (1787) he stated:
"This abomination must have an end. And there is a superior bench reserved in heaven for those who hasten it."

In the proposed Virginia constitution he submitted:
"No person hereafter coming into this country shall be held within the same in slavery under any pretext whatever." (June, 1776.)

And also the following:
"The general assembly (of Virginia) shall not have power to * * * permit the introduction of any more slaves to reside in this State, or the continuance of slavery beyond the generation which shall be

living on the 31st day of December, 1800; all persons born after that date being hereby declared free."

In commenting on the deplorable results of slavery, Thomas Jefferson said:

"The whole commerce between master and slave is a perpetual exercise of the most boisterous passions, the most unremitting despotism on the one part, and degrading submissions on the other. Our children see this, and learn to imitate it; for man is an imitative animal. This quality is the germ of education in man; from his cradle to his grave he is learning to do what he sees others do."

And he also said:
"Can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are of the gift of God? That they are not to be violated, but with his wrath? Indeed, I tremble for my country when I reflect that God is just; that His justice can not sleep forever; that considering numbers, nature and natural means only, a revolution of the wheel of fortune, an exchange of situation is among possible events; that it may become probable by supernatural interference! The Almighty has no attribute which can take side with us in such a contest."
My fellow-citizens, I comment upon these doctrines of the patron saint of the Democracy, because it was a failure on the part of the Democratic party to develop and observe this one teaching of Jefferson, which resulted in the retirement of that party from national control during the last half century.

I have always thought that it was a providential thing for the poor ignorant blacks of Africa that they should have been brought in contact with the civilized races, even though it was through slavery, because it led to their gradual improvement from savage life. Ultimately, however, it was the unhappy influence of slavery which caused the original Democratic party to go to defeat in 1860. Thousands and hundreds of thousands of men, who, previously to that time, had been Jeffersonian Democrats, felt that Jefferson's opinion with regard to slavery was right; that the continuance of slavery was equally harmful both to master and slave, and, under the leadership of Abraham Lincoln, they first set their faces against the extension of slavery to the Territories of the United States. Abraham Lincoln, in his speech at Ottawa, Ill., on August 2, 1858, in reply to Douglas, said:

"I will say here while upon this subject that I have no purpose, either directly or indirectly, to interfere with the institution of slavery in the States where it exists. I believe that I have not the lawful right to do so and I have no inclination to do so."

But, as the contention proceeded, those original Jeffersonian Democrats who opposed slavery became more and more resolved against it, until such men, under the new name of the Republican party, determined upon the complete abolishment of slavery in this country.

The same spirit of American liberty which determined that the slavery of the black man under the forms of law should not exist in this country will stand against the enslavement of white men by monopolies under a more artful form of law. Organized gigantic monopolies have invaded every field, controlling the volume and rate of wages paid to labor, and controlling the purchasing power of the wages of labor when paid.

Lincoln was opposed to the extension of the slavery of black men, and before his term of office was out he already was foreseeing the danger of the enslavement of white men. He foresaw the danger to the humbler toiling citizen of arrogant organized capital, and in his first message to Congress pointed it out.

Among other things he said:
"Labor is prior to, and independent of, capital. Capital is only the fruit of labor, and could never have existed if labor had not first existed. Labor is the superior of capital, and deserves much the higher consideration. Capital has its rights, which are as worthy of protection as any other rights."

"No men living are more worthy to be trusted than those who toil up from poverty—none less inclined to take or touch aught which they have not honestly earned. Let them beware of surrendering a political power which they already possess, and which, if surrendered, will surely be used to close the door of advancement against such as they, and to fix new disabilities and burdens upon them, till all of liberty shall be lost."

The monopoly of various industries by skillfully organized capital has such control now that laborers by thousands and hundreds of thousands and millions are dependent for employment on those whose policy and interest may be served by the discharge of these laborers. The giant corporations deem it judicious, in cases, to restrict the output in order to raise the price, and thus dismiss labor at one door and raise the price to the laborer as consumer at the other door—deny him wages with one hand and raise prices on him with the other. Monopoly means ultimate mastery on the one side and slavery on the other. Monopoly means mastery of the one man and coequal servitude of the other man.

NO MONOPOLY.

Thomas Jefferson vigorously opposed monopoly of every kind except as a reward for literature and invention. He opposed monopoly in land. He pointed out the terrible effects of monopoly of land in France in 1785 as follows:

"The property of France is absolutely concentrated in a very few hands, having revenues of from half a million of guineas a year downwards. These employ the flower of the country as servants, some of them having as many of 200 domestics, not laboring. They employ also a great number of manufacturers and tradesmen and, lastly, the class of laboring husbandmen. But, after all, there comes the most numerous of all the classes—that is, the poor, who can not find work. I asked myself what could be the reason that so many should be permitted to beg who are willing to work in a country where there is a very considerable proportion of uncultivated lands. Those lands are undistributed only for the sake of game. It should seem, then, that it must be because of the enormous wealth of the proprietors, which places them above attention to the increase of their revenues by permitting these lands to be labored."

And if you will remember, gentlemen of the National Democratic Club, you will recall that when this condition of monopoly reached a certain point the finest qualities of monopolists were suddenly overthrown and sent to the guillotine by the commonest kind of people in one of the bloodiest revolutions known to history. The French revolution that overthrew this great monopoly had the good result of dividing up the lands of France into small holdings, which has made France one of the wealthiest and most powerful nations on earth, showing a power of recuperation after the Franco-Prussian war that was the astonishment of the world.

I think that, perhaps, few men realize the extreme danger created by monopoly to the welfare and happiness of the people and to the stability of the country. The slavery of monopoly is not new in history. I recall a wonderful story of a monopoly recorded in Holy Writ that was once established in the most fertile valley in the world, the valley of the Nile.

It was in the reign of a king named Pharaoh. He had a commercial adviser of great sagacity, a man sold as a slave into Egypt, named Joseph, of Hebrew extraction.

Under the advice of Joseph, Pharaoh and his captains stored all of the surplus corn of Egypt during the seven years of plenty, and thereafter during the seven years of drouth they had one of the richest monopolies known to history.

The price of corn "went up."
There was a "bull movement" on corn.
The bears were not "in it."

The price of corn went "sky high."
And, first of all, Pharaoh and his captains took all of the money of the Egyptians in exchange for corn, and next they took all their jewelry in exchange for corn, and then—

"They brought their cattle unto Joseph; and Joseph gave them bread in exchange for horses and for the flocks and for the cattle of the herds and for the asses, and he fed them with bread for all their cattle for that year," and the second year,

"Joseph bought all the land of Egypt for Pharaoh;" "for the Egyptians sold every man his field because the famine prevailed over them; so the land became Pharaoh's."

And when the people had sold all of their property and land to Pharaoh in exchange for corn, they said, "Let us and our children work for you for corn, and Pharaoh, being a benevolent man," kindly permitted them to do so.

And on these mild terms Pharaoh allowed them to have a portion of the corn which they had raised with their own hands, because Pharaoh was a benevolent man and had a sagacious adviser of fine commercial instinct.

Then Joseph said unto the people, "Behold, I have bought you this day, and all your land, for Pharaoh: lo, here is seed for you, and ye shall sow the land."

"And it shall come to pass in the increase, that ye shall give the fifth part unto Pharaoh, and four parts shall be your own, for seed of the field, and for your food, and for them of your households, and for food for your little ones."

"And they said, thou has saved our lives;" and so it came to pass that Pharaoh was the savior of the country.

And Joseph and Pharaoh have not been the only monopolists who have been called by their captives "the saviors of the country." I well recall a recent scene in which certain great men of enormous business sagacity are reputed, during certain recent years of plenty, to have laid up for use enormous values in cash and cash credits, and to have stored or made subject to control nearly all of the available cash and cash credits in New York—to have been piling it up for several years on a bull market, and finally, when they had stored most of the available cash in Egypt, there was a repetition of the days of Pharaoh—and the famine came and the price of cash went up—there was a bull movement on cash or a bear movement on stocks and bonds, and the price of cash went sky high, and first of all Pharaoh and his captains took over Morse and Heintz and allied interests, and then they took over Tennessee Coal and Iron and other properties too numerous to mention, and still the price of cash went up. On October 24, 1907, the price of cash was out of sight, because there was a monopoly of cash in Egypt, and the Egyptians in Wall street cried aloud and lifted up their voices and said, "Wherefore shall we die before thine eyes? Let us have corn."

And at 2 o'clock interest rates ran up to 150 per cent; Union Pacific declined ten and a half points in ten sales, and at 2.15, when the Egyptians were on the point of falling dead, and were looking at each other with ghastly faces, and considering the easiest way in which they might commit suicide, lo, the "saviors" of America, Pharaoh and his captains, "let them have corn" in exchange for their valued possessions.

"And the Egyptians lifted up their voices,"
"And they said: 'Thou hast saved our lives.'"

In the leading Standard Oil bank there are 23 directors; in the leading Morgan bank there are 39 directors; and they, with their subordinates and associates, making a number something less than 100 men, have control of every railway company, telegraph company, express company, steamship company, and all of the great industrials which have a monopoly in every one of the great necessities of life.

For those who are curious to see a more elaborate description of this system and the companies they control, I commend them to the remarks of Hon. ROBERT M. LA FOLLETTE, of Wisconsin, in the United States Senate during the last month.

These great combinations and trusts exercise a substantial monopoly upon all of the great necessities of life, and control their production, transportation, and distribution.

In the last fifteen years these monopolies, commonly called trusts, have been wonderfully developed in our country. John Moody, in his revision of these statistics, bringing the figures down to January 1, 1908, presents the following:

Table showing growth of trusts, 1904-1908.

| Classification of trusts. | January 1, 1904. | | January 1, 1908. | |
|--|--|---|--|---|
| | Number of plants acquired or controlled. | Total capitalization, stocks and bonds outstanding. | Number of plants acquired or controlled. | Total capitalization, stocks and bonds outstanding. |
| 7 greater industrial trusts..... | 1,528 | \$2,662,752,100 | 1,638 | \$2,708,438,754 |
| Lesser industrial trusts..... | 3,426 | 4,055,039,433 | 5,038 | 8,243,175,000 |
| Important industrial trusts in reorganization..... | 282 | 528,551,000 | | (*) |
| Total important industrial trusts..... | 5,288 | 7,246,342,533 | 6,676 | 10,951,613,754 |
| Franchise trusts..... | 1,336 | 3,735,456,071 | 2,599 | 7,789,393,000 |
| Great railroad groups..... | 1,040 | 9,397,363,907 | 745 | \$12,931,154,000 |
| All trusts..... | 8,664 | 20,379,162,511 | 10,020 | 31,672,160,754 |

* The stock and bonds of industrials for 1909 aggregate \$17,529,126,232 (Poor's Manual of Industrials, 1910).

† Railroad stock and bonds and assets for 1908 aggregate \$19,370,150,153 (Poor's Manual of Railroads, 1909).

The increase in these two items thus appears to be over \$13,000,000,000 and the incomplete returns for trust properties for 1909 exceed \$45,000,000,000.

One trust which he does not mention is "the money trust," the community of interests known as the system, by which the money and bank credits of the country, which is the lifeblood of commerce, can be controlled.

The laws have been so written as to pile up, in large measure, the reserves of the banks of the country in three cities. And those who can control the supply of "credits" and of "cash" in the New York banks can, of course, control the price of stocks and bonds, whose market is fixed in New York, and there is grim humor in hearing the Egyptians pay tribute to the masters of monopoly and to see them fall down and worship and to hear them declare, "Thou hast saved our lives." It would make a man almost doubt whether such lives were worth saving.

Who is there so dull, so grossly ignorant, as not to perceive that monopoly means mastery on the one side and slavery on the other?

The slavery of monopoly is not confined to the Egyptians on Wall street; it also goes to the Egyptians on the farm. Let me, as a farmer and an humble Egyptian, give you a simple illustration: From 1887 to 1894 I handled cattle. I had free ranges, cheap labor, and I worked at this business industriously for seven years, and in that time sent to market over 17,000 steers, and as a reward for my service in preparing food for the American people "Pharaoh" paid me not one dollar in compensation above my actual expense. I earnestly thereafter addressed my extremely limited intelligence to discovering the reason why, and the reason was that when I took those cattle to the Kansas City stock yards there was but one buyer—Pharaoh—who had a monopoly on meat products, who had a monopoly by which he controlled the price of cattle and hogs and sheep. He had various buyers in the market, but only one price—the price was fixed every morning. What chances has a farmer or a cattle producer against this evil combination which fixes an arbitrary price upon his labor and upon everything which goes into the cattle; that is, upon his corn, his oats, his rye, his millet, his wheat, his grass, and the labor of himself and of his children? Why, the farmer is only an Egyptian, and he, too, is allowed to work for Pharaoh, because Pharaoh is a benevolent man.

The meat trust is more considerate in these days. In the old days they killed the goose, of which I was one, that laid the golden egg. In these days they are wiser, and they encourage the goose to live by permitting him to have subsistence, while they content themselves with plucking the goose of all surplus and taking all the eggs.

We have not in our country a single Pharaoh, but we have a hundred Pharaohs and 10,000 captains of Pharaoh, who have a monopoly upon every line of commerce, upon every railway, every steamship line, upon every means of transportation, of conveying intelligence, of production and of distribution; upon every express company, upon every telegraph and line, upon all of the great industries. Monopolies in iron, and steel, and copper, and tin, and zinc, and lead, and all metals; monopolies in every line of chemicals; monopolies in every line of drugs; monopolies in fertilizers; monopolies in all building materials, cement, plaster, lumber, stone, glass; monopolies in house furnishings; monopolies in tobacco; monopolies in oil and all its by-products; monopolies in asphalt and salt; monopolies in various food products, including coffee, and tea, and sugar, and meats, and canned goods, and crackers, and bakery products.

Monopolies in everything from the cradle of the child to the casket and of the grave.

Pharaoh has not been content with a monopoly of corn.

The Ethical Social League, at its conference on April 7, 1908, in New York, pointed out some remarkable facts in relation to the smaller purchasing power of the dollar paid in wages, and pointing out the number of unemployed according to the statistics of Samuel S. Stodel, as follows:

| | |
|---------------------|-----------|
| California..... | 95,000 |
| Colorado..... | 46,500 |
| Connecticut..... | 55,000 |
| Illinois..... | 300,000 |
| Massachusetts..... | 95,000 |
| Missouri..... | 85,000 |
| Montana..... | 18,000 |
| Rhode Island..... | 30,000 |
| New York State..... | 750,000 |
| Pennsylvania..... | 350,000 |
| Ohio..... | 200,000 |
| Michigan..... | 135,000 |
| New Jersey..... | 80,000 |
| Delaware..... | 30,000 |
| Maryland..... | 75,000 |
| Virginia..... | 42,000 |
| West Virginia..... | 40,000 |
| North Carolina..... | 36,000 |
| Florida..... | 45,000 |
| Oregon..... | 51,000 |
| Washington..... | 44,000 |
| Idaho..... | 26,000 |
| Arizona..... | 12,000 |
| Nevada..... | 14,000 |
| Nebraska..... | 19,500 |
| Dakotas..... | 26,000 |
| Minnesota..... | 43,000 |
| Wisconsin..... | 92,000 |
| Indiana..... | 60,000 |
| Kentucky..... | 36,000 |
| Tennessee..... | 23,000 |
| Arkansas..... | 21,000 |
| Louisiana..... | 47,000 |
| Texas..... | 40,000 |
| Alabama..... | 39,000 |
| South Carolina..... | 30,000 |
| Georgia..... | 27,000 |
| Total..... | 3,160,000 |

But I call your attention to these things, and to an unorganized mob of 10,000 unemployed recently reported to have assembled in this city, and driven away by platoons of mounted police. They were singing a significant song—"La Marsellaise."

I call your attention to the operations of the tobacco trust, and the apparently unthinking, unreasonable, and almost unexplainable violations of law by the "night riders" of Kentucky and Tennessee.

Abraham Lincoln demanded, as the voice of the American people, that slavery of the unoffending blacks should not be extended to the Territories of the United States, and later emancipated them all.

Thomas Jefferson protested against the slavery of man as an abstract as well as a concrete proposition.

The old Democratic party was split asunder and driven from power because a large part of that party was under the influence of those who thought slavery justified.

The Republican party, which arose out of the loins of the Democratic party, whose membership prior thereto had been Democrats, whose adherents had been and still were the disciples of Jefferson, went into power, and has retained power almost as long as the Democratic party did prior to 1860.

The same evil which tore the Democratic party in twain in 1860 is tearing the Republican party in twain in 1908.

By natural processes the political power of monopoly has become entrenched in the United States under forty years of Republican administration. Both parties were agreed on the tariff in 1857. The expenses of war required a high tariff in 1861 for the raising of revenue, and high tariff stimulated home manufactures; it enabled the American manufacturers to make money easily by taxing the American consumer. Immediately there arose a special class who profited by the privilege of taxing their fellow-citizens under shelter of the tariff law which cut off foreign competition.

When foreign competition had been extinguished and home competition began to be engendered, the most natural thing in the world took place. With the telegraph and telephone and lightning express trains available, commercial competitors quickly assembled in peaceful conference, arranging various devices by which competition with each other was extinguished and a monopoly in every line of commerce was assured.

And now Pharaoh and his captains are in control, and millions of the Egyptians are paying for the privilege of working for Pharaoh and his captains, who are the "saviors" of mankind as the captains of monopoly and employers of labor.

There are said to be over 6,000,000 women driven by economic need out of the homes of America, outside of domestic service, compelled to earn their daily bread in competition with the wages of men; hundreds of thousands of young and tender children are being sacrificed on the altars of Mammon under the grinding process of modern monopoly and the exacting demands of corporation owners, who cry for "dividends, dividends, dividends," on watered stock, of which only a fractional part is honest capital entitled to interest.

The domestic and social relations of the sexes have been seriously changed by these harsh conditions, and women have invaded every avenue of labor.

The homes which women naturally love, for which they are naturally fitted, the homes where they should find their employment and render the most valuable service to the Nation in being the mothers of the Nation and in teaching to the children of the Nation the lessons of religion, morality, industry, and frugality, have been impaired in a serious degree, the man and the woman and the child being obliged to work long hours in order to retain for themselves enough for the necessities of life, after the stealthy hands of the captains of Pharaoh have levied the artful tribute of monopoly upon every dollar received for their wages.

Of course, Mr. President and gentlemen, I realize and thoroughly well understand that many of the great beneficiaries of monopoly are, in fact, men of high benevolence and of sincere patriotism.

It is also true that some men, who are so religious that they will not shave on Sunday, find no conscientious scruples against shaving other men for the balance of the week; but among the captains of Pharaoh there are also many men of great intelligence, and of great benevolence, and of great patriotism, who do not realize the effect of monopoly on the weaker laboring elements of the Nation. Their benevolence is shown by such enormous contributions to education and to the public service, such as the benefactions of John D. Rockefeller, of Andrew Carnegie, and other very rich men. They are entitled to personal credit for their good works and to discredit for their bad works. Their good works, however, show that the men who have conducted successful monopolies under the shelter of law and in spite of law have the same generous impulses which God has planted in the hearts of the great majority of men. It would, however, be asking too much of human nature to expect those who have been or are successful in the manipulation of business and in the establishment of monopoly, by which their ambition for power and for property accumulation is gratified, to ask them to contribute to the control of monopoly by law. This duty is imposed upon the patriotic sons of America of both parties—of both those who have always adhered to the original Democratic party or to that branch of the Democratic party that arose under the new name of "Republican party."

It matters but little under what banner men may promote good government, provided they stand for those principles which shall secure to all an equal opportunity in life, an equal right to "life, liberty, and the pursuit of happiness."

It gives me the greatest pleasure to pay my homage to the patron saint of the Democracy, because he stood firmly against the terrible evils of slavery and of its twin brother—monopoly.

The people of Oklahoma have put on record their opposition to monopoly in these words:

"SEC. 32. Perpetuities and monopolies are contrary to the genius of a free government, and shall never be allowed, nor shall the law of primogeniture or entailments ever be in force in this State."

And because primogeniture and entailments promote monopoly, Oklahoma has followed the teachings of Jefferson in forbidding primogeniture or entailment.

Thomas Jefferson, in the Declaration of Independence, made the declaration:

"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are life, liberty, and the pursuit of happiness."

And section 2 in the bill of rights of the Oklahoma constitution not only declared that all persons have the right to life, liberty, and the pursuit of happiness, but added the following words, "and the enjoyment of the gains of their own industry."

The Oklahoma constitution goes further; it provides the means by which monopoly shall be controlled, and the citizens of that State may peacefully enjoy the gains of their own industry.

The first movement the people of my State adopted to protect themselves against modern monopoly was to put into effect the "initiative and referendum," by which the people of the State "reserved to themselves the power to propose laws and amendments to the constitution and to enact or reject the same" at the polls independent of the legis-

lature, and also reserved power at their own option to approve or reject at the polls any act of the legislature. This power goes to every county and district in the State, and every city of 2,000 or more people may write their own charter of local self-government.

The constitution provides for a mandatory primary for the nomination of all candidates for state, district, county, and municipal officers for all political parties, including United States Senators.

In this way no machine politics will ever be engineered by the monopolies in Oklahoma.

The first act of the constitutional convention was to drive out of town the lobbies of railroads and monopolies assembled for the purpose of influencing the constitutional convention.

The constitution of Oklahoma did not content itself by merely declaring that monopolies should not be allowed, but they provided for the remedy of the evil by the completest publicity.

In the bill of rights will be found the following:

"SEC. 28. The records, books, and files of all corporations shall be, at all times, liable and subject to the full visitatorial and inquisitorial powers of the State."

And because monopolies heretofore have hidden themselves behind the constitutional provision, "that no man shall be required to give evidence which might tend to incriminate him," section 27 of the bill of rights requires any person having knowledge of facts that tend to establish the guilt of any other person or corporation charged with an offense against the laws of the State shall not be excused from giving testimony on the ground that it may tend to incriminate him, but no person shall be prosecuted on account of any transaction, matter, or thing concerning which he may give evidence.

The corporation commission of Oklahoma, under the constitution, is given full power to compel publicity and to exercise control of corporations doing business in that State, and are required to ascertain the actual value of the capital invested in any such corporation as a basis of determining their charges, if excessive, and have the right and duty to determine the charges made by such corporations for any service performed in the State.

It has been said that Thomas Jefferson believed with Jesus of Nazareth in the doctrine of loving your neighbor as you love yourself, and that he was the first statesman to write into a public document the genuine teaching of Christ, and he wrote it in one word—"Equality."

The time has come in the United States when this great doctrine should be recognized in our statecraft. When the thousands of our citizens who have distinguished themselves in commercial enterprises or adventure shall realize the truth that their own happiness would be better subserved if they would cease exploiting their power over their neighbors and brothers; if they would be content with a small interest upon vast accumulations of the wealth produced by the labor of the American people; if they would be content with the property which they have heretofore, either justly or unjustly, taken from the producers of the Nation, and from this time forward consent that the American producers shall be allowed, in the language of the Oklahoma constitution, to have "the enjoyment of the gains of their own industry."

It seems to me that it would be unwise to destroy the great corporations which have been constructed in this country by our so-called captains of industry.

I have read with great interest the address of George W. Perkins, esq., on the "Modern Corporations," before the Columbia University, of February 7, 1908. He argues in favor of organization, and denies that these great organizations are due to the greed of man for wealth and power. He points out the injury of destructive competition, the harm of commercial warfare, the economy and efficiency of the modern corporation, its value in standardizing wares, its power to steady wages and prices.

He argues that we should control the corporations; that the corporations owe a duty to the general public, and best serve themselves and their stockholders by recognizing that duty and respecting it; that these great corporations are, in fact, great trusteeships, and the larger the number of stockholders the more it assumes the nature of an institution of savings. He points out the great growth in the number of stockholders in various railways and in United States Steel. And with much of this argument I find myself strongly inclined to agree.

I wonder if Mr. Perkins will agree with me when I express the hope that these great trusteeships of gigantic monopolies, when controlled by the people of the United States, shall be content to be confined to a reasonable interest upon the money actually invested?

We have a perfect right to control these monopolies legally, morally, and it is a patriotic duty to do so. And they should not be permitted to tax the American people in excess of a fair interest on the capital actually invested. If they were so controlled, it would give stability to wages; we would hear no more of overproduction nor of underconsumption, but these enterprises would proceed upon rational lines and work for the welfare of all of the people of our common country.

It seems to me that such investments of capital which have established monopolies in interstate commerce should be limited to a maximum earning of 10 per cent per annum on their actual investments, and that they should be allowed to lay up as a trust fund abundant surplus to provide against contingencies. They would then cease to be private monopolies and would become public monopolies, retaining all of their desirable features and having none of the injurious features left. The owners of such monopolies, if patriotic, should be content with this adjustment, which would be equitable and fair and just to them and to the people of the United States.

The first step in the control of these corporations must necessarily be complete publicity, requiring a sworn report of actual assets, based upon a true valuation, with penalties of imprisonment for any false affidavit, together with accurate and frequent reports of the actual earnings of such company and the disposition of such earnings. The excess earnings over and above a rational return on these monopolies might well go into the Treasury and be employed in improving our national waterways and in building good roads.

THE OPPORTUNITY FOR THE REVIVED DEMOCRACY.

While there are many thousands of patriotic Republican citizens who earnestly desire the protection of our country from the corrupting political influence and the insidious robbery by these great corporations, it would be very unreasonable, if not impossible, to expect the Republican party to give such relief to the country, for the obvious reason that these selfish interests which have been built up behind a tariff wall have entwined and intertwisted themselves into the machine politics of the Republican party until they exercise a dominating influence and control over the organization of that party.

The patriotic elements of the Republican party are too disorganized to bring up to their own standards of good citizenship the selfish interests in that party. Theodore Roosevelt has made many excellent recommendations, which have either been ignored or so indifferently complied with that during the seven years of his service instead of these monopolies being abated and controlled they have increased beyond anything known in human history.

The disinterested, unselfish Republicans should be invited and encouraged by the revived Democracy to rally around the flag of Jefferson and join the Democracy in restoring the Government to the highest ideals, from which we have in recent decades departed.

The people of the new State of Oklahoma have laid down the principles of good government in their constitution, which are drawn from the teachings of Jefferson, and which should be a beacon light to guide all the patriotic sons of America, of all parties, back to the days of good government and of sound national health, in which our people shall have peace and happiness, in which women and children shall be permitted to return to their homes and be withdrawn from commercial slavery, when men shall be permitted to enjoy the fruits of their own industry, and when capital shall be content with a reasonable interest upon an actual investment, and when every rich man shall find his happiness in promoting the brotherhood of man and not in stealing from his fellow-men, by craft or force, the proceeds of their labor merely to pile it up as a monument to their own ambition and folly.

When the principles of Thomas Jefferson, which have been wonderfully worked out and developed in the constitution of Oklahoma, shall have been established throughout the Union, we will see an end to harmful monopolies in our country and a wonderful intellectual and spiritual development of the American people, as well as a commercial development for which the past holds no parallel. When these principles of good government shall have been established men will more and more pay tribute to the man who pointed the way and will celebrate with greater and greater honor the 13th of April, the birthday of the immortal Jefferson, the patron saint of the Democracy.

The VICE-PRESIDENT appointed Mr. JONES, Mr. BURTON, Mr. CRAWFORD, Mr. HUGHES, and Mr. PERCY the committee under the resolution.

COST OF RAILWAY POSTAL CARS.

Mr. PENROSE. I report Senate resolution 275, from the Committee on Post-Offices and Post-Roads, with an amendment, and I ask for the present consideration of the same. I desire to call the attention of the senior Senator from Wisconsin [Mr. LA FOLLETTE] to the resolution. (Report No. 917.)

The Senate, by unanimous consent, proceeded to consider the resolution.

The amendment was, on page 2, line 3, at the end of the resolution, to add "of equal capacity," and the following as an additional paragraph:

Sixth. The average cost of heating and lighting 60-foot railway postal cars?

So as to make the resolution read:

Resolved, That the Interstate Commerce Commission make an investigation and report to Congress at its next session the cost of building and maintaining post-office cars, namely:

First. What would be the reasonable cost to the Government per car for standard 60-foot railway post-office cars of the type in common use fully equipped for service?

Second. Cost for new modern cars of steel?

Third. What would it cost the Government to keep such cars in repair for average use?

a. Of wooden construction.

b. Of steel construction.

Fourth. What is the average life of such a car?

a. Of wooden construction.

b. Of steel construction.

Fifth. What do the express companies pay to the railroad companies for hauling the cars of the express companies of equal capacity?

Sixth. The average cost of heating and lighting 60-foot railway postal cars?

The amendment was agreed to.

The resolution as amended was agreed to.

THE TARIFF.

Mr. PENROSE. I desire to submit to the Senate certain facts and figures pertaining to the operation of the tariff law, which I ask unanimous consent to have printed in the RECORD. There being no objection, the matter was ordered to be printed in the RECORD, as follows:

WORKING RECORD OF THE NEW TARIFF.

What are the real facts about the new tariff, its operation, and the effects of its operation upon industries, prices, and general prosperity?

The purposes of a tariff, from the American standpoint—for even that party which formerly opposed the theory of protection is now willing to adopt it, in spots at least—the purpose of a tariff is, while producing the necessary revenue for the proper conduct of the Government, to at the same time protect and encourage its industries and give prosperity to labor in whatever branch of industry. The first tariff act enacted in the United States of America, that of July 4, 1789, declared it necessary "for the support of government, * * * and the encouragement and protection of manufactures that duties be laid on goods, wares, and merchandise imported." The tariff laws of 1897 and 1909 were by the Congresses which enacted them entitled, respectively, "An act to provide revenue and encourage the industries of the United States."

Is the new tariff law, that which began its operation on August 6, 1909, performing the service for which it was enacted, "to provide revenues and encourage the industries of the United States?"

Let us see.

FROM THE REVENUE STANDPOINT.

The first-named purpose of the act is "to provide revenues." This has been, in fact, the primary purpose of many tariffs, though under the Republican party its framers have so steadily kept in mind the protection of the domestic industries that this latter purpose may be

considered at least equally important, if not the most important duty of a tariff. But as the raising of revenue is the subject first mentioned in the title of the act, we may properly give first consideration to the question of whether it is performing that service and whether it is being well performed, as well as that performed by other tariffs, or even better than that performed by other tariffs.

BEST REVENUE PRODUCER IN TARIFF HISTORY.

What are the facts? The new measure has now been in operation ten months and the statistics of the Treasury Department and the Department of Commerce and Labor show the first nine months of its operation in sufficient detail to give us an intelligent view as to its revenue-producing power and an opportunity at the same time to compare its work with that of preceding tariffs. With an increase of 45 per cent in the population of the United States during the last twenty years and an increase of 135 per cent in the ordinary expenditures of the Government, a comparison of the earning powers of the present tariff with conditions existing during that period is sufficient for the practical purpose of determining its efficacy in the primary object for which it was enacted—the raising of revenue and the encouragement of domestic industries.

First, then, as to revenues produced. The figures of the Treasury Department show customs receipts by months, thus permitting a comparison of the earning power—the actual earnings of the present tariff—during the period in which it has been in operation with the earnings of other tariffs during corresponding periods of earlier years. The total customs collections as reported by the Treasury Department during the nine months—August 1, 1909, to April 30, 1910 (all of which period except the first five days of August was under the new tariff law)—aggregated \$252,000,000, against two hundred and twenty-four and one-third million in the corresponding months of 1908-9, two hundred and fourteen and one-half million in the corresponding months of 1907-8, two hundred and fifty-one and one-third million in the corresponding months of 1906-7, two hundred and twenty-nine and one-half million in the corresponding months of 1905-6, two hundred and one-third million in the corresponding months of 1904-5, and two hundred and seventeen million in the corresponding months of 1902-3; while in no other period in the twenty years under consideration were the customs receipts as much as \$200,000,000. Thus the customs receipts under the present law in the first nine months of its operation are actually greater than in the corresponding nine months of any earlier year.

So much for the mere revenue productions under the present tariff law. They have been greater during that period of its existence for which we have a record—the nine months from August 1, 1909, to April 30, 1910—than the receipts in the corresponding nine months of any earlier year in the history of the country.

LARGEST IMPORTATION OF FREE MERCHANDISE IN TARIFF HISTORY.

But it is not merely the revenue-producing power of, or the amount of money collected under, a tariff that we must consider in attempting to analyze the result of its work. We must consider also the adjustment of its burdens, the share of the imports admitted free of duty, and the share upon which its duties are raised, and also the rates of duty levied upon the revenue-producing articles. And in these particulars the new law also makes a better record than any of its predecessors.

First, as to the free list. The chief purpose of admitting merchandise free of duty is to give to the manufacturing interests such articles as they require and which are not in competition with domestic products at as low a cost as they can be had in the markets of the world and without placing upon them the burden of taxation. We are interested, then, in seeing how much merchandise is imported free of duty under the new law and what share it forms of the total imports. And here again the Payne law makes a new record in behalf of the manufacturing interests. The total value of manufactures imported free of duty in the nine months of its operation—August 1, 1909, to April 30, 1910—was \$601,500,000, against four hundred and sixty-one million in the corresponding months of the preceding year, and five hundred million in the corresponding period of the banner year of the manufacturing industries—1906-7. Not only so, but the share of the imports which entered free of duty under the operation of the Payne law during the period for which we have a record is greater than the average during the entire operation of the Dingley law or even of the Democratic Wilson law. The figures of the Bureau of Statistics of the Department of Commerce and Labor show that the share which merchandise free of duty formed of the total imports under the operation of the Payne law in the nine months from August 1, 1909, to April 30, 1910, was 49.9 per cent; during the entire operation of the Dingley law, 44.3 per cent; and during the entire operation of the Wilson law, 48.8 per cent. Thus the share of merchandise which the present law admits free of duty is larger than was the case with the Dingley law or the Wilson law. Under the McKinley law the percentage of free merchandise was higher—53 per cent—because of the fact that that act admitted sugar free of duty, giving a bounty on domestic sugar as an offset, for the encouragement of the domestic industry.

The value of free merchandise imported under the Payne law during the nine months of its operation for which we have a record has averaged 66.8 million dollars per month; under the Dingley law, during its entire operation, 37.7 million per month; under the Wilson law, 30.9 million per month; and under the McKinley law, 34.9 million per month. Can the most ardent advocate of a large free list fail to be satisfied with this? The percentage of the merchandise entering the United States free of duty under the Payne law was 49.9 per cent, against 48.8 per cent under the Wilson law, while the actual value of free merchandise imported under the Payne law is 66.8 million dollars per month, against 30.9 million per month under the Democratic low-tariff Wilson law, with its claims for a larger free list in the interest of the manufacturers and consumers.

LOWEST AD VALOREM RATE OF DUTY IN TARIFF HISTORY.

But there is still another feature of the work of the revenue-producing methods of the new law to be considered. I have shown you already that the actual revenue produced is larger during that period of its operation for which we have a record than in the corresponding months of any earlier year under any tariff, also that the imports free of duty are larger than ever before; but we want also to know the average ad valorem rate of duty by which the act produced this largest revenue in our history. Taking the total value of all merchandise imported during the period in question and comparing with it the amount of customs receipts during the same period, it appears that the average ad valorem rate upon the value of all imports was, under the Payne law, 20.91 per cent, against an average of 25.48 per cent during the entire operation of the Dingley law, 21.92 per cent during the entire operation of the Wilson law, and 22.12 per cent during the entire

operation of the McKinley law. Thus the average ad valorem on all imports, including free and dutiable, is less under the operation of the Payne law than under the Dingley law, the Wilson law, or the McKinley law. As to the dutiable imports the record is equally favorable to the Payne law. During the nine months in question the average ad valorem on dutiable imports under the Payne law was 41.73 per cent, under the Dingley law 45.76 per cent, under the Wilson law 42.82 per cent, and under the McKinley law 47.10 per cent. Thus the average ad valorem rate which the customs collections bear to the value of merchandise imported is lower under the Payne law than under the Dingley, the McKinley, or even the vaunted low-tariff Wilson law, and this is true as to dutiable merchandise imported and to total imports, including both free and dutiable.

What better record can you demand for a tariff law from the standpoint of revenue and methods of raising revenue than that shown by the nine months' operation of the Payne law for which we have a record, when compared with the entire operation of its three illustrious predecessors—the Dingley, the Wilson, and the McKinley laws? Larger importations of free merchandise than ever before, a larger percentage admitted free than under the Dingley, or even the vaunted Wilson law, larger revenues produced, and yet lower ad valorem rates on dutiable and on all merchandise imported than under any of its predecessors in the last twenty years, and even lower than under the Democratic "low-tariff" Wilson law.

Now, as to the operation of this Payne law in reference to the manufacturers and the admission of their requirements free of taxation. Our friends on the other side of this Chamber have had much to say in former years about free raw material, and it is generally conceded that in adjusting the burden of tariff taxation those raw materials which do not compete with domestic production and are required for use in manufacturing should, in most cases at least, be freely admitted in the interests of the great manufacturing industries of the country, of the millions whom they employ, and the tens of millions whom they serve in supplying the requirements of daily life. We are interested, then, after learning that the new tariff act is the best revenue producer we have ever had, in seeing how raw material for use in manufacturing fares under that tariff. And in making this inquiry as to the imports of raw material for use in manufacturing we again find that the Payne law is making a higher record than that of any earlier tariff. In the nine months August 1, 1909, to April 30, 1910, the figures supplied by the collectors of customs, officers of the Treasury Department, to the Department of Commerce and Labor for compilation in the usual tabulations of its Bureau of Statistics, shows imports of crude material for use in manufacturing valued at \$450,000,000, against \$340,000,000 in the corresponding months of 1908-9, \$370,000,000 in the corresponding months of 1906-7, \$319,000,000 in the corresponding months of 1905-6, and \$320,000,000 in the corresponding months of 1904-5, while in no other year in the history of the country have the importations of crude material for use in manufacturing been, for the nine months in question, as much as \$300,000,000 in value. The total value of raw material for use in manufacturing imported in the first nine months of the Payne law exceeds by about 33 per cent the total for the immediately preceding year, by over 20 per cent the total for the banner year in our manufacturing record, and by more than 50 per cent the annual average of the last decade. Should not this satisfy even the most ardent of our friends of the Democratic party who have on so many occasions urged as a prominent feature of their tariff faith the free importation of manufacturers' materials?

LARGEST IMPORTATIONS OF MANUFACTURERS' MATERIAL IN TARIFF HISTORY.

One further fact that we want to determine with reference to the operation of the new tariff is the condition of the manufacturing industries of the country under its operation. In this subject of the activity and prosperity of the manufacturing industries all classes of our people are interested, whether the manufacturer and his employees, the farmer who supplies food and raw material to the manufacturer and his workmen, the worker in the mines and forests who furnishes the raw material and the fuel which the factory must use, the transportation interests who carry their raw material and finished product, the merchant who sells the product of the factories, the banker and the business man who supply the capital with which the operations are conducted and the wages are paid, and the whole people of our country who realize that when the manufacturing interests are prosperous the whole country is prosperous, and when the manufacturing interests are depressed the whole country and all of its interests share in that depression.

How are we to determine the conditions of the manufacturing interests of the country at the present time under the Payne tariff and compare conditions with those of earlier years and under preceding tariffs? The Census Office gives us once in five years a record of the manufacturing industries of the country. It shows that the value of manufactures produced in the United States, which amounted to less than two billion dollars in 1860, the point at which the Republican party assumed control of the affairs of the Government, had grown to five and one-third billion in 1880, nine and one-third billion in 1890, thirteen billion in 1900, and sixteen billion in 1905; and it is now engaged in taking the 1910 census of manufacturing industries, which will probably show a production in 1909 of approximately twenty billion dollars' worth of manufactures in the United States. But that record by the census is not yet completed, and even when completed will relate to the production in the calendar year 1909, and therefore will not be of service in determining the conditions of the manufacturing industries under the Payne law which operated during but five months of that calendar year. We must then find some other way if we are to attempt to determine the conditions of the manufacturing interests under this law with those of its predecessors or measure manufacturing activity in more recent periods, month by month if possible. Since the Payne law has been in operation but nine months a monthly record is therefore the only one available in attempting to determine its effect upon the manufacturing industries. How shall we do this?

Fortunately, there is a method by which we may safely measure in general terms conditions of the manufacturing industries, namely, by the value of the merchandise brought into the United States for their use. The Treasury Department and the Department of Commerce and Labor report accurately each month the quantity and value of the principal manufacturers' material imported. The value of the manufacturers' material imported averaged under the Payne law about \$2,500,000 a day, or \$75,000,000 a month, these figures including both crude material and that partly manufactured for further use in manufacturing. A study of this enormous importation of manufacturers' material, month by month, of the quantity of the material entering the country for the use of its manufacturers from day to day and month to month, and a comparison of that inflow of manufacturers' material with that of other

periods in our history supplies a fair method of measuring the activity of the manufacturing interests at any particular moment, present or past.

GREATEST PROSPERITY OF MANUFACTURERS IN TARIFF HISTORY.

By a study of the figures of importations of the principal manufacturers' materials we may therefore determine safely, and with such accuracy that the fairness of the comparison can not be called in question, the conditions of the manufacturing interests of the country under the Payne tariff with those in the earlier periods of our industrial interests. I have already shown you that the value of crude materials imported for use in manufacturing in the nine months of the Payne law is \$450,000,000, against \$370,000,000 in the corresponding period of the banner year—1906-7—and to this I may add that the value of partly manufactured material for use in manufacturing imported in the same period was \$218,000,000, against two hundred and six millions in the corresponding months of the banner year, 1906-7; also, that this record of the Payne law was, for crude material, 55½ per cent larger than the average of the preceding decade, and of manufactures for further use in manufacturing, 71½ per cent larger than the average for the preceding decade.

This statement of mere values of manufacturers' material imported is, however, open to the objection that the advance in prices may be in some degree responsible for the large increase under the Payne law. Let us therefore consider the quantities of the principal manufacturers' materials imported under the Payne law as compared with corresponding periods under its predecessor.

The figures of the Bureau of Statistics of the Department of Commerce and Labor show the quantity of hides and skins imported in the nine months' operation of the Payne law—August 1, 1909, to April 30, 1910—as 463,000,000 pounds, while the highest record for this period in any preceding year was 321,000,000 pounds in 1908-9, the total quantity under the Payne law being 87½ per cent in excess of the average quantity for the same months during the preceding decade, and 44½ per cent greater than in the corresponding period of the immediately preceding year, 1908-9; of India rubber, the total under the Payne law is 85,000,000 pounds, against 68,000,000 in the same period of 1909, the highest record of any earlier year, and 72½ per cent higher than the annual average of the decade; of lumber, 48 per cent larger importations under the Payne law than the annual average of the preceding decade; of wood pulp, 150½ per cent larger importations under the Payne law than the annual average of the preceding decade; of pig tin, copper, iron ore, leaf tobacco, and of wool, the quantities imported in the nine months' operation of the Payne law are larger than in any corresponding nine months in the history of the country, and range from 25 to 160 per cent greater than the respective annual averages of the preceding decade.

Who can doubt, then, the present activity of the manufacturing industries, when we find that the quantity of the material which they are importing for use in their current work exceeds from 25 to 160 per cent the annual average of the preceding decade, and in practically all cases largely exceeds that of any corresponding period in the history of our industries?

Let me sum up, then, the evidences in support of the assertion made by President Taft months ago that the Payne tariff is the best tariff law ever given to this country:

(1) It has, from the standpoint of revenue production, given to the country more revenue per month during its operation than any other tariff in our history.

(2) It does this at a lower average ad valorem rate of duty than any of its predecessors.

(3) The free imports under this law are larger than ever before, and the per cent entering free of duty larger than ever before, except during the McKinley law, under which sugar was upon the free list.

(4) The importation of manufacturers' material under this law is much larger than ever before, showing beyond question that the manufacturing industries of the country are, under its operation, more active and more prosperous than ever before.

What more can you demand of a tariff law? It supplies larger revenues than ever before, lower ad valorem rates of duty, a larger free list, and larger importations of manufacturers' material, indicating unprecedented activities in the industries of the country.

IS THE TARIFF RESPONSIBLE FOR ADVANCE IN PRICES?

Now, as to that important question whether the new tariff is responsible for the increased costs of living which have been so apparent in the country during the past year. It was evidently the hope of our friends, the enemy, to deceive the people of the United States on this point just as they did in 1892, when they sent men through the country telling people that the price of tin cups and tin buckets had been advanced by the McKinley law. But in this assertion of 1909-10, that the high cost of living is chargeable to the new tariff, the assertion is so easily disproved that surely no voter giving a moment's attention to the facts can fail to realize that the assertion is a deliberate attempt to deceive him.

REDUCTION IN DUTIES FOLLOWED BY ADVANCE IN PRICES.

Let us take a few of the articles in which prices have distinctly advanced and see whether by any responsibility these advances are due to higher tariff rates. Take meats, for instance. It is so generally conceded that the prices of meats have advanced that the figures showing the actual advances are scarcely necessary. Everybody knows that he is paying more for steaks, chops, for meats of all sorts, than he was paying a year ago, but can these advances in the price of meats possibly be due to an advance in the tariff rates? Let us see: The rate of duty under the Dingley Act on fresh beef was 2 cents per pound; under the Payne Act 1½ cents per pound, a decrease of 25 per cent in the rate of duty. Everybody admits that the price of beef has greatly advanced during the year, but can anybody charge this advance to the tariff when the new tariff act actually reduces the rate of duty 25 per cent. In fresh veal the reduction was the same—Dingley Act 2 cents, Payne Act 1½ cents; in fresh mutton, 2 cents under the Dingley Act, and under the Payne Act 1½ cents per pound; fresh pork, under the Dingley law, 2 cents per pound, and under the Payne law 1½ cents; bacon and hams, 5 cents per pound under the Dingley law, and under the Payne law 4 cents per pound.

On lard, the rate under the Dingley law was 2 cents per pound, and under the Payne law 1½ cent per pound; on tallow, under the Dingley law three-fourths cent per pound, under the Payne law one-half cent per pound. Thus in all the important classes of meats, including lard and tallow, the Payne law actually reduces the rates of duty in most cases 25 per cent. Yet the advances in prices of meats, including lard and tallow, have been greater than in any other class of articles required for domestic use. The monthly record of the Bureau of Statistics of the Department of Commerce and Labor, showing prices of provisions in New York markets, for we must, in taking such measure-