CONGRESSIONAL RECORD:

CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

SIXTY-FIRST CONGRESS, THIRD SESSION.

VOLUME XLVI.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1911.

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NAMES AND POST-OFFICE ADDRESSES

OF

SENATORS

IN THE

THIRD SESSION OF THE SIXTY-FIRST CONGRESS.

JAMES S. SHERMAN, Vice President, Utica, N. Y.
WILLIAM P. FRYE, President pro tempore, Lewiston, Me.

Name.	Home post-office.
Aldrich, Nelson W	Providence, R. I.
Bacon, Augustus O	Macon, Ga.
Bailey, Joseph W	Gainesville, Tex.
Bankhead, John H	Fayette, Ala.
Beveridge, Albert J	Indianapolis, Ind.
Borah, William E	Boise, Idaho.
Bourne, Jonathan, jr	Portland, Oreg.
Bradley, William O	Louisville, Ky.
Brandegee, Frank B	New London, Conn.
Briggs, Frank O	Trenton, N. J.
Bristow, Joseph L	Salina, Kans.
Brown, Norris	Kearney, Nebr.
Bulkeley, Morgan G	Hartford, Conn.
Burkett, Elmer J	Lincoln, Nebr.
Burnham, Henry E	Manchester, N. H.
Burrows, Julius C	Kalamazoo, Mich.
Burton, Theodore E	Cleveland, Ohio.
Carter, Thomas H	Helena, Mont.
Chamberlain, George E	Portland, Oreg.
Clapp, Moses E	St. Paul, Minn.
Clark, Clarence D	Evanston, Wyo.
Clarke, James P	Little Rock, Ark.
Crane, W. Murray	Dalton, Mass.
Crawford, Coe I	Huron, S. Dak.
Culberson, Charles A	Dallas, Tex.
Cullom, Shelby M	Springfield, Ill.
Cummins, Albert B	Des Moines, Iowa.
Curtis, Charles	Topeka, Kans.
Davis, Jeff	Little Rock, Ark.
Depew, Chauncey M	New York, N. Y.
Dick, Charles	Akron, Ohio.
Dillingham, William P	Waterbury, Vt.
Dixon, Joseph M	Missoula, Mont.
du Pont, Henry A	Winterthur, Del.
Elkins, Davis [1]	Morgantown, W. Va.
Elkins, Stephen B. [2]	Elkins, W. Va.
Fletcher, Duncan U	Jacksonville, Fla.
Flint, Frank P	Los Angeles, Cal.
Foster, Murphy J	Franklin, La.
Frazier, James B	Chattanooga, Tenn.
Frye, William P	Lewiston, Me.
Gallinger, Jacob H	Concord, N. H.
Gamble, Robert J	Yankton, S. Dak.
Gore, Thomas P	Lawton, Okla.
Gronna, Asle J. [3]	Lakota, N. Dak.
Guggenheim, Simon	Denver, Colo.
Hale, Eugene	Ellsworth, Me.
Heyburn, Weldon B	Wallace, Idaho.

Name.	Home post office.
Hughes, Charles J., jr. [4]	Denver, Colo.
Johnston, Joseph F	Birmingham, Ala.
Jones, Wesley L	North Yakima, Wash.
Kean, John	Elizabeth, N. J.
La Follette, Robert M	Madison, Wis.
Lodge, Henry Cabot	Nahant, Mass.
Lorimer, William	Chicago, Ill.
McCumber, Porter J	Wahpeton, N. Dak.
Martin, Thomas S	Charlottesville, Va.
Money, Hernando D	Mississippi City, Miss.
Nelson, Knute	Alexandria, Minn.
Newlands, Francis G	Reno, Nev.
Nixon, George S	Reno, Nev.
Oliver, George T	Pittsburg, Pa.
Overman, Lee S	Salisbury, N. C.
Owen, Robert L	Muskogee, Okla.
Page, Carroll S	Hyde Park, Vt.
Paynter, Thomas H	Frankfort, Ky.
Penrose, Boies	Philadelphia, Pa.
Percy, Le Roy	Greenville, Miss.
Perkins, George C	Oakland, Cal.
Piles, Samuel H	Seattle, Wash.
Purcell, William E	Wahpeton, N. Dak.
Rayner, Isidor	Baltimore, Md.
Richardson, Harry A	Dover, Del.
Root, Elihu	New York City.
Scott, Nathan B	Wheeling, W. Va.
Shively, Benj. F	South Bend, Ind.
Simmons, F. M.	New Bern, N. C.
Smith, Ellison D	Florence, S. C.
Smith, John Walter	Snow Hill, Md.
Smith, Wm. Alden	Grand Rapids, Mich.
Smoot, Reed	Provo, Utah.
Stephenson, Isaac	Marinette, Wis.
Stone, William J	Jefferson City, Mo.
Sutherland, George	Salt Lake City, Utah.
Swanson, Claude A. [5]	Chatham, Va.
Taliaferro, James P	Jacksonville, Fla.
Taylor, Robert L	Nashville, Tenn.
Terrell, Joseph M. [6]	Greenville, Ga.
Thornton, John R. [7]	Alexandria, La.
Tillman, Benjamin R	Trenton, S. C.
Warner, William	Kansas City, Mo.
Warren, Francis E	Cheyenne, Wyo.
Watson, Clarence W. [8]	Fairmont, W. Va.
Wetmore, George P	Newport, R. I.
Young, Lafayette [9]	Des Moines, Iowa.

[1] Appointed in place of Stephen B. Elkins, deceased.
[2] Died January 4, 1911.
[3] Elected in place of M. N. Johnson, deceased.
[4] Died January 11, 1911.
[5] Appointed in place of John W. Daniel, deceased.
[6] Appointed in place of Alexander S. Clay, deceased.
[7] Elected in place of Samuel D. McEnery, deceased.
[8] Elected in place of Stephen B. Elkins, deceased.
[9] Appointed in place of Jonathan P. Dolliver, deceased.

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OSBORNE, HENRY C., increase pension (see bill S. 9649).
OSBORNE, JOHN BALL, statement relating to Canadian reciprocity prepared by, 4146.
OSGOOD, DEBORAH A., increase pension (see bill H. R. 31274).
OSGOOD, FRANK M., increase pension (see bill S. 9933).
OSMAN, HIRAM, increase pension (see bill H. R. 31301).
OSMAN, ISRAEL, increase pension (see bill S. 9246).
OSTERHOUT, LUCIUS, grant honorable discharge (see bill H. R. 29982).
OSTHELDER, JOSEPH, increase pension (see bills H. R. 1790, 32078).
OSTRANDER, JAMES W., increase pension (see bill H. R. 29241).
O'SULLIVAN, DANIEL, increase pension (see bills H. R. 30499, 31724).
OTIS, HENRY F., increase pension (see bills H. R. 28427, 30135).
OTOE INDIANS. *See* INDIANS.
O'TOOLE, ALLEN EDWARD, AND OTHERS, relief (see bill S. 2262).
OTT, SAMUEL, increase pension (see bills H. R. 25693, 28434).
OTT, WILLIAM B., relief of estate (see bill S. 3595).
OTT, WILLIAM F., increase pension (see bills H. R. 11865, 31724).
OTTARSON, ASA C., increase pension (see bill H. R. 30995).
OTTAWA INDIANS. *See* INDIANS.
OTTER CREEK, VT., report of Secretary of War on survey of (H. Doc. 1085), 41.
OTTO, ALBERT, increase pension (see bill S. 9731, 10099).
OUACHITA RIVER, allow Ouachita County, Ark., to bridge (see bills S. 10882; H. R. 32908, 32927).
Correspondence relating to appropriation for improvement of, 3168.
OUTER DIAMOND SHOAL. *See* CAPE HATTERAS, N. C.
OVERBEY, JOHN, increase pension (see bills H. R. 28491, 31724).
OVERDORF, IRA E., relief (see bill H. R. 30562).
OVERMAN, LEE S. (*a Senator from North Carolina*).
Attended, 1.
Appointed on committees, 105, 190.
Appointed on funeral committee, 335.
Amendments offered by, to
Agricultural appropriation bill: drainage investigations, 2936.
Deficiency appropriation bill: claims of State of North Carolina, 3752.
Legislative, executive, and judicial appropriation bill, 1478.
——— assay office at Charlotte, N. C., 663.
Sundry civil appropriation bill: public building at Wilmington, N. C., 2643.
——— lights and signals in Cape Fear River, N. C., 3517.
——— purchase of Carpenter Pennsylvania Avenue tract in District of Columbia, 3517.
——— public building at Hickory, N. C., 4031.
Bills and joint resolutions introduced by
Crow, Moses: for relief of heirs (see bill S. 10514), 1523.
Hall, Chalmers G.: for relief (see bill S. 9988), 661.
Immigration laws: for better enforcement of (see bill S. 9255), 198.
Robertson, John E.: to pension (see bill S. 10347), 1160.
Tennent, Edward Smith: to increase pension (see bill S. 10346), 1160.
Tolson, C. C.: for relief of heirs (see bill S. 10513), 1523.
Williams, A. M., jr.: for relief (see bill S. 10832), 2643.
Motions and resolutions offered by
Adjourn: to, 3799.
Immigration: to print paper by Samuel Gompers on, 1335.
Roberts, Wiley S.: to withdraw his papers, 4033.
Petitions and papers presented by, from
Citizens and individuals, 651, 2746, 3038, 4032.
Societies and associations, 512, 651, 2038, 2236, 2639, 3038, 4032.
State legislatures, 2817.
Remarks by, on
Adjournment over, 1545.
Alabama coal lands, 556.
Appropriation bills, 3902, 3903, 3904, 3905, 3906.
Certified checks for duties, 3411.
Civil War volunteer officers' retired list, 3869.
Committee meetings, 4113, 4116, 4117.
Election of Senators, 2770, 2943.
Employment of women and children, 1086.
Forest Service, 3769, 3770, 3771, 3772, 3773.
French spoliation claims, 345, 346.
Indian appropriation bill, 1427.
Laws relating to the judiciary, 1539, 1541, 2135.
Morgan, Thomas P., jr.: relief of, 2200.
Navy dental surgeons, 4039.
Public building bills, 106.
Question of order, 3900, 3901, 3902, 3903.
Service pensions, 2829.
Tariff board, 3796, 3797, 3798, 3799, 3902, 3903, 3904.
Reports made by, from
Committee on Claims:
Atlantic Coast Line Railroad Co. (Rept. 1208), 3041.
Baker, Oliva J. (Rept. 1095), 2041.
Hogan, Helen S. (Rept. 1032), 1717.
Missouri State claims (Rept. 1036), 1764.
Moore, Rittenhouse (Rept. 979), 1039.
Muhleman, Elizabeth (Rept. 977), 982.
Ryan, Michael B. (Rept. 1206), 3042.
Committee on Fisheries:
Florida marine biological station (Rept. 1246), 3383, 3410.
Committee on Public Buildings and Grounds:
Wilmington, N. C., public building (amendment), 3172.
Votes of. *See* YEA-AND-NAY VOTES.
OVERMAN, PATRICK H., increase pension (see bills H. R. 2345, 32435).
OVERMYER, HENRY H., increase pension (see bill H. R. 32225).
OVERSTREET, H. E., amendment in Senate making appropriation to pay, 3850.
OVERSTREET, HEZEKIAH, increase pension (see bills H. R. 31526, 32002).
OVERTON, JOHN P., increase pension (see bill S. 9133).
OVERTURF, FRANKLIN C., increase pension (see bills H. R. 1679, 32674).
OWEN, EDWIN G., increase pension (see bill H. R. 31034).
OWEN, HENRY L., increase pension (see bill H. R. 30731).
OWEN, J. B., relief of estate (see bill S. 2676).
OWEN, JAMES M., increase pension (see bills S. 8098, 10691).
OWEN, LIZZIE, pension (see bill H. R. 30467).
OWEN, ROBERT L. (*a Senator from Oklahoma*).
Attended, 1.
Amendments offered by, to
Agricultural appropriation bill, 3787.
——— to investigate and test underflow of streams and artesian waters in western Oklahoma, 3384.
Department of public health: bill (S. 6049) to establish, 1802.
Indian appropriation bill, 1425.
——— claims of loyal Shawnee and loyal Absentee Shawnee Indians, 286.
——— payment of award due loyal Creek Indians, 286.
——— deposit of funds from sale of Indian lands, 341, 428.
——— attorneys' fees for Indians on Colville Reservation, Wash., 664.
New Mexico: joint resolution (H. J. Res. 295) approving constitution formed by constitutional convention of Territory of, 4319.
Post Office appropriation bill, 4098.
——— periodical publications, 3384.
Sundry civil appropriation bill, 4028, 4031.
——— Platt National Park, 2753.
——— relief of Eastern Cherokee councilors, etc., 3255.
——— salary of Surgeon General of Public Health and Marine-Hospital Service, 3255.
Bills and joint resolutions introduced by
Advertisements: to require marking in newspapers and magazines of (see bill S. 8874), 54.
Alcoholic liquor traffic: to prohibit issuance of Federal liquor licenses in prohibition communities (see bills S. 8872, 9665, 9727), 54, 428, 513.
——— to forbid shipment of intoxicating liquors by common carriers into prohibition States (see bill S. 8873), 54.
——— regulating interstate shipment of intoxicating liquors (see bill S. 10038), 661.
Boudinot, Frank J.: for relief (see bill S. 10841), 2753.
Brooks, Hiram: to increase pension (see bill S. 9801), 555.
Brown, William, and Levi B. Gritts: for relief (see bill S. 10575), 1631.
Chickasaw and Choctaw Indians: for relief (see bill S. 9802), 555.
Chisam, Benjamin R.: to increase pension (see bill S. 9796), 555.
Choctaw and Chickasaw Nations: for sale of surface and mineral deposits of segregated coal and asphalt lands of (see bill S. 10319), 1040.
Cleveland, Elias: to increase pension (see bill S. 9795), 555.
Creek allotments: to pay claims for equalization of (see bill S. 10831), 2643.
Department of Health: to establish (see bill S. 10408), 1277.
Dillingham, William H.: to increase pension (see bill S. 9797), 555.
Downs, William G.: to increase pension (see bill S. 9800), 555.
Five Civilized Tribes: making their rolls conclusive as to quantum of Indian blood and age (see bill S. 10039), 661.
Gibbs, Elias: to remove charge of desertion (see bill S. 9794), 555.
Hughes, Perry C.: to increase pension (see bill S. 9666), 428.
Indian claims: to pay (see bill S. 9637), 341.
King, Francelia L.: to pension (see bill S. 10446), 1404.
Lane, Edward S.: to pension (see bill S. 10626), 1802.
Mann, Allen J.: for relief of estate (see bill S. 10627), 1802.
Missouri, Kansas & Texas Coal Co. and Eastern Coal & Mining Co.: to allow them to exchange certain lands (see bill S. 10813), 2572.
Oklahoma and Indian Territory: to amend enabling act of (see bill S. 10712), 2042.
Osage Indians: to amend act for division of lands and funds of (see bill S. 10606), 1764.
Pawnee Indians: to pay claims of (see bill S. 10830), 2643.
Ponca Indians: to adjudicate claims of (see bill S. 10040), 661.
Potter, Amos: to increase pension (see bill S. 9798), 555.
Shawnee and Delaware Indians: to pay claims of (see bill S. 10829), 2643.
Smith, Thomas M.: to increase pension (see bill S. 9799), 555.
United States legislative reference bureau: to establish (see bill S. 10041), 661.
Motions and resolutions offered by
Choctaw and Chickasaw Indians: to print memorial relating to claims of (S. Doc. 707), 340.
Dunn, Moncena: to print memorial of (S. Doc. 840), 3515.
Five Civilized Tribes: inquiry relative to cost of closing affairs of (S. Res. 314), 664.
Lorimer, William: declaring him not entitled to seat (S. Res. 316), 648, 668.
Yellow Fever Commission: to print compilation relative to work of (S. Res. 330), 1545.
Petitions and papers presented by, from
Citizens and individuals, 340, 652, 2570, 3515.
Societies and associations, 1276, 2068, 2119, 2750, 3171.
State legislatures, 651, 652, 1276, 2638, 3511.
Remarks by, on
Appropriation bills, 3904.
Arizona constitution, 4131, 4132, 4133, 4134, 4155, 4288, 4290.
Armor plate, 4040, 4041.
Cherokee Indian allotments, 2068, 2570.
Corn clubs, 3787.
Creek Indian allotments, 1768, 1769, 1803, 1804, 1805.
Election of Senators, 665.
Fraternal or benevolent societies publications, 4098, 4104.
Indian appropriation bill, 1299, 1425, 1426.

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OWEN—Continued.
Remarks by, on
Initiative and referendum, 4301.
Lorimer, William: election of, 665, 3292, 3294, 3753, 3754, 3755.
Loyal Creek Indian claims, 1299, 1352, 1354, 1357.
Marine-Hospital Service, 4149.
Military Academy appropriation bill, 3872, 3873, 3874, 3875, 3876.
New Mexico and Arizona, 4290, 4292, 4293, 4294.
Ocean mail subsidy, 1821.
Order of business, 3405.
Osage Indian allotments, 4126.
Point of order, 3557, 3558.
Postage on magazine advertising, 4044, 4047, 4070, 4077.
Post Office appropriation bill, 3877, 3879.
Tariff board, 3788, 3864.
Reports made by, from
Committee on Indian Affairs:
Lands inherited by minor heirs of Indian allottees (bill H. R. 18893), 3518.
Osage Indian lands (Rept. 1172), 2642.
Committee on Post Offices and Post Roads:
Postage on second-class matter (Rept. 1242), 3383.
Post Office appropriation bill (bill H. R. 31559; Rept. 1242, pt. 2), 3641.
Votes of. See YEA-AND-NAY VOTES.

OWEN COUNTY, KY., resolution in Senate referring claim to Court of Claims (see S. Res. 361).

OWENS, ARCHER A., increase pension (see bills H. R. 28005, 32435).

OWENS, BENJAMIN, increase pension (see bills H. R. 28356, 30135).

OWENS, DANIEL, pension (see bill H. R. 30961).

OWENS, GEORGE W., increase pension (see bill H. R. 31042).

OWENS, JASON M., relief (see bill H. R. 31624).

OWENS, JOHN, increase pension (see bills H. R. 8992, 28435).

OWENS, PATRICK L., pension (see bill S. 9222).

OWENS, TIDE, pension (see bill S. 10482).

OWENS, WILLIAM H., increase pension (see bills H. R. 14432, 32674).

OWENSBORO, KY., sale of old Federal building at (see bill H. R. 32443).
Letter of Secretary of Treasury recommending sale of old Federal building at (H. Doc. 1146), 279.

OWINGS, URIAH H., increase pension (see bills H. R. 27903, 30135).

OWNBY, AVERY J., increase pension (see bills H. R. 29085, 32128).

OWNBY, THOMAS, correct military record (see bill H. R. 31141).

OXLEY, ALFRED S., pension (see bill H. R. 28878).

OYSTERS, to investigate certain pure-food decisions relating to (see S. Res. 355; H. Res. 963).

OZARK POWER & WATER CO., to allow them to dam White River (see bills S. 10268; H. R. 30900).

OZETTE INDIANS. *See* INDIANS.

PACHY, HENRY M., increase pension (see bill H. R. 28869).

PACIFIC (*ship*), report of Court of Claims on claim of owner of (H. Doc. 1185), 337, 338.

PACIFIC BRANCH OF THE UNITED STATES MILITARY PRISON.
Letter of Secretary of War transmitting report on affairs of (H. Doc. 1129), 230, 466.

PACIFIC COAST TORPEDO STATION, amendment in Senate making appropriation for purchase of site for, 3111.

PACIFIC-PANAMA EXPOSITION. *See* PANAMA-PACIFIC EXPOSITION.

PACIFIC SLOPE CONGRESS, resolutions relating to merchant marine, 1182.

PACKARD, OSCAR, pension (see bill H. R. 29029).

PADEN, ANDREW J., increase pension (see bills H. R. 29738, 32435).

PADGETT, LEMUEL P. (*a Representative from Tennessee*).
Attended, 3.
Appointed conferee, 4242.
Appointed teller, 3081.
Appointed visitor to Naval Academy, 3974.
Amendments offered by, to
Navy appropriation bill, 3069, 3072.
Bills and joint resolutions introduced by
Dempsey, John C.: to increase pension (see bill H. R. 31030), 710.
Goodman, Jackson: to increase pension (see bill H. R. 27705), 12.
Gordon, William B.: to increase pension (see bill H. R. 31228), 813.
Kephart, Fountain P.: to increase pension (see bill H. R. 31994), 1331.
Patton, J. W.: to increase pension (see bill H. R. 27706), 12.
Ritchardson, Thomas L.: to increase pension (see bill H. R. 31031), 710.
Rose, John: to increase pension (see bill H. R. 29311), 282.
Motions and resolutions offered by
Navy appropriation bill: to recommit with instructions, 3125.
Petitions and papers presented by, from
Citizens and individuals, 15, 284, 712, 815, 1332.
Remarks by, on
Brownlow, Walter P.: death of, 2920.
Japanese sentiment toward United States, 3595.
McEnery, Samuel D.: death of, 3505.
Naval Militia, 4234.
Navy appropriation bill, 2992, 2998, 3014, 3019, 3021, 3024, 3025, 3026, 3027, 3029, 3063, 3064, 3069, 3070, 3080, 3101.
Panama Canal bonds, 3816.
Peary, Robert E.: promotion of, 4225.
Votes of. See YEA-AND-NAY VOTES.

PADGETT, MARGARET, relief (see bill H. R. 25569).

PAFFENBARGER, DAVID, increase pension (see bill S. 9708).

PAGE, CARROLL S. (*a Senator from Vermont*).
Attended, 1.
Credentials presented, 835.
Bills and joint resolutions introduced by
Agricultural education: to encourage (see bill S. 10905), 4033.
Aseltine, Bethana: to pension (see bill S. 10132), 715.
Backum, John C.: to increase pension (see bill S. 10236), 838.
Beaulac, Victor, and others: for relief (see bills S. 10681, 10842), 1974, 2753.
Childs, Royal S.: to increase pension (see bill S. 10130), 715.
Fisher, Calvin A.: to increase pension (see bill S. 9685), 476.
McCarroll, Charles H.: to increase pension (see bill S. 10237), 838.
Martell, Frank E.: to increase pension (see bill S. 10131), 715.
Moody, Clement G.: to increase pension (see bill S. 9686), 476.
Morse, Benjamin F.: to increase pension (see bill S. 9687), 476.
Nichols, Harriet B.: to increase pension (see bill S. 10680), 1974.
Stewart, William E.: to increase pension (see bill S. 10129), 715.
Thomas, Owen: to increase pension (see bill S. 9684), 476.
Vaughn, Isaac C.: to increase pension (see bill S. 9689), 477.
Whitman, Thomas H.: to increase pension (see bill S. 10406), 1277.
Wilkins, Birney: to increase pension (see bill S. 9688), 476.
Wilkie, Alexander: for relief (see bill S. 9529), 286.
Young, Francis: to increase pension (see bill S. 10128), 715.
Petitions and papers presented by, from
Citizens and individuals, 1083, 3251.
Societies and associations, 1972, 2237, 2411, 2639, 3037, 3251, 3849.
State legislatures, 1334.
Remarks by, on
Indian appropriation bill, 1411, 1412, 1413.
Osage Indian allotments, 4156.
Prospecting for oil, 1648.
Reports made by, from
Committee on Indian Affairs:
Seneca Indian lease (Rept. 1161), 2641.
Votes of. See YEA-AND-NAY VOTES.

PAGE, DAVID D., increase pension (see bills H. R. 15757, 32078).

PAGE, JOHN E., increase pension (see bills H. R. 27668, 30886).

PAINE, LEMUEL, increase pension (see bill H. R. 29405).

PAGE, ROBERT N. (*a Representative from North Carolina*).
Attended, 3.
Petitions and papers presented by, from
State legislatures, 1268.
Votes of. See YEA-AND-NAY VOTES.

PAINT, inquiry relative to paint shipped to Panama (see H. Res. 843, 937).

PAINTER, JOSEPH R., increase pension (see bill H. R. 28053).

PAINTINGS, purchase certain (see bills S. 2737; H. R. 30897).

PALEN, PETER E., increase pension (see bill S. 9715).

PALM, HENRY M., increase pension (see bill S. 10634).

PALMER, A MITCHELL (*a Representative from Pennsylvania*).
Attended, —.
Appointed on funeral committee, 401.
Bills and joint resolutions introduced by
Dailey, Hezekiah: to increase pension (see bill H. R. 31714), 1081.
Gibson, William D.: to increase pension (see bill H. R. 29820), 468.
Hartman, Charles: to increase pension (see bill H. R. 31783), 1157.
Henning, Charles: to increase pension (see bill H. R. 32336), 1758.
Houser, Samuel A.: to increase pension (see bill H. R. 30742), 616.
Johnson, Solomon: to increase pension (see bill H. R. 29819), 468.
Kimble, James W.: to increase pension (see bill H. R. 28745), 172.
King, George: to increase pension (see bill H. R. 32337), 1758.
Kistler, Catharine: to increase pension (see bill H. R. 32391), 1795.
Kresge, Timothy: to increase pension (see bill H. R. 28744), 172.
Peltz, William: to increase pension (see bill H. R. 30528), 589.
Ramsey, William J.: to increase pension (see bill H. R. 30743), 616.
Riley, James: to increase pension (see bill H. R. 31995), 1331.
Starner, George: to increase pension (see bill H. R. 28746), 172.
Vogel, Stephen: to increase pension (see bill H. R. 32772), 2464.
Weaver, Theodore: to increase pension (see bill H. R. 31406), 884.
Wildrick, Henry: to increase pension (see bill H. R. 28747), 172.
Petitions and papers presented by, from
Citizens and individuals, 591, 1332, 2393.
Societies and associations, 140, 469, 470, 591, 592, 1083, 1587, 1796, 1883, 1968, 2114, 2235, 2324, 2393, 2466, 2567, 2744, 2928, 3105, 3164, 3486, 4341.
Remarks by, on
Bonding bureau, 3691, 3692, 3744, 3745, 3746, 4325, 4327.
Canadian reciprocity, 2453–2456.
Votes of. See YEA-AND-NAY VOTES.

PALMER, CHARLES HENRY, increase pension (see bill H. R. 28541).

PALMER, DANIEL, increase pension (see bills H. R. 30382, 32435).

PALMER, GEORGE H., increase pension (see bill H. R. 29609).

PALMER, GEORGE S., increase pension (see bills H. R. 26447, 30886).

PALMER, HENRY W. (*a Representative from Pennsylvania*).
Attended, —.
Bills and joint resolutions introduced by
Burnett, Joan: to pension (see bill H. R. 31033), 710.
Kniffen, Grace E.: to pension (see bill H. R. 31032), 710.
Petitions and papers presented by, from
Citizens and individuals, 619, 2114.
Societies and associations, 2114.
Votes of. See YEA-AND-NAY VOTES.

PALMER, JAMES O., increase pension (see bills S. 9653, 10099).

PALMER, JOHN S., increase pension (see bills H. R. 29947, 31161).

PALMER, JOSIAH, increase pension (see bills H. R. 26390, 32674).

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YEA-AND-NAY VOTES IN SENATE. adjourn, 848, 1825, 3799.
Agricultural appropriation bill (H. R. 31596): on amendment making appropriation for maintenance and protection of national forests, 3784.
Appeal from decision of Chair, 486.
Argentine Republic: on resolution of inquiry (S. Res. 365) relative to construction of battleships in United States for, 3520.
Claims: on motion to recommit bill (S. 7971) with instructions to eliminate all claims for insurance and premiums, 433.
——— on amendment to bill (S. 7971) relative to attorneys' fees, 439, 443, 480.
——— on passage of bill (S. 7971), 518.
——— on case of French spoliation claims, 383, 488.
——— on case of claims for insurance and premiums, 483.
——— on case of Daniel W. Beckham, 291.
——— on case of Adolph Hartiens, 517.
——— on case of James L. Hubard, administrator of estate of William Pennock, 488.
——— on case of ship Venus, 484, 486.
——— on case of Sarah Winter, 291.
Legislative, executive, and judicial appropriation bill (H. R. 29369): on amendment increasing salary of Secretary to the President of United States, 1479.
Lorimer, William: on resolution (S. Res. 315) declaring that he is not entitled to seat as Senator from Illinois, 3760.
National Forest Reservation Commission: on bill (H. R. 11798) to create, 2602.
New Mexico and Arizona: on joint resolution (H. J. Res. 295) providing for admission as States, 4319.
Oil and gas: on bill (S. 9011) authorizing permits for exploration and prospecting of lands for, 1651.
Order of business, 1897, 1898, 2776, 2777, 2824, 3405, 3520, 3669, 3797, 3853, 3862, 3893, 4321.
Post Office appropriation bill (H. R. 31539): on amendment relating to construction of steel cars for Railway Mail Service, 4092.
Quorum of Senate: on question of counting of quorum by Vice President, 486.
Senators: on the so-called Sutherland amendment to joint resolution (S. J. Res. 134) for amendment to Constitution relating to election of, 3307.
——— on joint resolution (S. J. Res. 134) for amendment to Constitution relative to election of, 3639.
Ship subsidies: on bill (S. 6708) granting, 1818, 1821, 1824, 1825.
Sundry civil appropriation bill (H. R. 32909): on amendment requiring reports on certain schedules to be made by tariff board, 4029.
Tariff board: on bill (H. R. 32010) to create, 3790, 3793, 4286.
Tie vote: on bill (S. 6708) to grant subsidies to vessels, 1824, 1825.
——— on omnibus claims bill (S. 7971), 383.

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683), which was read and, with the accompanying paper, referred to the Committee on the District of Columbia and ordered to be printed.

To the Senate and House of Representatives:

I transmit herewith, for the information of the Congress, the fourth annual report of the operation of the juvenile court in and for the District of Columbia for the fiscal year ended June 30, 1910.

WM. H. TAFT.

THE WHITE HOUSE, *December 7, 1910.*

BUREAU OF IMMIGRATION AND NATURALIZATION.

The VICE PRESIDENT laid before the Senate the bill S. 8695, "An act to amend paragraph 2 of section 4 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,' approved June 29, 1906," returned from the House of Representatives in compliance with the request of the Senate.

Mr. HEYBURN. The bill was returned from the House pursuant to a resolution of the Senate on the last day of the last session. The provisions of the bill which was passed by the Senate were incorporated into an appropriation bill. It therefore became unnecessary to enact it in any other form.

I move that the bill be indefinitely postponed.

The motion was agreed to.

INTERIOR DEPARTMENT AND FOREST SERVICE.

Mr. NELSON. Mr. President, on behalf of the joint committee appointed and selected pursuant to public resolution No. 9, approved January 19, 1910, authorizing an investigation of the Department of the Interior and its several bureaus, officers, and employees, and of the Bureau of Forestry, in the Agricultural Department, and its officers and employees, I make the following report, being the views of the committee upon that investigation, together with the views of the minority. I ask that the report of the committee and the views of the minority lie on the table.

The VICE PRESIDENT. Without objection, that order will be entered. The Chair hears none.

Mr. NELSON. In connection with the report I submit the testimony taken by the committee in the case.

The VICE PRESIDENT. Does the Senator from Minnesota request that the testimony be printed?

Mr. NELSON. The entire matter will be printed under the terms of a concurrent resolution, which I offer in connection therewith, and I ask that it be referred to the Committee on Printing. (S. Doc. No. 719.)

The concurrent resolution (S. Con. Res. 38) was read and referred to the Committee on Printing as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed as a document, for the use of the Senate and House of Representatives, 3,000 copies of the report of the committee and the views of the minority and the evidence taken, together with appendices, in the investigation made pursuant to public resolution No. 9, approved January 19, 1910, authorizing an investigation of the Department of the Interior and its several bureaus, officers, and employees, and of the Bureau of Forestry, in the Department of Agriculture, and its officers and employees, 1,000 for the use of the Senate and 2,000 for the use of the House of Representatives, and that there be printed in one volume 30,000 additional copies of the report of the committee and the views of the minority, 10,000 for the use of the Senate and 20,000 for the use of the House of Representatives.

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. LODGE:

A bill (S. 8861) for the relief of Andrew H. Russell and William R. Livermore; to the Committee on Claims.

A bill (S. 8862) to correct the military record of Henry Butterfield, also known as Henry Johnson, and to grant him an honorable discharge (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 8863) granting a pension to Catharine T. Laffan (with accompanying papers);

A bill (S. 8864) granting an increase of pension to Frank A. Sandland;

A bill (S. 8865) granting an increase of pension to Edwin L. Plummer (with accompanying papers);

A bill (S. 8866) granting an increase of pension to William H. Hills (with accompanying papers); and

A bill (S. 8867) granting an increase of pension to Milbrey Green (with accompanying papers); to the Committee on Pensions.

By Mr. RAYNER:

A bill (S. 8868) providing for a permanent resting place for the body of John Paul Jones; to the Committee on Naval Affairs.

By Mr. GORE:

A bill (S. 8869) to repeal acts authorizing the enrollment and allotment of James F. Rowell; to the Committee on Indian Affairs.

By Mr. HALE:

A bill (S. 8870) granting an increase of pension to Joseph N. Harriman; to the Committee on Pensions.

By Mr. DEPEW:

A bill (S. 8871) relating to the irrigation and reclamation of public lands in the Territory of Hawaii, amending an act entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900; to the Committee on Pacific Islands and Porto Rico.

By Mr. OWEN:

A bill (S. 8872) to forbid the issuance of license for the sale or manufacture of intoxicating liquors or beverages within the limits of any State prohibiting the sale or manufacture thereof; and

A bill (S. 8873) to forbid the shipment, by common carriers, of liquors or beverages containing alcohol into States having laws prohibiting the sale of liquors or alcoholic beverages in such States; to the Committee on Interstate Commerce.

A bill (S. 8874) to require advertisement matter to be marked as such; to the Committee on Post Offices and Post Roads.

By Mr. BOURNE:

A bill (S. 8875) to authorize the establishment of fish-cultural stations on the Columbia River or its tributaries in the State of Oregon; to the Committee on Fisheries.

A bill (S. 8876) granting an increase of pension to William S. Kline (with accompanying papers); and

A bill (S. 8877) granting an increase of pension to Brice McKinley (with accompanying papers); to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 8878) granting an increase of pension to John L. Logan (with accompanying papers); and

A bill (S. 8879) granting an increase of pension to William H. Moeller (with accompanying papers); to the Committee on Pensions.

By Mr. MONEY:

A bill (S. 8880) granting a pension to Frederick G. Rockel (with accompanying papers); to the Committee on Pensions.

By Mr. FRYE:

A bill (S. 8881) to provide for the payment of tolls and transit charges of public vessels of the United States and merchant vessels of the United States passing through the Panama Canal; to the Committee on Commerce.

A bill (S. 8882) granting a pension to Ebenezer H. Barker (with accompanying papers);

A bill (S. 8883) granting a pension to Ellen Brown (with accompanying papers);

A bill (S. 8884) granting a pension to Emile Genther (with accompanying papers);

A bill (S. 8885) granting a pension to Mary J. Gooding (with accompanying papers);

A bill (S. 8886) granting a pension to Henrietta S. Hodgdon (with accompanying papers);

A bill (S. 8887) granting a pension to Mary H. Jones (with accompanying papers);

A bill (S. 8888) granting an increase of pension to Charles C. Lyon (with accompanying papers);

A bill (S. 8889) granting an increase of pension to Ira A. Kneeland (with accompanying papers);

A bill (S. 8890) granting a pension to Thaddeus Little (with accompanying paper);

A bill (S. 8891) granting a pension to Charles M. Newbegin (with accompanying papers);

A bill (S. 8892) granting an increase of pension to William M. Plummer (with accompanying paper);

A bill (S. 8893) granting a pension to Fernando S. Philbrick (with accompanying papers);

A bill (S. 8894) granting an increase of pension to William L. Pratt (with accompanying paper);

A bill (S. 8895) granting an increase of pension to Joshua G. Richardson (with accompanying papers);

A bill (S. 8896) granting an increase of pension to Lorenzo D. Shaw (with accompanying papers);

A bill (S. 8897) granting a pension to Chandler Swift (with accompanying papers);

A bill (S. 8898) granting an increase of pension to Charles N. Ware (with accompanying papers);

A bill (S. 8899) granting an increase of pension to William G. Wade (with accompanying papers);

A bill (S. 8900) granting an increase of pension to Spencer M. Wyman (with accompanying papers);

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ber of Commerce of Santa Cruz, and of the Chamber of Commerce of Stockton, all in the State of California, praying that San Francisco be selected as the site for holding the proposed Panama Canal Exposition, which were referred to the Committee on Industrial Expositions.

He also presented a petition of the Avon Club of Placerville, Cal., praying that an investigation be made into the condition of dairy products for the prevention of the spread of tuberculosis, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of sundry Grand Army posts of California, remonstrating against the creation of a Civil War volunteer officers' retired list, which was referred to the Committee on Military Affairs.

He also presented a petition of the Chamber of Commerce of Oakland, Cal., praying that an appropriation be made to improve the channel at the Mare Island Navy Yard, in that State, which was referred to the Committee on Naval Affairs.

He also presented a petition of the Sacramento Valley Development Association of California, praying for the passage of an annual river and harbor appropriation bill, which was referred to the Committee on Commerce.

He also presented a memorial of the Federated Trades Council of Sacramento, Cal., remonstrating against the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Local Lodge No. 1030, Modern Brotherhood of America, of Redlands, Cal., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mails as second-class matter, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Chamber of Commerce of Los Angeles, Cal., praying that the rulings of the Land Department in relation to the oil and mineral lands of the country be made consistent with the decisions of the courts, etc., which was referred to the Committee on Public Lands.

He also presented a petition of the twenty-first annual Trans-Mississippi Commercial Congress, praying that a more liberal appropriation be made for the irrigation investigations of the Office of Experiment Stations of the United States Department of Agriculture and of the agricultural experiment stations and State engineering departments, which was referred to the Committee on Agriculture and Forestry.

Mr. SCOTT presented a petition of the Retail Business Men's Association of West Virginia, praying for the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of Reese Camp, No. 66, of Huntington, and of Beechwood Camp, No. 89, of Bluefield, Woodmen of the World, and of Blannerhassett Lodge, No. 2159, of Parkersburg, and of Unity Lodge, No. 2816, of Harrisville, Modern Brotherhood of America, all in the State of West Virginia, 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 memorials of sundry business firms of Wheeling, Weston, Huntington, Williamson, Welch, Parkersburg, Beckley, Bluefield, and Charleston, all in the State of West Virginia, remonstrating against the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which were referred to the Committee on Post Offices and Post Roads.

Mr. DEPEW presented a petition of the Chamber of Commerce of Troy, N. Y., praying for the passage of the so-called parcels-post bill, which was referred to the Committee on Post Offices and Post Roads.

Mr. WETMORE presented a petition of the Rhode Island Society of the Sons of the Revolution, praying for the publication of all the archives of the Government relating to the Revolution in a manner similar to that of the Official Records of the Civil War, which was ordered to lie on the table.

He also presented a petition of the State Council of Rhode Island, Junior Order United American Mechanics, praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

Mr. GALLINGER presented a petition of the Woman's Club of Franklin, N. H., praying that an investigation be made into the condition of dairy products for the prevention of the spread of tuberculosis, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of the sixty-first annual session of the American Institute of Homeopathy, of Pasadena, Cal., remonstrating against the enactment of legislation providing for the establishment of a department of national health, which was referred to the Committee on Public Health and National Quarantine.

He also presented a memorial of the Takoma Park Citizens' Association, of Washington, D. C., remonstrating against the action of the Washington Gas Light Company in increasing its capital stock and praying that an investigation be made thereof, which was referred to the Committee on the District of Columbia.

He also presented a petition of the committee on schools and libraries of the East Washington Citizens' Association, of the District of Columbia, praying that an appropriation be made for the construction of a new Eastern High School in that section of the city, etc., which was referred to the Committee on the District of Columbia.

He also presented memorials of the Peerless Casualty Company, of Keene; the Mark Flather Planer Co., of Nashua; the congregation of the First Baptist Church of Franklin; the Sargent Co., of Woodsville; the New Hampshire Box Co., of Ashuelot; the Nashua Light, Heat & Power Co., of Nashua; the Keene National Bank; and of sundry citizens of Wolfeboro Falls, East Jaffrey, Claremont, Nashua, and Keene, all in the State of New Hampshire, remonstrating against the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which were referred to the Committee on Post Offices and Post Roads.

Mr. PENROSE presented petitions of sundry local granges: No. 1034, of Woodcock Center; No. 1307, of Kane; No. 1418, of Lakeside; No. 1200, of West Abington; No. 585, of Perry; No. 19, of Kennett Square; No. 1074, of Pleasant Valley; No. 947, of Edinboro; No. 152, of Lathrop; No. 1335, of Crosby; No. 1062, of Champion; No. 1429, of Sugar Run; No. 1212, of Coryville; No. 418, of Harford; No. 764, of Union; No. 1236, of Turtle Point; No. 623, of Goshen; No. 168, of Cambridge Springs; No. 573, of Cush Creek; No. 109, of Logan; No. 1284, of Port Matilda; No. 1254, of Olin; No. 737, of Osterburg; No. 1331, of West Decatur; No. 249, of Turbut; No. 384, of Middle Ridge; No. 1355, of Muncy; No. 924, of Gibson Star; No. 1032, of Hudsondale; No. 936, of Meadville; No. 236, of Spring Creek; No. 1160, of Glade Run; No. 1373, of Jefferson; No. 1141, of Concord; No. 1033, of Stony Fork; No. 1188, of South Auburn; No. 1293, of Campian; No. 911, of Elk; No. 1139, of Mehoopany; No. 688, of Edgewood; No. 1110, of Jobs Corners; No. 1206, of Richland; No. 608, of New Vernon; No. 60, of Pomona; No. 1090, of Limestone; and No. 223, of Marion, all in the State of Pennsylvania, praying for the repeal of the present tax on oleomargarine, which were referred to the Committee on Agriculture and Forestry.

REPORT OF ISTHMIAN CANAL COMMISSION.

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying paper, referred to the Committee on Interoceanic Canals and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, pursuant to the requirements of chapter 1302 (32 Stats., p. 483), "An act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific Oceans," approved June 28, 1902, the annual report of the Isthmian Canal Commission for the fiscal year ended June 30, 1910.

WM. H. TAFT.

THE WHITE HOUSE, *December 7, 1910.*

REPORT ON ALASKA-YUKON-PACIFIC EXPOSITION.

The VICE PRESIDENT laid before the Senate the following message from the President of the United States (S. Doc. No. 671), which was read and, with the accompanying paper, referred to the Committee on Industrial Expositions and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, for the information of the Congress, the report of the United States Government Board of Managers of the Government participation in the Alaska-Yukon-Pacific Exposition, held at Seattle, Wash., June 1 to October 16, 1909, inclusive, and call the attention of the Congress to the recommendation of the board as to printing the report.

WM. H. TAFT.

THE WHITE HOUSE, *December 7, 1910.*

JUVENILE COURT OF THE DISTRICT OF COLUMBIA.

The VICE PRESIDENT laid before the Senate the following message from the President of the United States (S. Doc. No.

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ing for the passage of the so-called per diem pension bill, which was referred to the Committee on Pensions.

He also presented petitions of Local Lodge No. 808, of Troy; of Sunflower Lodge, No. 723, of Parsons; of Queen City Lodge, No. 712, of Parsons; of Local Lodge No. 1720, of Wichita; of Local Lodge No. 782, of Clay Center; of Local Lodge No. 427, of Atchison; of Evergreen Lodge, No. 1499, of Kansas City; and of Local Lodge No 802, of Havana, all of the Modern Brotherhood of America, in the State of Kansas, 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 Pensions.

Mr. PILES presented a petition of the Chamber of Commerce of Seattle Wash., praying for the enactment of legislation to increase the compensation of judges of the Federal courts, which was referred to the Committee on the Judiciary.

He also presented a petition of Spokane Lodge, No. 1003, Modern Brotherhood of America, of Spokane, Wash., 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. ROOT presented petitions of sundry railroad employees of Adams Basin, Amboy Center, Batavia, Bergen, Buffalo, Cold Water, Corning, Crittenden, East Syracuse, Fayetteville, Fairport, Fancher, Lyons, Macedon, Newark, Phelps, Pittsford, Rochester, Savannah, Spencerport, Syracuse, Warner, West Batavia, Weedsport, and West Bloomfield, all in the State of New York, praying for the enactment of legislation authorizing higher rates of transportation for railroads, which were referred to the Committee on Interstate Commerce.

REPORTS OF COMMITTEES.

Mr. NELSON, from the Commitee on Public Lands, to which was referred the bill (H. R. 27400) to repeal an act authorizing the issuance of a patent to James F. Rowell, asked to be discharged from its further consideration and that it be referred to the Committee on Indian Affairs, which was agreed to.

Mr NELSON. I am directed by the Committee on Public Lands, to which was referred the bill (S. 9266) extending the operation of the act of June 10, 1910, to coal lands in Alabama, to report it without amendment, and I submit a report (No. 921) thereon. I call the attention of the junior Senator from Alabama [Mr. JOHNSTON] to the report.

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

Mr. BOURNE, from the Committee on Fisheries, to which was referred the bill (S. 8875) to authorize the establishment of fish-cultural stations on the Columbia River or its tributaries, in the State of Oregon, reported it with an amendment and submitted a report (No. 922) thereon.

Mr. HEYBURN, from the Committee on Public Lands, to which was referred the bill (S. 9405) to amend the act of Congress of June 25, 1910, providing for the issuance of certificates of indebtedness for the completion of Government reclamation projects, reported it with amendments and submitted a report (No. 923) thereon.

REPORT ON PELLAGRA.

Mr. SMOOT, from the Committee on Printing, to which the matter was referred, reported the following order, which was considered by unanimous consent and agreed to:

Ordered, That the manuscript entitled "The prevalence of pellagra" be printed as a public document.

ALASKA-YUKON-PACIFIC EXPOSITION.

Mr. SMOOT. The other day there was a communication from the President of the United States presented to the Senate on the question of participation in the Alaska-Yukon-Pacific Exposition. I find that there are certain illustrations made necessary that the report may be complete, and I ask that the Senate may allow those illustrations to be printed.

The VICE PRESIDENT. Is there objection?

Mr. BACON. I did not understand the Senator from Utah. Is it to be printed as a document or in the RECORD?

Mr. SMOOT. No; it is a report from the President of the United States on the Alaska-Yukon-Pacific Exposition. Under the law the Public Printer is not allowed to print illustrations in a report of any kind without a special order of the Senate.

Mr. BACON. It does not go in the RECORD?

Mr. SMOOT. Oh, not at all.

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

Ordered, That Senate Document No. 671, Sixty-first Congress, third session, "Participation in the Alaska-Yukon-Pacific Exposition," be printed with illustrations.

CORA B. TAYLOR.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred Senate resolution 301, submitted by Mr. OLIVER on the 12th instant, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay Cora B. Taylor, widow of Hawkins Taylor, late clerk to the Committee on Transportation Routes to the Seaboard, a sum equal to six months' salary, at the rate he was receiving by law at the time of demise, said sum to be considered as including funeral expenses and all other allowances.

KATIE BRISCOE.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred Senate resolution 302, submitted by Mr. GAMBLE on the 12th instant, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay to Katie Briscoe, widow of James Briscoe, late a hostler in Senate stables, a sum equal to six months' salary, at the rate he was receiving by law at the time of his death, 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:

Mr. SCOTT. On behalf of my colleague [Mr. ELKINS], who is detained at home by illness, I introduce sundry bills.

A bill (S. 9495) granting an increase of pension to William J. Davis (with accompanying paper);

A bill (S. 9496) granting an increase of pension to Andy Phillips (with accompanying paper);

A bill (S. 9497) granting an increase of pension to Frank A. Warthen;

A bill (S. 9498) granting an increase of pension to Robert R. Whiteman (with accompanying paper); and

A bill (S. 9499) granting an increase of pension to Jackson Sewell (with accompanying paper); to the Committee on Pensions.

By Mr. BRANDEGEE:

A bill (S. 9500) granting an increase of pension to Louis Putoz;

A bill (S. 9501) granting an increase of pension to Philo S. Bartow;

A bill (S. 9502) granting an increase of pension to James Haggerty;

A bill (S. 9503) granting an increase of pension to Ella G. Crawford;

A bill (S. 9504) granting an increase of pension to Alonzo C. Neff; and

A bill (S. 9505) granting an increase of pension to Mary Francis; to the Committee on Pensions.

By Mr. BURKETT (by request):

A bill (S. 9506) to provide for the excess storage capacity of reservoirs in projects under the reclamation act; to the Committee on Irrigation and Reclamation of Arid Lands.

By Mr. WETMORE:

A bill (S. 9507) granting a pension to George L. Prentice (with accompanying paper); to the Committee on Pensions.

By Mr. DICK:

A bill (S. 9508) for the relief of Ferdinand Tobe;

A bill (S. 9509) for the relief of Thomas Jory, Jarry, or Jury; and

A bill (S. 9510) for the relief of Charles J. Callahan; to the Committee on Military Affairs.

By Mr. BURTON:

A bill (S. 9511) for the relief of Martin Hulihan; to the Committee on Military Affairs.

By Mr. JOHNSTON:

A bill (S. 9512) to change the name of Rock Creek Church Road to that of Putnam Street, in the District of Columbia; to the Committee on the District of Columbia.

A bill (S. 9513) granting a pension to George P. Cross (with accompanying paper); to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 9514) granting a pension to Laura V. Geissinger;

A bill (S. 9515) granting an increase of pension to Henry F. Bartolet; and

A bill (S. 9516) granting an increase of pension to Dennis Conner; to the Committee on Pensions.

By Mr. CRANE:

A bill (S. 9517) granting an increase of pension to Charles H. Vidette; to the Committee on Pensions.

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By Mr. WARREN:
A bill (S. 9518) granting an increase of pension to Carrie H. Travis (with accompanying paper); to the Committee on Pensions.
By Mr. BRADLEY:
A bill (S. 9519) for the relief of James D. Gilman; to the Committee on Claims.
A bill (S. 9520) granting an increase of pension to James Short;
A bill (S. 9521) granting an increase of pension to Thomas Taylor; and
A bill (H. R. 9522) granting an increase of pension to Samuel M. Anderson; to the Committee on Pensions.
By Mr. BORAH:
A bill (S. 9523) granting an increase of pension to Norris E. Bancroft (with accompanying papers);
A bill (S. 9524) granting an increase of pension to Ira N. Levalley (with accompanying paper);
A bill (S. 9525) granting an increase of pension to David E. Banks (with accompanying papers);
A bill (S. 9526) granting a pension to Richard W. Berry (with accompanying paper);
A bill (S. 9527) granting an increase of pension to Darwin Coykendall (with accompanying papers); and
A bill (S. 9528) granting an increase of pension to Walter S. McArthur (with accompanying papers); to the Committee on Pensions.
By Mr. PAGE:
A bill (S. 9529) for the relief of Alexander Wilkie; to the Committee on Military Affairs.
By Mr. CURTIS:
A bill (S. 9530) to amend section 5 of an act entitled "An act providing for an inspection of meats for exportation, prohibiting the importation of adulterated articles of food or drink, and authorizing the President to make proclamation in certain cases, and for other purposes;" to the Committee on Finance.
By Mr. BORAH:
A bill (S. 9531) to provide for the erection of a public building at Caldwell, Idaho; to the Committee on Public Buildings and Grounds.
A bill (S. 9532) for the relief of the First National Bank of Cottonwood, Idaho (with accompanying paper); to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. JONES submitted an amendment authorizing the Secretary of the Interior to sell and convey the lands, buildings, and other appurtenances of the old Fort Spokane Military Reservation, now used for Indian school purposes, and to use such proceeds thereof in the establishment and maintenance of such new schools and administration of affairs as may be required by the Colville and Spokane Indians, in the State of Washington, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.
Mr. CURTIS submitted an amendment proposing to appropriate $100,000 for the enlargement, extension, remodeling, and improving the public building in the city of Topeka, 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.
Mr. PERKINS submitted an amendment proposing to appropriate $109,000 for continuing the improvement of the Sacramento River, Cal., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.
Mr. OWEN submitted an amendment relative to the settlement of the claims of the loyal Shawnee and loyal Absentee Shawnee Indians against the United States, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.
He also submitted an amendment proposing to appropriate $600,000 in settlement of the award found due the loyal Creek Indians, etc., which was referred to the Committee on Indian Affairs and ordered to be printed.
Mr. GORE submitted an amendment authorizing the Secretary of the Interior to use and expend for the benefit and improvement of the Fort Sill Indian School and the Kiowa Indian Agency in such proportions as he may determine, the proceeds arising from the sale of certain lands in Lawton, Okla., etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.
He also submitted an amendment authorizing the Secretary of the Interior to sell certain lands being a part of the Kiowa Agency Reserve, Okla., the proceeds therefrom to be held by the department as a special fund, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

ADDITIONAL CLERKS TO COMMITTEE ON IMMIGRATION.

Mr. DILLINGHAM submitted the following resolution (S. Res. 305), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Immigration be, and is hereby, authorized to employ an additional clerk and two assistant clerks to edit and index the reports of the Immigration Commission, all of which have been referred to that committee and ordered to be printed; that such additional clerk be paid a salary at the rate of $185 per month, and such assistant clerks be paid a salary at the rate of $120 per month, such salaries to be paid out of the contingent fund of the Senate.

THE INCOME TAX.

Mr. BORAH. I present an article, published in the Editorial Review, entitled "Shall the income-tax amendment be ratified?" I move that the article be printed as a public document (S. Doc. No. 705).
The motion was agreed to.

THE CENSUS.

The VICE PRESIDENT laid before the Senate the following message from the President of the United States (S. Doc. No. 704), which was read and, with the accompanying paper, referred to the Committee on the Census and ordered to be printed:

To the Senate and House of Representatives:

There is transmitted herewith a statement, prepared by the Bureau of the Census, of the Department of Commerce and Labor, showing the result of the enumeration of continental United States, and of Alaska, Hawaii, Porto Rico, and persons in the military and naval service abroad, according to the Thirteenth Decennial Census, taken as of date April 15, 1910.

WM. H. TAFT.

THE WHITE HOUSE, *December 14, 1910.*

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on the District of Columbia:
H. R. 20375. An act to authorize certain changes in the permanent system of highways, District of Columbia;
H. R. 21331. An act for the purchase of land for widening Park Road, in the District of Columbia;
H. R. 22688. An act to authorize the extension of Thirteenth Street NW. from its present terminus of Madison Street to Piney Branch Road; and
H. R. 24459. An act to provide for lighting vehicles in the District of Columbia.
H. R. 29157. An act making appropriation for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1912, and for other purposes, was read twice by its title and referred to the Committee on Pensions.

OMNIBUS CLAIMS BILL.

Mr. BURNHAM. Pursuant to notice, I desire the Senate to proceed to the further consideration of Senate bill 7971, commonly known as the omnibus claims bill.
There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 7971) for the allowance of certain claims reported by the Court of Claims, and for other purposes.
The VICE PRESIDENT. The bill has been read. It is as in Committee of the Whole and open to amendment.
Mr. BURNHAM. This is a committee bill which is presented to the Senate, and I ask consideration first of certain committee amendments.
The VICE PRESIDENT. Is there objection to first considering committee amendments? The Chair hears no objection.
Mr. BURNHAM. On page 14 I move to strike out lines 3 to 5, inclusive, and to insert:

To Jacintha Strother, of New Orleans, in her own right, $4,000, and as administratrix of the estate of Joseph T. Strother, deceased, late of Pointe Coupee Parish, $2,750.

The amendment was agreed to.
Mr. BURNHAM. On page 29, line 14, in the item relative to G. S. Lannon, I move to strike out the letter "n" at the end of the word "Lannon" and to insert the letter "m," so as to read "G. S. Lannom."
The amendment was agreed to.

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Omnibus Claims Bill

To pay Sarah Winter $1,880

The result was announced—yeas 16, nays 40, as follows:

YEAS—16.

Bacon	Culberson	Johnston	Shively
Bankhead	Cummins	Money	Swanson
Chamberlain	Foster	Purcell	Taylor
Clarke, Ark.	Frazier	Rayner	Thornton

NAYS—40.

Bourne	Carter	Heyburn	Root
Bradley	Clark, Wyo.	Jones	Scott
Brandegee	Crawford	Kean	Smith, Mich.
Briggs	Cullom	McCumber	Smoot
Bristow	Dick	Martin	Stephenson
Brown	du Pont	Nixon	Sutherland
Burkett	Flint	Oliver	Warner
Burnham	Gallinger	Page	Warren
Burrows	Gamble	Penrose	Wetmore
Burton	Guggenheim	Piles	Young

NOT VOTING—36.

Aldrich	Depew	La Follette	Perkins
Bailey	Dillingham	Lodge	Richardson
Beveridge	Dixon	Lorimer	Simmons
Borah	Elkins	Nelson	Smith, Md.
Bulkeley	Fletcher	Newlands	Smith, S. C.
Clapp	Frye	Overman	Stone
Crane	Gore	Owen	Taliaferro
Curtis	Hale	Paynter	Terrell
Davis	Hughes	Percy	Tillman

So the amendment of Mr. CLARKE of Arkansas was rejected.

Mr. SIMMONS. Mr. President, I wish to offer an amendment. On page 127, line 13, after the word "dollars," I move to insert:

Provided, That all claims for services or expenses of attorneys in the prosecution of this claim shall be approved by the probate court of the District of Columbia before the same shall be paid out of the aforesaid sum.

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

Mr. SIMMONS. In explanation of the amendment I desire simply to say that some controversy has arisen among the heirs and the attorneys with reference to the amount of the compensation of the latter, and this amendment seems to have been agreed upon as a method of settling the controversy.

Mr. BURNHAM. I desire to say that the amendment has been submitted to members of the Committee on Claims and it has their approval.

The amendment was agreed to.

Mr. FRAZIER. I offer an amendment on page 27. After line 5 I move to insert:

To Daniel W. Beckham, administrator of the estate of Alexander F. Beckham, deceased, $7,880.

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

Mr. FRAZIER. Mr. President, this is a very remarkable claim, and I think the facts surrounding it differentiate it from the case upon which the Senate has just expressed its view.

The husband and the father of the husband, a baby boy, and three little girls were murdered by the negro soldiers from Island No. 10, just above Memphis. At that time this property was taken. The widow, as a result of that terrible tragedy, sustained such a shock that she would not thereafter allow the subject of the tragedy and of the property taken on that occasion to be discussed in the family. The beneficiary was a minor at the time and remained a minor from that day in 1863 for 17 years.

After he came of age and just before the death of the widow, in 1883, she told him the facts with respect to the taking of this property. Thereupon he qualified as administrator and presented the claim to Congress, and it was referred to the Court of Claims under the bill. The Court of Claims has made a favorable report in which it states that the decedent was loyal during the war and that the amount of $7,880 is justly due to this claimant.

By reason of the extraordinary facts and circumstances surrounding the case, the fact of the minority of the claimant and of the shock which was felt by the widow, growing out of the tragic occurrence, as the case was not presented until after the minority of the claimant expired, but shortly thereafter the claim was presented, I insist, Mr. President, that the claim clearly falls within the exception which the committee has stated; that is, that they will exclude similar claims if not presented unless minority, poverty, ignorance, or other sufficient cause intervenes.

I think, under the extraordinary surroundings of this case, the Senate should recognize the equity of the claim and the peculiar conditions that prevented the widow herself from presenting the claim. In connection with the minority of the claimant, it ought to recognize the claim as falling within the rule of the committee.

Mr. BURNHAM. Mr. President, will the Senator from Tennessee state as near as he can, if he has it in mind, when this killing or tragedy occurred?

Mr. FRAZIER. It occurred in 1863, I think it was. I am not sure. The negro soldiers went from Island No. 10 above Memphis. I do not remember the exact date.

Mr. BURNHAM. Mr. President, this claim, unfortunately, falls within the rule that we have adhered to as strictly as possible in all cases. It appears, then, that this tragedy, which afforded an extenuation and which prevented the claimant from sooner presenting the claim, was in 1863, but the claim was not presented to any tribunal whatever until January 29, 1906. So we can not help thinking that there was some laches, some inexcusable delay.

Mr. FRAZIER. Mr. President, for 17 years after the date of this tragedy and the taking of this property the claimant was a minor. Seventeen years from 1863 would be 1880. This bill was introduced after that time. Up until shortly before the death of the widow she, as stated before, did not reveal the fact to this boy that the property had been taken because of the terribly tragical circumstances surrounding the death of his father and his minor brother and sisters. Shortly before her death, in 1883, she did state the facts to him. Thereafter he qualified as administrator and brought this claim to Congress.

So, under the rule, I insist that by reason of the shock to this widow growing out of this tragedy and by reason of the minority of the claimant for 17 years after the property was taken, it is differentiated from the case upon which the Senate has expressed an opinion.

The PRESIDING OFFICER. The question is upon the amendment offered by the Senator from Tennessee [Mr. FRAZIER]. [Putting the question.] The noes appear to have it.

Mr. FRAZIER. I call for a division, Mr. President.

Mr. BURNHAM. I call for the yeas and nays, Mr. President.

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

Mr. PERKINS (when his name was called). I announce my pair with the junior Senator from North Carolina [Mr. OVERMAN].

Mr. BACON (when Mr. TERRELL's name was called). I desire to state that my colleague [Mr. TERRELL] is absent from the Chamber, having been called on business to the White House.

The roll call was concluded.

Mr. DILLINGHAM. I again announce my pair with the senior Senator from South Carolina [Mr. TILLMAN]. In his absence I make that announcement for the day.

Mr. WARREN. I wish to announce my pair with the senior Senator from Mississippi [Mr. MONEY].

Mr. FLINT (after having voted in the negative). I ask has the senior Senator from Texas [Mr. CULBERSON] voted?

The PRESIDING OFFICER. He has not.

Mr. FLINT. I have a general pair with that Senator, and therefore withdraw my vote.

The result was announced—yeas 14, nays 37, as follows:

YEAS—14.

Bacon	Johnston	Purcell	Taylor
Chamberlain	Newlands	Shively	Thornton
Foster	Owen	Swanson	
Frazier	Paynter	Taliaferro	

NAYS—37.

Borah	Carter	Kean	Smith, Mich.
Bourne	Clark, Wyo.	Lodge	Smoot
Bradley	Crawford	McCumber	Stephenson
Brandegee	Cullom	Martin	Sutherland
Briggs	Cummins	Nelson	Warner
Bristow	Gallinger	Nixon	Wetmore
Brown	Gamble	Oliver	Young
Burkett	Guggenheim	Page	
Burnham	Heyburn	Penrose	
Burton	Jones	Scott	

NOT VOTING—41.

Aldrich	Davis	Hale	Root
Bailey	Depew	Hughes	Simmons
Bankhead	Dick	La Follette	Smith, Md.
Beveridge	Dillingham	Lorimer	Smith, S. C.
Bulkeley	Dixon	Money	Stone
Burrows	du Pont	Overman	Terrell
Clapp	Elkins	Percy	Tillman
Clarke, Ark.	Fletcher	Perkins	Warren
Crane	Flint	Piles	
Culberson	Frye	Rayner	
Curtis	Gore	Richardson	

So Mr. FRAZIER's amendment was rejected.

Mr. SCOTT. Mr. President, West Virginia probably suffered in proportion as much as any State in the Union during the late Civil War. I have in my charge, I suppose, fifty or a hundred absolutely good claims, as I think, which ought to be paid; but I realize the fact—and I hope other Senators will view the matter in the same light—that if we load this bill down, we shall

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not get a bill at all. I would rather have the half loaf the Senator from New Hampshire [Mr. BURNHAM] has given us in the pending bill than not to get any. At some future time I hope, if I am not here, that some Representative from West Virginia may be able to get the other bills through. I think we only endanger the pending bill by offering amendments, and I hope the bill may be allowed to pass.

Mr. BURNHAM. Mr. President, I simply want to say that the committee very much appreciate the remarks made by the Senator from West Virginia [Mr. SCOTT]. They have been aware of the difficulty suggested and the necessity of keeping this bill within due proportions, so that it might be passed without great burden upon the Treasury. The committee very greatly hope that this will also be the sentiment of the Senate. The committee have done the best they could under the circumstances, and hope the bill will pass as it stands.

Mr. BRISTOW addressed the Senate. After having spoken for 20 minutes,

The PRESIDING OFFICER. Will the Senator from Kansas suspend while the Chair lays before the Senate the unfinished business? It will be stated.

The SECRETARY. A 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. GALLINGER. I ask unanimous consent that the unfinished business be temporarily laid aside.

The PRESIDING OFFICER. The Senator from New Hampshire asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none, and it is so ordered. The Senator from Kansas will proceed.

Mr. BRISTOW resumed his speech. After having spoken, in all, for more than two hours, he said:

If agreeable to the Senator from New Hampshire I will suspend and take up the discussion of the remainder of President Pierce's message to-morrow.

Mr. BURNHAM. That is entirely agreeable to me. I desire to give notice, however, that to-morrow after the morning business and at the conclusion of the remarks of the junior Senator from Iowa [Mr. YOUNG] I will ask the Senate to consider further the pending bill.

The PRESIDING OFFICER. The bill will be laid aside temporarily.

[For Mr. BRISTOW's entire speech see Senate proceedings of Friday, December 16.]

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 15 minutes spent in executive session the doors were reopened, and (at 4 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Thursday, December 15, 1910, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate December 14, 1910.

POSTMASTERS.

ALABAMA.

William T. Hogan to be postmaster at Phoenix, Ala. Office became presidential July 1, 1908.

CALIFORNIA.

Isaac M. Clippinger to be postmaster at Huntington Beach, Cal., in place of Isaac M. Clippinger. Incumbent's commission expires December 20, 1910.

Conrad Solem to be postmaster at La Jolla, Cal., in place of Conrad Solem. Incumbent's commission expires December 20, 1910.

COLORADO.

Newton W. Samson to be postmaster at Mancos, Colo., in place of Wesley A. Martin. Incumbent's commission expired December 13, 1910.

William Sherman Fisk to be postmaster at Meeker, Colo., in place of A. C. Moulton, resigned.

CONNECTICUT.

Frank M. Buckland to be postmaster at West Hartford, Conn., in place of Frank M. Buckland. Incumbent's commission expired December 13, 1910.

George W. Merritt to be postmaster at Greenwich, Conn., in place of George W. Merritt. Incumbent's commission expired June 29, 1910.

George T. Schlueter to be postmaster at Darien, Conn., in place of James F. Ballard, deceased.

GEORGIA.

Oscar M. Mauldin to be postmaster at Clarkesville, Ga. Office became presidential October 1, 1910.

Robert S. Middleton to be postmaster at Vienna, Ga., in place of Robert S. Middleton. Incumbent's commission expired June 29, 1910.

Jewell F. Renfrow to be postmaster at Wrightsville, Ga., in place of Jewell F. Renfrow. Incumbent's commission expires December 19, 1910.

ILLINOIS.

Fred R. Brill to be postmaster at Hampshire, Ill., in place of Fred R. Brill. Incumbent's commission expires January 10, 1911.

Jessie Roush to be postmaster at Lena, Ill., in place of John G. Sachs, deceased.

INDIANA.

William H. Burris to be postmaster at Milford, Ind., in place of William H. Burris. Incumbent's commission expires December 19, 1910.

Arthur A. Holmes to be postmaster at Sullivan, Ind., in place of Arthur A. Holmes. Incumbent's commission expires January 18, 1911.

Walter F. Jordan to be postmaster at Vanburen, Ind., in place of Lemuel A. Bachelor, resigned.

John Sharp to be postmaster at Frankton, Ind., in place of John Sharp. Incumbent's commission expires December 18, 1910.

David L. Snowden to be postmaster at Andrews, Ind. Office became presidential October 1, 1910.

Roy E. Turner to be postmaster at Dana, Ind., in place of Roy E. Turner. Incumbent's commission expired December 10, 1910.

IOWA.

Wallace G. Agnew to be postmaster at Osceola, Iowa, in place of Wallace G. Agnew. Incumbent's commission expired March 14, 1910.

Richard A. Hasselquist to be postmaster at Chariton, Iowa, in place of Richard A. Hasselquist. Incumbent's commission expired April 23, 1910.

William Lawrence to be postmaster at Lawler, Iowa. Office became presidential October 1, 1910.

Walter A. McClure to be postmaster at Greene, Iowa, in place of Walter A. McClure. Incumbent's commission expired June 26, 1910.

W. H. Sheakley to be postmaster at Eldora, Iowa, in place of Charles O. Ryan, resigned.

Milo L. Sherman to be postmaster at Fredericksburg, Iowa. Office became presidential January 1, 1910.

KANSAS.

Curt M. Higley to be postmaster at Cawker City, Kans., in place of Curt M. Higley. Incumbent's commission expired May 31, 1910.

Joseph McCreary to be postmaster at Coffeyville, Kans., in place of Edward Rammel. Incumbent's commission expired February 27, 1910.

Harry C. Smith to be postmaster at Hill City, Kans., in place of Edward J. Byerts, resigned.

LOUISIANA.

John J. Drost to be postmaster at Sulphur, La. Office became presidential July 1, 1910.

MICHIGAN.

C. Guy Perry to be postmaster at Lowell, Mich., in place of C. Guy Perry. Incumbent's commission expired December 13, 1910.

Edwin A. Smith to be postmaster at Wayne, Mich., in place of Edwin A. Smith. Incumbent's commission expired June 18, 1910.

Clara Spore to be postmaster at Rockford, Mich., in place of Judson M. Spore, deceased.

MINNESOTA.

Anton O. Lea to be postmaster at New Richland, Minn., in place of Anton O. Lea. Incumbent's commission expired December 13, 1910.

MISSOURI.

Ulysses Grant Evans to be postmaster at Farmington, Mo., in place of Ulysses Grant Evans. Incumbent's commission expired December 6, 1910.

George N. Gromer to be postmaster at Pattonsburg, Mo., in place of George N. Gromer. Incumbent's commission expired December 10, 1910.

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Vessel ship *Barbara*, Henry Clarke, master (H. Doc. No. 1199); and

Vessel schooner *Hannah*, Richard Bishop, master (H. Doc. No. 1200).

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

The VICE PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law and opinion filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the following causes:

Vessel brig *William*, James Gilmore, master (H. Doc. No. 1202);

Vessel ship *Hope*, John H. Seaward, master (H. Doc. No. 1203); and

Vessel ship *Alknomack*, Joel Vickers, master (H. Doc. No. 1204);

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

The VICE PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, of the French spoliation claims set out in the annexed findings by the court relating to the following cases:

Vessel sloop *Lovina*, Alexander Morgan, master (H. Doc. No. 1205), and vessel brig *Experiment*, Abraham Dolby, master (H. Doc. No. 1201).

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

SITE FOR DISTRICT OF COLUMBIA REFORMATORY.

Mr. DU PONT. Mr. President, I present a communication, in the nature of a memorial, which I ask may be read. It is accompanied by a resolution (S. Res. 310), which I submit and ask that it may be read, printed, and lie on the table.

The VICE PRESIDENT. The Secretary will read the memorial, as requested, if there be no objection.

The Secretary read the memorial, as follows:

To the Senate and House of Representatives of the United States of America:

The Mount Vernon Ladies' Association of the Union desires respectfully and urgently to present to you its protest against the establishment of a criminal reformatory for the District of Columbia, on what is known as the Belvoir or White House tract of land in Virginia, in the near vicinity of the home and grave of George Washington.

The tract of land thus far chosen for the purpose is 3½ miles from Mount Vernon, and forms a part of the peninsula extending within 2½ miles from Mount Vernon, the whole of which peninsula, the association has been informed by one of the Commissioners of the District of Columbia, it is contemplated ultimately to acquire for the reformatory. The home of Nellie Custis is within about one-half mile of the Belvoir tract, while the home of George Mason is within about 1 mile or less.

The association submits that there can be neither necessity nor propriety in the location of such an institution in a setting of these historic homes, so closely associated with the independence of our country, and especially that it would be a national discredit to place a penal criminal institution in the immediate vicinity of the home and burial place of Washington. The protest of this association, with that of others, was submitted to the Commissioners of the District of Columbia with promptness when the matter was first brought to the attention of its regents, who make this earnest appeal because of their firm conviction that it will arouse the sentimental interest of every patriotic citizen of the United States, and the association embraces this early opportunity, after the reassembly of Congress, to submit the matter to its attention and to invoke its protection.

HARRIET CLAYTON COMEGYS,
Regent,
MARY T. BARNES,
Vice Regent for District of Columbia,
MARY T. LEITER,
Vice Regent for Illinois,
SARAH N. VAN RENSSELEER,
Vice Regent for West Virginia,
Special Committee of the Mount Vernon Ladies' Association of the Union.
FRANCES JOHNSON ROGERS,
Vice Regent for Maryland, Secretary of Association.

The VICE PRESIDENT. The memorial will lie on the table. The Secretary will also read the resolution submitted by the Senator from Delaware.

The resolution (S. Res. 310) was read and ordered to lie on the table, as follows:

Resolved, That the Commissioners of the District of Columbia be, and they are hereby, directed to report to the Senate as early as possible whether they have selected a tract of land to be used as a site for the construction and erection of a reformatory as authorized by the act approved March 3, 1909, entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1910, and for other purposes;" and if a tract of land for such site has been selected, to report to the Senate the location thereof, giving its approximate distance from the home and grave of George Washington, and also to report to the Senate the reasons for such selection.

PETITIONS AND MEMORIALS.

Mr. WARREN presented a memorial of the Wyoming State Board of Sheep Commissioners, remonstrating against any change being made in the law which gives to Congress alone the right to create forest reserves in Wyoming and other Western States, which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. GAMBLE presented a petition of Local Lodge No. 521, Modern Brotherhood of America, of Blunt, S. Dak., and a petition of Columbia Lodge, No. 544, Modern Brotherhood of America, of Pierre, S. Dak., 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. NIXON presented a petition of the constitutional convention of Arizona, praying that San Francisco, Cal., be selected as the site for holding the proposed Panama Canal Exposition, which was referred to the Committee on Industrial Expositions.

Mr. SHIVELY presented a petition of Logansport Post, No. 14, Department of Indiana, Grand Army of the Republic, and a petition of sundry survivors of the Seventy-third Regiment of Indiana Volunteer Infantry, praying for the passage of the so-called per diem pension bill, which were referred to the Committee on Pensions.

Mr. CULLOM presented a petition of Prosperity Lodge, No. 1754, Modern Brotherhood of America, of Rock Island, 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.

Mr. PERKINS presented a petition of the Chamber of Commerce of Oakland, Cal., praying for the establishment of a supplemental naval station at the Mare Island Navy Yard, Cal., which was referred to the Committee on Naval Affairs.

He also presented a memorial of the E. J. Chubbuck Co., of San Francisco, Cal., remonstrating against the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of San Francisco, Cal., praying that an appropriation be made for the improvement of the harbor at Oakland, Cal., which was referred to the Committee on Commerce.

Mr. NELSON presented a petition of the Retail Grocers' Association of Duluth, Minn., praying for the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of the Minnesota Canners' Association, remonstrating against the enactment of legislation requiring the date to be placed on canned vegetables or fruits, which was referred to the Committee on Manufactures.

He also presented petitions of Good Faith Lodge, No. 601, of Red Lake Falls; of Golden Ben Lodge, No. 2351, of Averill; of Easter Lodge, No. 377, of South Stillwater; of Local Lodge No. 2004, of Lakeville; of Fishtrap Lodge, No. 1666, of Philbrook; of Local Lodge No. 818, of Afton; and of Elmwood Lodge, No. 658, of Sabin, all of the Modern Brotherhood of America, in the State of Minnesota, 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. FLETCHER presented petitions of Local Camps No. 45, of Palmetto; No. 5, of Gainesville; No. 335, of Genoa; No. 150, of Stuart; No. 102, of Bethel; and No. 218, of Oviedo, all of the Woodmen of the World, in the State of Florida, 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. YOUNG presented petitions of sundry employees of the Chicago Great Western Railway in the State of Iowa, praying for the enactment of legislation authorizing higher rates of transportation for railroads, which were referred to the Committee on Interstate Commerce.

He also presented a memorial of the Retail Grocers' Association of Cedar Rapids, Iowa, remonstrating against the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the La Coterie Club, of Alta, Iowa, praying that an investigation be made into the condition of dairy products for the prevention and spread of tuberculosis, which was referred to the Committee on Agriculture and Forestry.

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He also presented a memorial of Lederer, Strauss & Co., of Des Moines, Iowa, remonstrating against the passage of the so-called parcels-post bill, which was referred to the Committee on Post Offices and Post Roads.

He also presented memorials of Local Lodge No. 328, Loyal Order of Moose, of Waterloo; of Black Hawk Lodge, No. 72, Independent Order of Odd Fellows, of Waterloo; of the Commercial Association of Ottumwa; and of sundry citizens of Stuart, all in the State of Iowa, remonstrating against the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of Local Lodges No. 245, of Nashua; No. 332, of Fort Dodge; No. 196, of Cedar Rapids; No. 284, of Guttenberg; No. 996, of Lake Park; No. 172, of Greeley; No. 568, of Buffalo; No. 1278, of Lorimor; No. 239, of Lansing; No. 148, of Atlantic; No. 104, of Bloomfield; No. 51, of Toddville; No. 1061, of Owasa; No. 216, of Hopkinton; No. 1115, of Waterloo; No. 118, of Montpelier; No. 339, of Merrill; No. 244, of Belle Plaine; No. 681, of Jesup; No. 143, of Muscatine; No. 90, of Wapello; No. 303, of Cresco; No. 1, of Tipton; No. 10, of Independence; No. 142, of Farmersburg; No. 160, of Lone Tree; No. 32, of Council Bluffs; No. 102, of Fairview; and No. 190, of Sweetland, all of the Modern Brotherhood of America, and of Oak Camp, No. 157, Woodmen of the World, of Sac City, all in the State of Iowa, praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mails as second-class matter, which were referred to the Committee on Post Offices and Post Roads.

Mr. KEAN presented an affidavit in support of the bill (S. 9437) to provide American registry for the steam yacht *Diana*, which was referred to the Committee on Commerce.

CLAIMS OF CHOCTAW AND CHICKASAW INDIANS.

Mr. OWEN. I present a memorial relating to the claims of the Choctaw and Chickasaw Indians of Oklahoma, which I ask be printed as a Senate document (S. Doc. No. 707) and referred to the Committee on Indian Affairs. When the order is reached I shall introduce a bill on the subject.

The VICE PRESIDENT. Without objection, the order will be entered as requested.

REPORTS OF COMMITTEES.

Mr. CLAPP. I am directed by the Committee on Indian Affairs, to which was referred the bill (H. R. 28406) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1912, to report it favorably with sundry amendments.

Within a day or two I will submit a report to accompany the bill. I shall not call up the bill for consideration until after the holiday recess.

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

Mr. PENROSE, from the Committee on Post Offices and Post Roads, to which was referred the bill (S. 9556) to provide for the extension of the post office and court house building at Dallas, Tex., and for other purposes, asked to be discharged from its further consideration, and that it be referred to the Committee on Public Buildings and Grounds, which was agreed to.

Mr. CUMMINS. I ask that Order of Business No. 838, being Senate bill (S. 6702) to promote the safety of emyloyees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto, be recommitted to the Committee on Interstate Commerce.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. CUMMINS. I am directed by the Committee on Interstate Commerce, to which 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 to report it with an amendment. I ask that the bill retain its original place on the calendar.

The VICE PRESIDENT. Without objection, that order will be made.

CIVIL GOVERNMENT FOR PORTO RICO.

Mr. DEPEW. I ask that the bill (H. R. 23000) to provide a civil government for Porto Rico, and for other purposes, be recommitted to the Committee on Pacific Islands and Porto Rico for hearing, retaining its place on the calendar.

The VICE PRESIDENT. Is there objection to the entry of the order requested by the Senator from New York? The Chair hears none, and it is so ordered.

PARK ROAD, DISTRICT OF COLUMBIA.

Mr. GALLINGER. I am directed by the Committee on the District of Columbia, to which was referred the bill (H. R. 21331) for the purchase of land for widening Park Road, in the District of Columbia, to report it favorably without amendment, and I submit a report (No. 929) thereon. This is a brief bill, and there is some urgent reason for its enactment. I ask for its present consideration.

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. It authorizes the Commissioners of the District of Columbia to purchase, for widening Park Road, the triangular lot designated as Lot A, in Chapin Brown's subdivision of parts of Mount Pleasant and Pleasant Plains, called "Ingleside," as recorded in liber county No. 8, folio 37, of the records of the office of the surveyor of the District of Columbia, at a price deemed by them to be reasonable, not exceeding the sum of $3,600, payable one half from the revenues of the District of Columbia and the other half out of any moneys in the United States Treasury not otherwise appropriated.

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

Mr. GALLINGER. From the same committee I submit an adverse report (No. 930) on the bill (S. 8349) for the purchase of land for widening Park Road, in the District of Columbia, and, as the bill relates to the same subject, I move its indefinite postponement.

The motion was agreed to.

HEIGHT OF BUILDINGS.

Mr. GALLINGER. From the Committee on the District of Columbia, I report back favorably without amendment the bill (S. 9439) to amend the act regulating the height of buildings in the District of Columbia, approved June 1, 1910, and I submit a report (No. 931) thereon.

Mr. CARTER. That is a bill of local importance. 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. It proposes to amend the act entitled "An act to regulate the height of buildings in the District of Columbia," approved June 1, 1910, by adding at the end of the third paragraph of section 5 of the act the following proviso:

Provided, That any church the construction of which had been undertaken but not completed prior to the passage of this act shall be exempted from the limitations of this paragraph, and the Commissioners of the District of Columbia shall cause to be issued a permit for the construction of any such church to a height of 95 feet above the level of the adjacent curb.

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

MONUMENT TO GEN. WILLIAM CAMPBELL.

Mr. SWANSON. I am directed by the Committee on the Library to report back favorably without amendment the bill (S. 2517) for the erection of a monument to the memory of Gen. William Campbell, and I submit a report (No. 932) thereon.

Mr. MARTIN. I ask unanimous consent for the present consideration of the bill just reported by my colleague.

The VICE PRESIDENT. The Secretary will read the bill, if there be no objection.

The Secretary read the bill.

Mr. KEAN. I have no objection to the bill, but I think there is a good deal of preamble and so on in it that ought to be stricken out.

Mr. MARTIN. It is in the precise phraseology of a bill which heretofore passed the Senate. Some of the language might be dispensed with, but I hope the Senator will not object.

Mr. KEAN. No; I merely object to the form.

There being no objection, the bill was considered as in Committee of the Whole. It appropriates $25,000 for the erection of a statue to the memory of Gen. William Campbell and comrades in the town of Abingdon, Va.

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

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BILLS INTRODUCED.

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

By Mr. LA FOLLETTE:

A bill (S. 9607) to authorize the cutting of dead and down timber upon the Menominee Indian Reservation and the manufacture of same into lumber; to the Committee on Indian Affairs.

A bill (S. 9608) granting an increase of pension to Mary J. De Moe (with accompanying papers); to the Committee on Pensions.

By Mr. YOUNG:

A bill (S. 9609) granting an increase of pension to Eli Adams;

A bill (S. 9610) granting a pension to Jessie F. Loughridge;

A bill (S. 9611) granting an increase of pension to Thomas C. Curry;

A bill (S. 9612) granting an increase of pension to Benjamin F. Fulton;

A bill (S. 9613) granting an increase of pension to John Fair; and

A bill (S. 9614) granting an increase of pension to Bernard Harmon; to the Committee on Pensions.

By Mr. CULBERSON:

A bill (S. 9615) for the relief of the estate of Dr. Samuel Jack, deceased (with an accompanying paper); to the Committee on Claims.

By Mr. CUMMINS:

A bill (S. 9616) granting an increase of pension to David Ball;

A bill (S. 9617) granting an increase of pension to William Rider;

A bill (S. 9618) granting a pension to Thomas W. Boyer;

A bill (S. 9619) granting an increase of pension to Crawford S. Barclay;

A bill (S. 9620) granting an increase of pension to William R. Keyte;

A bill (S. 9621) granting an increase of pension to Enos Wright;

A bill (S. 9622) granting an increase of pension to Leander Eddy; and

A bill (S. 9623) granting an increase of pension to Joseph F. Cassner; to the Committee on Pensions.

By Mr. CULLOM:

A bill (S. 9624) granting an increase of pension to William H. Burgett (with accompanying papers); to the Committee on Pensions.

By Mr. FRYE:

A bill (S. 9625) granting an increase of pension to Charles L. Burgess (with accompanying papers); and

A bill (S. 9626) granting an increase of pension to Susan Hanson (with accompanying papers); to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 9627) granting an honorable discharge to Dennis O'Brien; to the Committee on Naval Affairs.

A bill (S. 9628) granting an increase of pension to Frederick Shulley;

A bill (S. 9629) granting an increase of pension to Thomas T. Paxton; and

A bill (S. 9630) granting an increase of pension to George Showers (with accompanying papers); to the Committee on Pensions.

By Mr. GAMBLE:

A bill (S. 9631) granting an increase of pension to David Stanard (with accompanying papers); to the Committee on Pensions.

By Mr. NELSON:

A bill (S. 9632) granting an increase of pension to William H. Blaker (with accompanying papers); to the Committee on Pensions.

By Mr. PERKINS:

A bill (S. 9633) for the relief of Norton P. Chipman; to the Committee on Public Lands.

A bill (S. 9634) granting an increase of pension to Frank E. Conkling (with accompanying papers); and

A bill (S. 9635) granting a pension to Emma M. Heines (with accompanying papers); to the Committee on Pensions.

By Mr. CLARK of Wyoming:

A bill (S. 9636) granting an increase of pension to Herman Mewis; to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 9637) making appropriation to pay certain Indian claims investigated, found due, and reported to the Department of the Interior; to the Committee on Indian Affairs.

By Mr. BRADLEY:

A bill (S. 9638) granting an increase of pension to William R. Jones; to the Committee on Pensions.

By Mr. SCOTT:

A bill (S. 9639) granting an increase of pension to Danial Wylie (with accompanying papers); to the Committee on Pensions.

By Mr. CRANE:

A bill (S. 9640) granting an increase of pension to David Wilson; to the Committee on Pensions.

By Mr. DICK:

A bill (S. 9641) for the relief of Robert J. Scott; to the Committee on Military Affairs.

A bill (S. 9642) for the relief of the estate of John Frazer, deceased;

A bill (S. 9643) for the relief of the estate of Zephaniah Kingsley, deceased; and

A bill (S. 9644) for the relief of the African Methodist Episcopal Church, of Gallipolis, Ohio; to the Committee on Claims.

A bill (S. 9645) granting an increase of pension to Lewis H. Williams;

A bill (S. 9646) granting an increase of pension to Nelson C. Lawrence;

A bill (S. 9647) granting an increase of pension to Daniel W. Beach;

A bill (S. 9648) granting an increase of pension to David R. Brown;

A bill (S. 9649) granting an increase of pension to Henry C. Osborne;

A bill (S. 9650) granting an increase of pension to John Long;

A bill (S. 9651) granting an increase of pension to William H. H. Minturn; and

A bill (S. 9652) granting a pension to Mary E. Faulder; to the Committee on Pensions.

By Mr. SMITH of Michigan:

A bill (S. 9653) granting an increase of pension to James O. Palmer (with accompanying papers); to the Committee on Pensions.

By Mr. CRANE:

A bill (S. 9654) for the relief of Henry Edwards; to the Committee on Military Affairs.

By Mr. CURTIS:

(By request.) A bill (S. 9655) providing for the retirement of certain employees of the Government, and for other purposes; to the Committee on Civil Service and Retrenchment.

A bill (S. 9656) granting a pension to Andrew P. Duff (with accompanying papers); to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. WARNER submitted an amendment proposing to appropriate $500,000 for improving the Missouri River with a view to securing a permanent 6-foot channel between Kansas City and the mouth of the river, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. MONEY submitted an amendment proposing to appropriate $60,000 for repairing and refitting the United States dredge *Barnard* for service at the harbor of Gulfport, Miss., etc., intended to be proposed by him to the river and harbor appropriation bill, which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Commerce.

Mr. OWEN submitted an amendment providing that the funds arising from the sales of unallotted lands and other property belonging to the Choctaw, Chickasaw, Cherokee, Creek, and Seminole Tribes of Indians shall be deposited by the Secretary of the Interior in convenient national banks of the State of Oklahoma, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. FOSTER submitted an amendment proposing to appropriate $75,000 for the construction of a lock and dam in the Mermantau River at the lower end of Grand Lake, La., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. DICK submitted an amendment proposing to appropriate $8,258.60 to pay William H. H. Hart for the care and maintenance of wards of the United States Government in the District of Columbia, etc., intended to be proposed by him to the urgent deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

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HEARING BEFORE COMMITTEE ON PRIVILEGES AND ELECTIONS.

Mr. BURROWS submitted the following resolution (S. Res. 309), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Privileges and Elections be, and is hereby, authorized to employ a stenographer from time to time, as may be necessary, to report such hearings as may be had on bills or other matters pending before said committee during the Sixty-first Congress, and to have the same printed for its use; and that such stenographer be paid out of the contingent fund of the Senate.

IMPORTATION OF STILL WINES INTO THE PHILIPPINES.

The VICE PRESIDENT laid before the Senate the following message from the President of the United States (S. Doc. No. 709), which was read and, with the accompanying papers, referred to the Committee on Finance and ordered to be printed:

To the Congress of the United States:

I transmit herewith for the consideration of Congress a report made by the Secretary of State, in which he presents a request made by the Spanish Chamber of Commerce of the Philippine Islands, through the royal Spanish legation at Washington, for a change of the maximum percentage of alcohol, fixed in paragraphs 262 and 263 of the Philippine tariff act (Stat. L., vol. 36, p. 164), for still wines at 14° to 15° in place of the fixed rate of 14°.

The suggestion of the Spanish Chamber of Commerce is approved by the War Department and the government of the Philippine Islands, and would seem reasonable. I therefore recommend it favorably to the consideration of Congress.

WM. H. TAFT.

THE WHITE HOUSE, *December 16, 1910.*

(Inclosures: Report of the Secretary of State, December 12, 1910, with inclosures.)

OMNIBUS CLAIMS BILL.

Mr. BURNHAM. I ask the Senate now to take up for further consideration Senate bill 7971.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 7971) for the allowance of certain claims reported by the Court of Claims, and for other purposes.

[Mr. BRISTOW resumed and concluded the speech begun by him on Wednesday last. The entire speech is printed below.]

Wednesday, December 14, 1910.

Mr. BRISTOW. Mr. President, I know not whether I can accomplish what ought to be accomplished by the remarks I expect to make upon this bill. It ought to be defeated. It ought not to pass. There are doubtless some claims that are meritorious, but, like all omnibus claims bills, it carries with it a great many claims that are not meritorious and that could not pass the Senate or the House upon their merits.

Personally, I do not believe that omnibus claims bills ought to be passed. I think every claim ought to stand upon its own merits, and not be carried through by the organization of a bill in such a way as to induce Senators to vote for many items that they would oppose if it were not for the defeat of items in which they are interested.

A careful perusal of the bill and the report of the committee shows that this is no exception to the ordinary omnibus claims bill. The Senate has declined to incorporate in this bill a number of amendments that are just as meritorious as those that are in the bill. The committee has refused to incorporate in it many claims that are admitted to be just as valid as those that are incorporated in it. The reason for declining to place in the bill the claims that are admitted to be as valid as those the bill contains has been suggested by the Senator from West Virginia [Mr. SCOTT]; that is, it would endanger the passage of the bill.

Therefore this bill is organized in this way: First, for the purpose of getting support, in order to get an omnibus claims bill through, by incorporating in it a number of claims properly scattered throughout the Union; and then the committee proposes to keep out other claims just as meritorious and just as good as those that it is passing, fearing that the bill may become too large and therefore be defeated.

The truth is that this bill is organized to pass one set of claims, and that is the French spoliation claims, and it is intended to get enough support on the minority side of the Chamber to get those claims through by incorporating a number of war claims. If the French spoliation claims were taken out, the bill would not pass. If the war claims were not there, the spoliation claims would not pass. These claims are not to be settled upon their merits. This bill is not organized upon merit, but to get enough votes to pass the measure and carry with it $840,000 of French spoliation claims, which, in my judgment, is not justified.

I know that many distinguished men have advocated the passage of the spoliation claims. One section of our country has pressed the consideration of these claims for a hundred years with very little success until recent times, when age had dimmed their merits and permitted interested parties, through a series of decades, to build up cases that appealed to the consideration of men who were far removed from the events that resulted in the creation of the claims.

There are a good many things about these spoliation claims that I desire to call to the attention of the Senate when the Senate is present. So I shall proceed with some deliberation until the lunch hour is over. I also have some records which I wish to read.

But I want to say, first, that if these spoliation claims on principle were just and valid claims against the Government, still this bill ought to be defeated, or ought to be referred back to the committee because the claims as they are in this bill, aside from the merits of the general proposition that the French spoliation claims are valid claims, ought not to be approved.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER (Mr. YOUNG in the chair). Does the Senator from Kansas yield to the Senator from Idaho?

Mr. BRISTOW. I do.

Mr. BORAH. 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	Chamberlain	Johnston	Shively
Bankhead	Clark, Wyo.	Jones	Simmons
Borah	Clarke, Ark.	Kean	Smoot
Bourne	Crane	McCumber	Stephenson
Bradley	Crawford	Martin	Sutherland
Brandegee	Culberson	Money	Swanson
Briggs	Cummins	Nelson	Taliaferro
Bristow	Dillingham	Nixon	Taylor
Brown	Flint	Overman	Warner
Burkett	Frazier	Page	Warren
Burnham	Gallinger	Paynter	Wetmore
Burrows	Gamble	Perkins	Young
Burton	Gore	Piles	
Carter	Guggenheim	Rayner	

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

Mr. BRISTOW. I had just remarked before the interruption that if these French spoliation claims were just and valid claims, this bill ought to be referred back to the committee and a number of items should be cut out.

I should like to ask the chairman of the committee or any other Senator if he thinks the claim to which I now refer is a just one. I refer to a claim for the capture of the brig *William*, the report on which is found on page 646 of this voluminous volume.

The brig *William* sailed on a commercial voyage from Kingston, Jamaica, about the 11th day of October, 1798, bound for Norfolk, Va., loaded with sugar. It was captured by a French privateer.

Mr. BURNHAM. Will the Senator tell us the name of the brig to which he refers?

Mr. BRISTOW. It is the brig *William*.

Mr. BURNHAM. And the master's name?

Mr. BRISTOW. The master was David Smith, who put in a claim as follows: Value of vessel, $4,000; freight earnings, $429; value of his portion of the cargo, $1,340; premiums of insurance paid, $929.66.

He claims the value of the ship, the value of the cargo, the freight that that ship would have earned if it had completed the voyage, and the premium he paid for the insurance of the ship and the cargo on the trip. The ship was captured and the underwriter paid the insurance, aggregating $3,355.

This bill proposes, first, to pay for the ship; second, to pay the freight that it would have earned if it had completed the voyage; third, to reimburse the owner for his insurance premium; and, fourth, to reimburse the insurance company that paid for the loss, or, the underwriter, I should say, as it was an individual, not a corporation.

I wish to inquire why the insurance premium should be paid. I should like to ask some member of the committee who is in favor of this bill why the insurance premium should be paid. The rate of insurance was 33⅓ per cent. The man who insured the ship charged therefor a third of its value, because there was a great risk. He knew there was a state of war out on the sea, and when the owner undertook to insure his vessel he was charged this exorbitant rate. Hundreds of these vessels

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fixed by estimate, and this estimate may be formed in various ways. So far as can be learned from official reports, there are something more than 600 vessels with their cargoes which will be supposed to form claims under this bill. Some of them it is probable may not be good claims, but a very great majority of that number will be no doubt just and fair cases.

Then the question is what may be regarded as a just average value of each vessel and cargo? And this question is answered in a manner as satisfactory as the nature of the case allows—by ascertaining the average value of vessels and cargoes for which compensation has been awarded under the treaty with Spain. That average was $16,800 for each vessel and cargo; and taking the cases coming under this bill to be of the same average value, the whole amount of loss would exceed $10,000,000, without interest.

On this estimate it seems not unreasonable to allow the sum of $5,000,000 in full satisfaction for all claims. There is no ground to suppose that the claimants will receive out of this sum a greater rate of indemnity than claimants have received who had claims against Spain or than other claimants against France, whose claims have not been relinquished because arising since 1800, will receive under the provisions of the late French treaty.

Mr. President, I have performed the duty of explaining this case to the Senate as I understand it. I believe the claims to be as just as were ever presented to any government. I think they constitute an honest and well-founded debt, due by the United States to these claimants; a debt which, I am persuaded, the justice of the Government and the justice of the country will, one day, both acknowledge and honorably discharge.

Mr. HEYBURN. Mr. President, I should like to have the question restated.

The PRESIDING OFFICER. The Senator from Kansas moves to strike out beginning with page 47, line 19, all of the bill down to and including line 26 on page 118.

Mr. BRISTOW. I ask for the yeas and nays on agreeing to my amendment.

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

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the Senator from Missouri [Mr. STONE], who is absent. Therefore I withhold my vote.

Mr. DILLINGHAM (when his name was called). Owing to the absence from the Chamber, caused by sickness, of the senior Senator from South Carolina [Mr. TILLMAN], with whom I have a general pair, I withhold my vote. Otherwise I would vote "nay."

Mr. FLINT (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. As he is not present, I withhold my vote.

Mr. PERKINS (when his name was called). I have a general pair with the junior Senator from North Carolina [Mr. OVERMAN], and therefore withhold my vote.

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

Mr. WARREN (when his name was called). I have a standing pair with the senior Senator from Mississippi [Mr. MONEY]. I will transfer my pair so that the Senator from Mississippi [Mr. MONEY] will stand paired with the Senator from Delaware [Mr. RICHARDSON]. I vote "nay."

The roll call was concluded.

Mr. DILLINGHAM. I will transfer my general pair with the senior Senator from South Carolina [Mr. TILLMAN] to the Senator from Rhode Island [Mr. ALDRICH]. I vote "nay."

Mr. CLARKE of Arkansas. I inquire whether the senior Senator from Maryland [Mr. RAYNER] has voted.

The PRESIDING OFFICER. He has not voted.

Mr. CLARKE of Arkansas. I am paired with that Senator on this vote. I would vote "yea" if I were at liberty to vote.

Mr. SCOTT (after having voted in the negative). Has the senior Senator from Florida [Mr. TALIAFERRO] voted?

The PRESIDING OFFICER. He has not voted.

Mr. SCOTT. Then I will ask leave to withdraw my vote.

Mr. JOHNSTON. I desire to announce the pair of the senior Senator from Kentucky [Mr. PAYNTER] with the senior Senator from Colorado [Mr. GUGGENHEIM].

Mr. SCOTT. I will transfer my pair with the senior Senator from Florida [Mr. TALIAFERRO] to the junior Senator from Rhode Island [Mr. WETMORE] and vote. I vote "nay."

The Secretary recapitulated the vote.

Mr. BRISTOW. I should like to inquire if the vote has been completed.

The PRESIDING OFFICER. The vote has not been announced as yet. It has been completed.

Mr. BRISTOW. I should like to inquire the object of the delay.

The PRESIDING OFFICER. The Chair will state the object of the delay in announcing the vote on the amendment offered by the Senator from Kansas. Those voting in the affirmative are 27 and those voting in the negative are 27. The Vice President has been sent for and will decide.

The result as announced was—yeas 27, nays 27, as follows:

YEAS—27.

Bacon	Brown	Fletcher	Purcell.
Beveridge	Burkett	Frazier	Simmons
Borah	Burton	Heyburn	Smith, Mich.
Bourne	Chamberlain	Jones	Sutherland
Bradley	Clapp	La Follette	Swanson
Brandegee	Cummins	Nelson	Terrell
Bristow	Dixon	Percy	

NAYS—27.

Burnham	du Pont	Lodge	Penrose
Crane	Foster	Lorimer	Root
Crawford	Frye	McCumber	Scott
Cullom	Gallinger	Martin	Stephenson
Depew	Gamble	Newlands	Thornton
Dick	Hale	Oliver	Warren
Dillingham	Kean	Page	

NOT VOTING—38.

Aldrich	Curtis	Overman	Smoot
Bailey	Davis	Owen	Stone
Bankhead	Elkins	Paynter	Taliaferro
Briggs	Flint.	Perkins	Taylor
Bulkeley	Gore	Piles	Tillman
Burrows	Guggenheim	Rayner	Warner
Carter	Hughes	Richardson	Wetmore
Clark, Wyo.	Johnston	Shively	Young
Clarke, Ark.	Money	Smith, Md.	
Culberson	Nixon	Smith, S. C.	

So Mr. BRISTOW's amendment was rejected.

Mr. BACON. Mr. President, I rise to a point of order.

The PRESIDING OFFICER. The Senator from Georgia will state his point of order.

Mr. BACON. I understood the announcement from the Chair to be that there was a tie vote and that the Vice President had been sent for. That should not be done. It is the duty of the Chair to announce the vote. Although the announcement of the vote would carry in the opposite direction from that in which I myself have voted, I make this statement in the interest of orderly and proper procedure.

The PRESIDING OFFICER. The Chair announced the vote.

Mr. BACON. I beg the Chair's pardon. I understood the Chair to say that the Vice President had been sent for.

The PRESIDING OFFICER. The Chair will state for the information of the Senator from Georgia that, not being a trained parliamentarian, he thought it was necessary to send for the Vice President, but he was informed to the contrary. The Chair announced the vote, and the amendment is lost.

Mr. GALLINGER and others. Let us have a vote on the bill.

The PRESIDING OFFICER. If there are no other amendments to be offered as in Committee of the Whole, the bill will be reported to the Senate.

Mr. BURTON. I understand that further amendments are to be offered. I have an amendment to offer, which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 127, in line 13, after the word "dollars," insert the following proviso:

Provided, That not to exceed 40 per cent of this amount shall be paid as compensation for services in the prosecution of this claim.

Mr. BURTON. The senior Senator from North Dakota [Mr. MCCUMBER] desired to be present when this amendment was considered. I should like to ask whether he is here or not.

Mr. MARTIN. I knew the Senator from North Dakota was interested in the amendment, and I have asked one of the pages to try and find him. I would be glad if the Senator from Ohio would let the amendment be passed over for the present until the Senator from North Dakota is in the Chamber.

Mr. BURTON. I have no objection; but I want to have it brought up before the bill is disposed of.

Mr. BRISTOW. I move to strike out all of the items in the bill relating to the allowance of claims for French spoliation where no reports have been made by the committee to the Senate. There are a number of ships where appropriations are made for losses, namely, the schooner *Hetty*, page 48; *Centurian*, page 79; *Diana*, page 81; *Hazard*, page 88; *Hope*, page 90; *Julia*, page 93; *Rebecca*, page 98; *Sophia*, page 101; schooner *Betsey*, page 106, and all on pages 107 to 118. I have searched with great care this volume here and I find no report at all in regard to those ships. I have been unable to find anything whatever in regard to them.

Mr. BEVERIDGE. Will the Senator indicate the lines in the bill which include those ships? I rather think his motion would have to be to strike out the items.

The PRESIDING OFFICER. The Chair suggests that the Senator send his amendment to the desk that it may be read.

Mr. BRISTOW. I will dictate it, so that the clerks may take it down. It is to strike out, on page 48, lines 13, 14, 15, and 16—all relating to appropriations to reimburse the losers of the vessel *Hetty*.

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Mr. BURNHAM. I will say in regard to that item, and the same will apply to other items, that the report on the schooner *Hetty* will be found in Senate Document No. 17, Fifty-seventh Congress, second session. If the Senator desires, I will give him the number of the Senate document and the Congress and the session as to each one of these claims.

Mr. BRISTOW. May I inquire if all the items I have read have been reported on in separate reports and are scattered about in the files somewhere?

Mr. BURNHAM. I can not say about that. My secretary informs me that they are all Senate documents, which are to be found in the document room.

Mr. BRISTOW. Let me inquire as to the appropriation for the *Centurian*, on page 79.

Mr. BURNHAM. That is House Document No. 798, Sixtieth Congress, first session. Every one of these claims has had a report from the Court of Claims. There is not a claim here that is not established upon the findings of that court.

Mr. BRISTOW. Will the Senator please state to the Senate where the reports can be found on the schooner *Sally*, on page 107 of the bill, and the brig *Drake*, on the same page?

Mr. BURNHAM. That is Senate Document No. 58, Sixty-first Congress, first session.

Mr. BRISTOW. I suppose, then, those are documents that are to be found elsewhere, rather than in this compilation?

Mr. BURNHAM. I think so.

Mr. BRISTOW. That demonstrates the very great inconvenience, at least, of getting at the facts in regard to much of this bill.

Mr. BURNHAM. I think perhaps the Senator has seen the Fulton report.

Mr. BEVERIDGE. May I ask the Senator from Kansas or the chairman of the committee a question? In considering this bill did the committee consider the reports now under discussion?

Mr. BURNHAM. They were all considered; they were before the committee at the time and investigated.

Mr. BEVERIDGE. I take it that they were not, because the Senator from Kansas [Mr. BRISTOW], who is a member of the committee, seems to be under the impression that no such reports existed.

Mr. BURNHAM. The secretary of the committee examined those reports.

Mr. BEVERIDGE. I am not talking about the secretary. My question was whether, in determining this matter, the committee had before them and considered the reports either of the Senate or of the House upon these various items. I am not talking about what the secretary says, but what is the fact about that.

Mr. BRISTOW. My understanding was that no reports had been made. I understood from the discussion in committee—I may have been in error, but certainly that was my understanding—that there were a number of these vessels upon which reports had not been made, but that, in the judgment of the subcommittee who prepared the bill, they were all right. I never knew there were any such reports, and so I have not examined them and have not had the opportunity, because my understanding was that there were none in existence.

Mr. BEVERIDGE. They were not, then, considered before the full committee?

Mr. BRISTOW. Oh, certainly not.

Mr. BEVERIDGE. How old are these particular claims?

Mr. BRISTOW. One hundred and ten years old.

Mr. BEVERIDGE. They are 110 years old, and have been reported upon, so far as these specific items are concerned, without the full committee examining the reports that existed upon them. Is that the state of the case?

Mr. LODGE. Mr. President——

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

Mr. BRISTOW. I do.

Mr. LODGE. Take merely as a sample the last case the Senator is asking about, and he will find that in the Sixty-first Congress, first session, in Document No. 57 of the Senate, the case of the schooner *Sally* was referred on May 25, 1909, to the Committee on Claims and ordered to be printed. That document was before the committee, and has been before the committee all the time, like every other paper referred to it. If each Member did not look at it, that was his fault.

Mr. BURNHAM. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from New Hampshire?

Mr. BRISTOW. I do.

Mr. BURNHAM. These are the volumes [exhibiting] that contain all of these reports; they are accessible to every member of the committee, and were examined by the subcommittee, as I recall.

Mr. BRISTOW. Mr. President, while I may have been negligent in my duties, I feel that possibly I have given as much time to this subject as any other member of the committee, with the exception of the chairman, and I desire to state to the Senate that I did not know that such reports were in existence. I never heard them referred to, and my understanding was that this document contained all the reports that were available. So I have devoted my attention to this volume. If they are in other volumes scattered in other parts of the archives of Congress, I have not had an opportunity to hunt them up and examine them, and possibly would not have had the time to do so.

Mr. BURNHAM. Let me ask the Senator if he does not hold in his hand the report of Senator Fulton?

Mr. BRISTOW. I hold in my hand the only report that is available upon this bill, as I understand.

Mr. BURNHAM. That is the report of Senator Fulton in the last Congress.

Mr. BRISTOW. I will examine it in a minute. It seems to me to be a report of the Senate Committee on Claims, Sixtieth Congress, first and second sessions.

Mr. BURNHAM. That is the report of the committee—the Fulton report. That would not contain any claims considered since that report and for some time perhaps previous to the presentation of that report.

Mr. BRISTOW. Then there has been no report prepared by the committee since this one?

Mr. BURNHAM. Certainly. I want to say that here, right before me, are the volumes which contain the findings of the court, that were accessible to anybody and everybody in the document room and in the rooms of the committee, and the Senator from Kansas was expressly invited to visit the rooms and ascertain all we could show him with reference to these claims.

Mr. BRISTOW. I will submit to Senators present if it is a practical thing for a Senator of the United States, with the duties that are incumbent upon him, to hunt up in a series of volumes like those the reports on an omnibus bill, when this volume [indicating] is presented to him by the committee as containing the reports that are available? This is a practical question. I am now advised that these reports are to be found in other volumes that are kept in places that are available, if Senators knew that they were there.

Mr. GALLINGER. Mr. President, will the Senator permit an interruption?

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from New Hampshire?

Mr. BRISTOW. I do.

Mr. GALLINGER. Mr. President, my colleague [Mr. BURNHAM], who is always frank and who is very industrious in the discharge of his duties, vouches that of his personal knowledge a favorable report has been made on every item in this bill; that the court has acted upon them and recommended their payment. I think the Senator from Kansas ought to accept that, and I think the Senator will do so upon reflection.

Mr. BRISTOW. Mr. President, I, of course, accept the statement of the Senator from New Hampshire, the chairman of the committee [Mr. BURNHAM]. He is always courteous; he is very industrious; and he is, indeed, a very delightful gentleman, with whom to associate in the consideration of any public business; but I think I have presented to the Senate some facts in regard to reports that are here available which have convinced, indeed, a large number of Senators that this bill ought not to pass and that these claims ought not to be recognized. If I had been able to secure the reports in regard to other items or vessels that were not embraced in this document, of whose existence I had no knowledge, it seems to me that I might have been able to present other facts gleaned from those reports that would have impressed the Senate with the fact that the claims should not pass. So it seems to me that those reports should have been presented at least in a convenient form for examination, and I think the chairman of the committee will certainly concede that they have not been presented to the Senate, or even to the committee, in convenient form for examination.

Mr. BEVERIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Indiana?

Mr. BRISTOW. I do.

Mr. BEVERIDGE. Doubtless the answer to the question which I am about to ask has been made in the course of the Senator's remarks; but, if so, I was not present. The Senator from Kansas has stated that these claims are 110 years old. What is the reason that in that more than a century they have

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Also, petition of H. L. Russell, dean of Agricultural College of Wisconsin, for House bill 15422; to the Committee on Agriculture.

By Mr. COOPER of Wisconsin: Petition of legislature of Wisconsin, for enactment of House bill 39, relative to extending limits of Shiloh National Park; to the Committee on Military Affairs.

By Mr. COX of Ohio: Petition of Butler Encampment of Odd Fellows, of Hamilton, Ohio, for legislation making it a criminal offense for any person, firm, or corporation to publish, sell, or offer for sale what purports to be the written work of any fraternal order; to the Committee on the Judiciary.

Also, petition of Mitchell Post, No. 361, Grand Army of the Republic, of Camden, Ohio, and Milton Weaver Post, No. 594, Grand Army of the Republic, of Vandalia, Ohio, for amendment of the age pension bill; to the Committee on Invalid Pensions.

By Mr. DICKINSON: Paper to accompany bill for relief of Anna L. Yaple; to the Committee on Invalid Pensions.

By Mr. DRAPER: Petition of Fort Edwards Brewing Co., for removal of duty on barley; to the Committee on Ways and Means.

By Mr. ENGLEBRIGHT: Petition of Pacific Slope Congress, regarding a breakwater at Monterey Bay; to the Committee on Rivers and Harbors.

Also, petition of D. A. Russell and others, against the Tou Velle bill; to the Committee on the Post Office and Post Roads.

Also, petition of the California Society of Sons of the Revolution, regarding unpublished archives of the War of the Rebellion; to the Committee on Printing.

Also, petition of Pacific Slope Congress, regarding a national highway; to the Committee on the Post Office and Post Roads.

By Mr. FOCHT: Petition of officers of Milford Grange, No. 773, Patrons of Husbandry, of Juniata County, Pa., favoring Senate bill 5842, relative to oleomargarine law; to the Committee on Agriculture.

By Mr. GARNER of Texas: Petition of Schertz (Tex.) Camp, No. 1262, Woodmen of the World, favoring the Dodds bill; to the Committee on the Post Office and Post Roads.

By Mr. HAMER: Paper to accompany bill for relief of George Pool; to the Committee on Invalid Pensions.

By Mr. HAMMOND: Petition of committee of employees of Chicago Great Western Railway at Mankato, Minn., for hearings on railway rates; to the Committee on Interstate and Foreign Commerce.

Also, petition of Minnesota Canners' Association, for Federal inspection of canning factories and canned products; to the Committee on Agriculture.

By Mr. HAVENS: Paper to accompany bill for relief of Willis C. Hadley; to the Committee on Invalid Pensions.

By Mr. HUBBARD of West Virginia: Paper to accompany bill for relief of James W. Hollandsworth; to the Committee on Pensions.

Also, papers to accompany bills for relief of William H. Huffman and Amanda C. Swiger; to the Committee on Invaild Pensions.

By Mr. JOHNSON of South Carolina: Paper to accompany bill for relief of Charles Ladshaw; to the Committee on Pensions.

By Mr. JOYCE: Petitions of Dresden (Ohio) Post, No. 415, and Newport (Ohio) Post, No. 489, Grand Army of the Republic, for amendment to the age pension act; to the Committee on Invalid Pensions.

By Mr. LANGHAM: Petition of Walter Richards, of Brookville, Pa., against a parcels-post law; to the Committee on the Post Office and Post Roads.

Also, petition of Brookville (Pa.) Brewing Co., for removal of the tariff on barley; to the Committee on Ways and Means.

By Mr. LEE: Paper to accompany bill for relief of James Malloy; to the Committee on Pensions.

By Mr. McHENRY: Petitions of Granges Nos. 34, 941, 924, 365, and 1338, for Senate bill 5842 and House bill 20582; to the Committee on Agriculture.

By Mr. MARTIN of Colorado: Paper to accompany bill for relief of Benjamin Dwight Critchlow; to the Committee on War Claims.

By Mr. MOON of Pennsylvania: Petition of David Lupton's Sons Co., of Philadelphia, Pa., favoring New Orleans for the Panama Canal Exposition; to the Committee on Industrial Arts and Expositions.

By Mr. MOON of Tennessee: Paper to accompany bill for relief of E. H. Price; to the Committee on Invalid Pensions.

Also, papers to accompany a bill to authorize the Secretary of War to resurvey a strip of land in Hamilton County, Tenn.; to the Committee on Claims.

Also, paper to accompany bill for relief of Elijah W. Fowler; to the Committee on Invalid Pensions.

By Mr. MOORE of Pennsylvania: Petition of the Civil Service Reform Association of Pennsylvania, to enlarge scope of civil-service law; to the Committee on Reform in the Civil Service.

Also, petition of Coppack Warner Lumber Co., of Philadelphia, Pa., favoring New Orleans for the Panama Exposition; to the Committee on Industrial Arts and Expositions.

Also, petition of Retail Clerks' International Protective Association, Local No. 262, against increase of labor hours for Government employees; to the Committee on Labor.

By Mr. ROTHERMEL: Petition of David W. Bohn and Henry A. Miller, of Grange No. 551, Patrons of Husbandry, of Shoemakersville, Pa., for amendment of law on oleomargarine (S. 5842); to the Committee on Agriculture.

By Mr. SHEFFIELD: Papers to accompany bills for relief of Thomas Blacklock, William G. Baker, and Margarite D. Pollard; to the Committee on Invalid Pensions.

By Mr. SHEPPARD: Paper to accompany bill for relief of George W. Davis; to the Committee on Pensions.

By Mr. WOOD of New Jersey: Memorial of Woman's Literary Club of Bound Brook, N. J., asking for the speedy and thorough investigation of the spread of disease to human beings from dairy products; to the Committee on Agriculture.

Also, affidavits to accompany House bill granting an increase of pension to Thomas Skillman; to the Committee on Invalid Pensions.

Also, petition of R. V. Kuser, of the People's Brewing Co., of Trenton, N. J., for the removal of the tariff on barley; to the Committee on Ways and Means.

By Mr. VREELAND: Petition of Jamestown Brewing Co., for removal of duty on barley; to the Committee on Ways and Means.

SENATE.

SATURDAY, *December 17, 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 passed a concurrent resolution providing that when the two Houses adjourn on Wednesday, December 21, they stand adjourned until 12 o'clock m., Thursday, January 5, 1911, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 27400) to repeal an act authorizing the issuance of a patent to James F. Rowell, and it was thereupon signed by the Vice President.

HOLIDAY RECESS.

Mr. HALE. I ask the Chair to lay before the Senate the privileged resolution from the House.

The VICE PRESIDENT laid before the Senate the following concurrent resolution (H. Con. Res. 55) of the House of Representatives, which was read:

IN THE HOUSE OF REPRESENTATIVES,
December 16, 1910.

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Wednesday, December 21, they stand adjourned until 12 o'clock m., Thursday, January 5, 1911.

Mr. HALE. I move that the concurrent resolution be referred to the Committee on Appropriations.

The motion was agreed to.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented memorials of sundry citizens and business firms of Nixon and Fort Worth, Tex.; of Elwood, Ind.; of Bellefontaine, Ohio; of Kankakee, Ill.; and of Demopolis, Ala., remonstrating against the passage of the so-called parcels-post bill, which were referred to the Committee on Post Offices and Post Roads.

Mr. CULLOM presented a petition of the Retail Grocers' Association of Joliet, Ill., praying for the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of Kenesaw Post, No. 77, Department of Illinois, Grand Army of the Republic, of Danville, Ill., remonstrating against the establishment of a volunteer officers' retired list, which was referred to the Committee on Military Affairs.

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Mr. RAYNER presented petitions of the Ministers' Association and of sundry citizens of Havre de Grace, Md., praying for the enactment of legislation to prohibit the interstate transmission of race-gambling bets, which were referred to the Committee on the Judiciary.

Mr. PERKINS presented a petition of the Sempervirens Club, of California, praying for the enactment of legislation authorizing the granting of certain lands to the State of California to be added to the California Redwood Park, which was referred to the Committee on Public Lands.

He also presented a petition of a committee representing California oil men and placer mining locators, praying for the enactment of legislation to encourage the development and improvement of oil-mining lands and the oil-mining industry, etc., which was referred to the Committee on Public Lands.

Mr. PILES presented a petition of Local Lodge No. 1118, Modern Brotherhood of America, of Tacoma, Wash., 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 petition of the Trades Council of Everett, Wash., praying for the enactment of legislation to restrict immigration, which was referred to the Committee on Immigration.

LANDS IN MILLARD COUNTY, UTAH.

Mr. SMOOT, from the Committee on Public Lands, to which was referred the bill (S. 8457) to restore to the public domain certain lands withdrawn for reservoir purposes in Millard County, Utah, reported it without amendment and submitted a report (No. 934) thereon.

BILLS INTRODUCED.

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

By Mr. LODGE:

A bill (S. 9657) to provide for the erection of a public building at Attleboro, Mass.; to the Committee on Public Buildings and Grounds.

By Mr. CLARK of Wyoming:

A bill (S. 9658) granting an increase of pension to Andrew Scoonmaker; to the Committee on Pensions.

By Mr. DU PONT:

A bill (S. 9659) to maintain at the United States Military Academy an engineer detachment; to the Committee on Military Affairs.

By Mr. SMOOT:

A bill (S. 9660) granting an increase of pension to John Gillespie (with accompanying papers); to the Committee on Pensions.

By Mr. HEYBURN:

A bill (S. 9661) granting an increase of pension to Leonora M. Talbot (with accompanying papers); to the Committee on Pensions.

By Mr. SCOTT:

A bill (S. 9662) granting an increase of pension to George W. Brandon (with accompanying papers); to the Committee on Pensions.

By Mr. CRANE:

A bill (S. 9663) granting a pension to Mary G. McCarty (with accompanying papers); to the Committee on Pensions.

By Mr. TALIAFERRO:

A bill (S. 9664) granting an increase of pension to Jacob A. Davis (with accompanying papers); to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 9665) to forbid the issuance of license for the sale or manufacture of intoxicating liquors or beverages within the limits of any State prohibiting the sale or manufacture thereof; to the Committee on the Judiciary.

A bill (S. 9666) granting an increase of pension to Perry C. Hughes; to the Committee on Pensions.

By Mr. DICK:

A bill (S. 9667) granting an increase of pension to George W. Pitner; to the Committee on Pensions.

By Mr. BRADLEY:

A bill (S. 9668) for the relief of William Haycraft and others; to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. OWEN submitted an amendment providing that the funds arising from the sale of unallotted lands and other property belonging to the Choctaw, Chickasaw, Cherokee, Creek, and Seminole Tribes of Indians, subject to the proper distribution under the law, shall be disposed of temporarily by the Secretary of the Interior in convenient national banks of the State of Oklahoma, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. LODGE submitted an amendment proposing to appropriate $10,000 to enable the President of the United States to extend an invitation to the Governments of foreign nations to send delegates to an international congress on social insurance, to discuss employers' liability negligence laws, etc., intended to be proposed by him to the diplomatic and consular appropriation bill, which was referred to the Committee on Foreign Relations and ordered to be printed.

Mr. CULBERSON submitted an amendment proposing to appropriate $100,000 for improving the waterway between Jefferson, Tex., and Shreveport, La., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to appropriate $50,000 for the construction of Lock and Dam No. 7 and lock and dam at White Rock Shoals, Trinity River, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to appropriate $100,000 for improving Brazos River, Tex., from Old Washington to Waco, and for the construction of Lock and Dam No. 8, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to appropriate $375,000 for the construction of a deep-water harbor or port within the entrance to Aransas Pass at Harbor Island, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

SITE FOR DISTRICT OF COLUMBIA REFORMATORY.

Mr. DU PONT. I ask unanimous consent to call up the resolution I submitted yesterday relating to a site for the District of Columbia reformatory.

The VICE PRESIDENT. The resolution will be read for information.

The Secretary read Senate resolution No. 310, submitted yesterday by Mr. DU PONT, as follows:

Resolved, That the Commissioners of the District of Columbia be, and they are hereby, directed to report to the Senate, as early as possible, whether they have selected a tract of land to be used as a site for the construction and erection of a reformatory, as authorized by the act approved March 3, 1909, entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1910, and for other purposes;" and if a tract of land for such site has been selected, to report to the Senate the location thereof, giving its approximate distance from the home and grave of George Washington, and also to report to the Senate the reasons for such selection.

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

Mr. HALE. Mr. President, this is a matter very few of us know anything about. Before any action is taken I wish the Senator from Delaware would give us the facts about the whole situation.

Mr. DU PONT. I believe, Mr. President, I have the floor, and I was about doing so when the Senator from Maine rose.

Mr. HALE. The Senator need not consider what I said as an objection to his explaining the resolution.

Mr. DU PONT. I understand that.

Mr. President, pursuant to legislation passed at the last session, the Commissioners of the District of Columbia were required to select a site for the establishment of a house of refuge for the District in the limits of the State of Virginia. It appears that they have selected a locality in the immediate neighborhood of Mount Vernon, which has given rise to a protest from the Mount Vernon Ladies' Association, which was embodied in a memorial which I presented yesterday.

It seems to me that from some points of view, to say the least, the location selected by the commissioners is most unfortunate and inappropriate. I believe that public opinion throughout the country would be shocked by the establishment of a permanent abode of criminals in the immediate neighborhood of the home and of the last resting place of George Washington, and in very close proximity to other points of historic interest in the State of Virginia.

Under the circumstances, I believe Congress ought to have the information called for in the resolution.

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

The resolution was considered by unanimous consent, and agreed to.

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OMNIBUS CLAIMS BILL.

Mr. BURNHAM. I desire to call up the omnibus claims bill.

The PRESIDING OFFICER. The Senator from New Hampshire moves that the Senate proceed to the consideration of the bill (S. 7971) for the allowance of certain claims reported by the Court of Claims, and for other purposes.

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

The PRESIDING OFFICER. The question is on the motion of the Senator from Kansas [Mr. BRISTOW] to recommit the bill to the Committee on Claims with instructions to eliminate all to the Committee on Claims with instructions to eliminate all claims for insurance and premiums, on which question the Senator from Kansas demanded the yeas and nays. Is there a second to the demand?

Mr. BURNHAM. I appreciate the suggestion of the Senator from Georgia. The reason why I made the motion as I did was because I did not have prepared an amendment to strike out, which would necessitate going through the bill and striking out by lines definitely. I can take up the bill and go through it, but it will take some time to prepare such an amendment. That is the only reason.

Mr. BACON. I do not press the suggestion in view of the statement of the Senator.

The PRESIDING OFFICER. The Chair would state that in the opinion of the Chair it would not be in order, the yeas and nays having been ordered on the pending question.

Mr. BACON. There had been no name called.

The PRESIDING OFFICER. There had been no name called, but the yeas and nays were ordered. The question is on the motion of the Senator from Kansas to recommit with instructions. 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 absent. I transfer my pair to the senior Senator from Rhode Island [Mr. ALDRICH] and vote "nay."

Mr. FLINT (when his name was called). I am paired with the senior Senator from Texas [Mr. CULBERSON] and therefore withhold my vote.

Mr. PAYNTER (when Mr. JOHNSTON'S name was called). The Senator from Alabama [Mr. JOHNSTON] is ill in bed and unable to be present. I have been requested to make this announcement.

Mr. PAYNTER (when his name was called). I have a general pair with the senior Senator from Colorado [Mr. GUGGENHEIM]. He is necessarily absent from the Chamber, and I therefore withhold my vote.

Mr. PERKINS (when his name was called). I have a general pair with the junior Senator from North Carolina [Mr. OVERMAN]. As he is absent, I withhold my vote.

Mr. PURCELL (when his name was called). I am paired with the junior Senator from New Jersey [Mr. BRIGGS]. If he were present, I would vote "yea."

Mr. RAYNER (when his name was called). I am paired with the junior Senator from Arkansas [Mr. DAVIS]. I transfer that pair to the senior Senator from Pennsylvania [Mr. PENROSE] and vote "nay."

Mr. SHIVELY (when his name was called). I am paired with the senior Senator from New Hampshire [Mr. GALLINGER], who is absent. Were he present, he would vote "nay" and I would vote "yea."

Mr. SIMMONS (when his name was called). I have a general pair with the junior Senator from Minnesota [Mr. CLAPP]. In his absence, I will withhold my vote. If he were present, I would vote "nay."

Mr. WARNER (when Mr. STONE'S name was called). The announcement has not been heretofore made that my colleague [Mr. STONE] is detained from the Chamber by reason of sickness, and has been since the commencement of the session.

Mr. BRADLEY (when Mr. TAYLOR'S name was called). I should have made an explanation. I am paired with the junior Senator from Tennessee [Mr. TAYLOR], but knowing that he is opposed to a recommittal of the bill, I have voted.

The roll call was concluded.

Mr. DU PONT. I wish to announce that my colleague [Mr. RICHARDSON] is paired with the senior Senator from Tennessee [Mr. FRAZIER]. If my colleague were present and at liberty to vote, he would vote "nay."

Mr. CLARK of Wyoming. I have a general pair with the Senator from Missouri [Mr. STONE], who is absent on account of illness, and I therefore withhold my vote.

Mr. BRANDEGEE. I wish to announce that my colleague [Mr. BULKELEY] is paired for the day with the junior Senator from Alabama [Mr. BANKHEAD]. I shall make no further announcement of the pair during the day.

Mr. CHAMBERLAIN. I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER], but I understand that if he were here he would vote "nay," and I feel at liberty to vote. I vote "nay."

Mr. SIMMONS. I have just received a message from the junior Senator from Minnesota [Mr. CLAPP] releasing me from my pair. I vote "nay."

Mr. FLETCHER. I am requested to announce that the Senator from Tennessee [Mr. FRAZIER] is paired with the Senator from Delaware [Mr. RICHARDSON], and also that the Senator from South Carolina [Mr. SMITH] and the Senator from New York [Mr. ROOT] are paired for the day.

Mr. BACON (after having voted in the affirmative). I will inquire whether the junior Senator from Maine [Mr. FRYE] has voted.

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

Mr. BACON. I am paired with that Senator, and I therefore withdraw my vote.

Mr. CLARK of Wyoming. I transfer my pair with the Senator from Missouri [Mr. STONE] to the Senator from New York [Mr. DEPEW], and vote "nay."

The result was announced—yeas 16, nays 30, as follows:

YEAS—16.

Beveridge	Burkett	Curtis	Percy
Borah	Burton	Dixon	Smith, Mich.
Bristow	Clarke, Ark.	Jones	Terrell
Brown	Cummins	La Follette	Young

NAYS—30.

Bradley	Dillingham	McCumber	Simmons
Brandegee	du Pont	Martin	Smith, Md.
Burnham	Fletcher	Money	Swanson
Chamberlain	Gamble	Nixon	Taliaferro
Clark, Wyo.	Hale	Page	Thornton
Crane	Kean	Piles	Warner
Crawford	Lodge	Rayner	
Dick	Lorimer	Scott	

NOT VOTING—46.

Aldrich	Davis	Johnston	Shively
Bacon	Depew	Nelson	Smith, S. C.
Bailey	Elkins	Newlands	Smoot
Bankhead	Flint	Oliver	Stephenson
Bourne	Foster	Overman	Stone
Briggs	Frazier	Owen	Sutherland
Bulkeley	Frye	Paynter	Taylor
Burrows	Gallinger	Penrose	Tillman
Carter	Gore	Perkins	Warren
Clapp	Guggenheim	Purcell	Wetmore
Culberson	Heyburn	Richardson	
Cullom	Hughes	Root	

The PRESIDING OFFICER. No quorum has voted.

Mr. LODGE. Then there is nothing to do, Mr. President, except to have a roll call.

The PRESIDING OFFICER. The Secretary will call the roll.

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

Bacon	Cummins	La Follette	Scott
Borah	Curtis	Lodge	Shively
Bradley	Dick	Lorimer	Simmons
Brandegee	Dillingham	McCumber	Smith, Md.
Bristow	Dixon	Martin	Smith, Mich.
Brown	du Pont	Money	Stephenson
Burnham	Fletcher	Page	Swanson
Burton	Flint	Paynter	Taliaferro
Chamberlain	Gamble	Percy	Terrell
Clark, Wyo.	Hale	Perkins	Thornton
Clarke, Ark.	Heyburn	Piles	Warner
Crane	Jones	Purcell	
Crawford	Kean	Rayner	

The PRESIDING OFFICER. Fifty Senators have answered to their names. A quorum is present.

Mr. BRISTOW. May I now ask a parliamentary question?

The PRESIDING OFFICER. Certainly.

Mr. BRISTOW. Is it now necessary to again put the question?

The PRESIDING OFFICER. It is necessary to again call the roll.

Mr. LODGE. Nothing else can be done.

Mr. BRISTOW. Can I withdraw the motion by consent of the Senate? I ask that because it is plainly disclosed——

The PRESIDING OFFICER. Of course anything which the Senate pleases can be done by unanimous consent, but the request is out of order at the present moment.

Mr. BRISTOW. It is plainly disclosed that the majority of the Senate do not want to recommit the bill. I therefore ask unanimous consent to withdraw the motion to recommit.

The PRESIDING OFFICER. The Chair is under the impression that the motion can not be withdrawn.

Mr. HALE. Except by unanimous consent.

Mr. RAYNER. The Senator has asked unanimous consent.

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Mr. BRISTOW. I ask unanimous consent to withdraw the motion to recommit.

The PRESIDING OFFICER. The Senator from Kansas asks unanimous consent to withdraw his motion to recommit the bill. Is there objection? The Chair hears none, and the motion is withdrawn. The bill is still before the Senate as in Committee of the Whole and open to amendment.

Mr. BURTON. Mr. President, I desire to call up an amendment which was introduced yesterday, on page 127, in line 13, after the word "dollars," proposing to insert the words:

Provided, That not to exceed 40 per cent of this amount shall be paid as compensation for services in the prosecution of this claim.

I believe the Senator from North Dakota [Mr. MCCUMBER], who desired to be present, is here. I would suggest that an amendment has been added to the text immediately after the word "dollars." So the motion should be modified to the extent of stating that the words are to be inserted after the amendment already adopted; it is merely a matter of detail.

The PRESIDING OFFICER. The Senator from Ohio, as the Chair understands, moves to reconsider the vote by which——

Mr. BURTON. Not to reconsider the vote; but, in case this amendment is adopted, I will no doubt make a motion relating to the amendment already adopted.

Mr. LODGE. There is no objection to that amendment.

Mr. BURTON. There is an amendment already in the bill immediately after the word "dollars."

The PRESIDING OFFICER. The Chair is unable to understand the motion of the Senator from Ohio.

Mr. BURTON. I ask that the Secretary read the amendment already inserted.

The SECRETARY. On page 127, line 13, after the period following the word "dollars," the following proviso has heretofore been agreed to:

Provided, That all claims for services or expenses of attorneys in the prosecution of this claim shall be approved by the probate court of the District of Columbia before the same shall be paid out of the aforesaid sum.

Mr. BURTON. Mr. President, I ask to have read by the Secretary a communication from certain of the heirs of Aaron Van Camp, in whose behalf this claim accrued.

The PRESIDING OFFICER. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

1354 OAK STREET NW.,
Washington, D. C., December 13, 1910.

Hon. T. E. BURTON,
United States Senate.

SIR: Referring to the item on page 127 of the claim bill reported to the Senate from the Committee on Claims, proposing to appropriate $38,750 to the legal representatives of the estate of Aaron Van Camp, we, the undersigned heirs of the late Aaron Van Camp, respectfully petition Congress to strike the item from the bill, unless a clause can be inserted providing that not to exceed 40 per cent of the amount appropriated shall be paid to persons as compensation for services in the prosecution of the claim. Dr. Aaron Van Camp, our grandfather, lived with us for some years prior to his death and thought of nothing but this claim, and would give to anyone who simply promised to aid him in having the claim allowed an interest in it. We now know that 65 per cent and $5,000 of the claim has been assigned, and how much more we are unable to state. In Dr. Van Camp's declining years we the undersigned worked to support him, and we are the ones who would have inherited the property wrongfully taken from him at the Navigators Islands. There are four heirs of the late Dr. Van Camp, the two undersigned, living in the District of Columbia; one living in Asheville, N. C.; and one in California. We have not the time now to have our brother living in North Carolina and the uncle in California join in this remonstrance, but we know that our views are shared by the others. In other words, unless the major part of the money it is proposed to appropriate can go to the heirs of the late Dr. Aaron Van Camp, it is the desire of the heirs that the item be stricken from the bill. On petition of one Edward E. Holman and C. W. Buttz, to whom the major part of the claim will go if allowed in its present shape, the Washington Loan & Trust Co. was designated as administrator of the estate of the late Aaron Van Camp; this was done without the knowledge or consent of the heirs of Dr. Van Camp. Until recently none of the heirs of Aaron Van Camp knew that the Washington Loan & Trust Co. had been designated as administrator of his estate. Dr. Van Camp left nothing save this claim. In all justice and equity, we respectfully request that the item be stricken from the bill, or a clause inserted providing that not more than 40 per cent of the amount appropriated shall be paid to persons as compensation for services in the prosecution of the claim. If necessary, we shall be obliged if you will read this communication in the Senate when the bill is under consideration.

LOUISE Z. LUDEWIG,
Granddaughter and Heir of Aaron Van Camp.
MARGUERITE B. JONES,
Granddaughter and Heir of Aaron Van Camp.

Subscribed and sworn to before me this 13th day of December, A. D. 1910.

[SEAL.] LEON M. ESTABROOK,
Notary Public.

Mr. BURTON. Mr. President, the proposition is made perfectly clear by the communication just read. The heirs ask that a proviso be inserted in the paragraph, on page 127 of the bill, granting $38,750 to the legal representatives of the estate of Aaron Van Camp, which proviso shall be to the effect that compensation for services shall be limited to 40 per cent; or, if that be not adopted, that the item be stricken from the bill.

I am actuated in the support of this amendment partly by the fact that one of the heirs and her husband are legal residents of the State of Ohio and they have appealed to me for support, but even more by the fact that it discloses a condition which pertains to many of these claims, namely, that they are prosecuted here in the interests of attorneys, who claim a very large share of the amount.

It appears that Mr. Van Camp, while this claim was being prosecuted, was an old man. He lived with and was supported by his heirs. According to this affidavit, his mental faculties had failed to the extent that whenever anyone came to him holding out a promise that he could do something for him he made an assignment. He made one assignment of 50 per cent, one of 10 per cent, one of 5 per cent, and an additional assignment of $5,000 of the amount, the result of which would be that a very small sum would go to the heirs.

The story is told of a client who once approached an attorney who proposed to take his case on a contingent fee. "What is a contingent fee?" asked the prospective client. "Why," said the lawyer, "it means that if I do not win, I do not get a thing. If I do win, you do not get anything." [Laughter.] That is about the form this claim has assumed. Under neither result is there any prospect for the heirs unless this amendment is adopted.

I think the Senate should adopt this amendment, not only for the protection of the heirs, but as an enunciation of the idea that we are not encouraging the prosecution of claims where the principal if not the sole beneficiaries are the attorneys who prosecute it.

Mr. MCCUMBER. Mr. President, I hope the Senate will pass no hasty judgment upon this ex parte statement of the Senator who has investigated the question for a part of a day as against the statements of attorneys who have paid all expenses, who have investigated and tried the case in court and out of court and before Congress for 50 years and who have in reality not only prosecuted the case for the decedent, but during the last years of the decedent's life were compelled to support him and to bury him without the assistance of these heirs who are to be injured by allowing attorneys a reasonable compensation for their services.

Mr. President, I desire to present this matter for a moment, because I myself have given it consideration off and on for more than 12 years, and I think I understand the matter as thoroughly as does the Senator from Ohio.

I have never been an advocate of paying an attorney an unreasonable fee; neither am I an advocate of allowing a person to accept attorneys' services for years without the payment of one solitary penny to assist him, and then to come in and say that a contract entered into by the attorney shall be nullified by Congress without the slightest consideration of the reasonableness of the fees that are mentioned in the contract.

Mr. President, what are the facts in this case? An agent of the Government acting, as is shown in the record, with the knowledge and assent, if not the consent of the Department of State and the Treasury Department, confiscated about $300,000 worth of goods of one Aaron Van Camp, of the District of Columbia, and of one Chapin, of West Virginia. It is needless for me to go into, and I will not take up the time of the Senate now in going over, the details of this great and rank injustice. It was simply a case that was worse than highway robbery.

Mr. Van Camp and Mr. Chapin sought to get their claim allowed. Action was brought in 1858 by the same attorneys in the circuit court of the District of Columbia, and a judgment was rendered against the agent who had committed the offense; a heavy judgment in both instances. A fieri facias was issued upon that judgment and returned unsatisfied.

Then these same attorneys entered into a contract with Aaron Van Camp, who was practically broken himself in his attempt to secure justice from the Government, for a contingent fee, they to pay the expenses and to follow the case through until they should secure the return of a portion, at least, of the value of the property of which he had been defrauded.

They then brought the case many times before Congress, and it was considered by both Houses. They then, in 1886, keeping the matter continuously alive, brought the action in the Court of Claims, and judgment was rendered; or, rather, it was submitted then only for findings of fact, and findings of fact were rendered in favor of Mr. Van Camp, but having no authority at that time to enter judgment, they rested upon the findings of fact only.

In those findings of fact the court admitted that they could grant judgment for only a small portion of that which was ac-

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HEIM], who is necessarily detained from the Senate. I therefore withhold my vote.

Mr. PERKINS (when his name was called). I again announce my general pair with the junior Senator from North Carolina [Mr. OVERMAN]. He being absent, I withhold my vote.

Mr. PURCELL (when his name was called). I have a general pair with the Senator from New Jersey [Mr. BRIGGS]. Not knowing how he would vote, and he being absent, I withhold my vote. If he were present, I should vote "nay."

The PRESIDING OFFICER (Mr. CURTIS in the chair). The question is on the substitute proposed by the Senator from Missouri [Mr. WARNER], as modified. It will be stated.

The SECRETARY. As modified the amendment reads:

Provided, That attorneys' fees allowed in any case shall not exceed 25 per cent of the sums herein appropriated in each case.

I therefore withhold my vote.

The roll call was concluded.

Mr. BRADLEY. I transfer my pair with the junior Senator from Tennessee [Mr. TAYLOR] to the junior Senator from Rhode Island [Mr. WETMORE] and vote. I vote "nay."

Mr. BURNHAM. I desire to state that my colleague [Mr. GALLINGER] is necessarily detained and is paired with the junior Senator from Indiana [Mr. SHIVELY] for the day.

The result was announced—yeas 34, nays 14, as follows:

YEAS—34.

Beveridge	Clarke, Ark.	Hale	Rayner
Borah	Crane	Jones	Shively
Bourne	Crawford	Kean	Smith, Mich.
Brandegee	Cummins	La Follette	Smoot
Bristow	Curtis	Newlands	Sutherland
Brown	Dillingham	Nixon	Warner
Burkett	du Pont	Owen	Young
Burton	Flint	Page	
Carter	Gamble	Percy	

NAYS—14.

Bradley	Fletcher	Piles	Terrell
Burnham	McCumber	Scott	Thornton
Clark, Wyo.	Martin	Swanson	
Dick	Money	Taliaferro	

NOT VOTING—44.

Aldrich	Davis	Hughes	Richardson
Bacon	Depew	Johnston	Root
Bailey	Dixon	Lodge	Simmons
Bankhead	Elkins	Lorimer	Smith, Md.
Briggs	Foster	Nelson	Smith, S. C.
Bulkeley	Frazier	Oliver	Stephenson
Burrows	Frye	Overman	Stone
Chamberlain	Gallinger	Paynter	Taylor
Clapp	Gore	Penrose	Tillman
Culberson	Guggenheim	Perkins	Warren
Cullom	Heyburn	Purcell	Wetmore

So Mr. WARNER's substitute for Mr. BURTON's amendment was agreed to.

The PRESIDING OFFICER. The question now is upon agreeing to the amendment as amended.

The amendment as amended was agreed to.

Mr. BURTON. Mr. President, a parliamentary inquiry. The amendment just adopted by the Senate pertains to a different portion of the bill from the one which I presented. Does the adoption of this amendment exclude from the bill the amendment in the form in which I presented it?

The PRESIDING OFFICER. The Chair understands that the amendment of the Senator from Missouri [Mr. WARNER] was offered as a substitute for the amendment of the Senator from Ohio, and having been agreed to as a substitute, it takes the place of the other amendment.

Mr. BURTON. The phraseology of the new amendment takes the place of the other amendment. There is another motion which I wish to make. There is an amendment that was adopted by the Senate several days since providing for leaving this question of compensation to the probate court of the District of Columbia. There may be some little question as to whether or not the general amendment now adopted prevails over that, and I move, Mr. President, that the Senate reconsider the vote by which that amendment was agreed to, so as to strike it out.

Mr. McCUMBER. I raise the point of order, Mr. President, first, that the Senator himself, as I understand, did not vote affirmatively upon that, and, secondly, that more than one day has elapsed since that amendment was adopted.

Mr. WARNER. Mr. President, I had in view in the amendment submitted by me that the probate court would pass upon the question of the fee in this case. The substitute expressly provides that the amount allowed shall not exceed the percentage named by the amendment, and I take it that it would merely govern the probate court in fixing the amount of the fee.

Mr. BURTON. I will say, Mr. President, that I had that suggestion in mind, and I was at first inclined to take the same view as that of the Senator from Missouri in this instance, but I question that somewhat, because the amendment regarding the probate court is a specific provision pertaining to this claim, which would naturally prevail over a general provision.

The PRESIDING OFFICER. The Chair has no information as to when this amendment was adopted.

Mr. McCUMBER. I will say to the Chair that it was adopted, I think, about three or four days ago.

The PRESIDING OFFICER. May the Chair ask the Senator from Ohio if he has any information as to the date of the adoption of the amendment?

Mr. BURTON. I do not have exact information about it.

The PRESIDING OFFICER. The point of order is sustained.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. The question now is on concurring in the amendments made as in Committee of the Whole.

Mr. BURTON. Mr. President, I wish a separate vote on the amendment on page 127.

The PRESIDING OFFICER. The Senator from Ohio asks for a separate vote on the amendment, which the Secretary will state.

The SECRETARY. On page 127, line 13, after the word "dollars," the following proviso was inserted:

Provided, That all claims for services or expenses of attorneys in the prosecution of this claim shall be approved by the probate court of the District of Columbia before the same shall be paid out of the aforesaid sum.

Mr. BURTON. Mr. President, just a word in regard to that. The Senate has now adopted a general provision, which was clearly intended to apply to all claims, limiting the amount of compensation to be paid to attorneys to 25 per cent. It is a declaration of the policy of the Senate, one main object of which is to prevent what is called the trumping up of stale claims against the Government. There may be some question whether that general provision applies to the claim under consideration. I am inclined to think that it does not, in view of the amendment adopted a few days since. At any rate, to save from ambiguity this paragraph, which has led to the whole discussion and to the adoption of the general amendment, I make the motion to reconsider the vote by which this amendment, on page 127, was adopted, in order that this provision may square with the rest.

Mr. McCUMBER. Mr. President, there were a great many Senators who were absent when I explained this matter before. I assume that Senators will vote as they consider just in this matter; but I want to present again, if Senators will remain long enough to listen, the injustice of adopting an amendment of this kind.

In 1856, more than 50 years ago, the agents of this Government destroyed the property of a citizen of this country to the value of nearly $300,000. Action was immediately instituted by the owner of the property to secure redress. The property taken was everything that he had on the face of the earth. He was compelled to make an arrangement with some attorneys upon a contingent fee, because he himself had no property to answer for the expense of a prosecution of that case. He did enter into a written contract with those attorneys. Here is a contract going back more than 50 years. The attorneys prosecuted the case first against the agent, bringing two actions against him in 1858, two years after the offense had been committed.

Mr. HALE. And at their own expense?

Mr. McCUMBER. And at their own expense. Remember now, that this was only two years after the property had been destroyed, and yet the Senator from Ohio would refer to this as the trumping up of an old claim, a claim that was only 2 years old when the action was brought in the circuit court, and which had been presented to the Government for payment long before that time.

The attorneys prosecuted those cases to judgment under that contract. They had to come to Congress and ask that Congress appropriate for the same. For 28 years the matter was before Congress, these attorneys prosecuting the cases every year. In 1886 the case was again sent to the Court of Claims and was again tried by the same attorneys, they furnishing their own expenses, and prosecuting under a written contract with the claimant, which was reasonable and fair, considering the proposition that they were taking it upon a contingent fee, and that he himself had nothing to pay.

They got a judgment—that is, they got the findings and conclusions of the court—and the matter came up to Congress for another appropriation. For 17 years longer the matter was before Congress, and while committees reported several times in its favor, the bill making the appropriation never passed both Houses. So it was delayed for 17 years longer, until 1903, when again for the third time it was tried before the court.

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The attorneys acted under their written contract, which had never been objected to, either by the man who made the contract or by his children, who accepted the services of the attorneys under that written contract, and the expenses were paid out by them for the prosecution of this case. Again it came before Congress, and for seven years more it has been prosecuted, each year by the same firm of attorneys, the older ones dying and the younger ones taking their places as successors in the contract; and until the present time there has not been one word of complaint against the written contract entered into by the decedent by a single one of the heirs. Not one of the heirs has furnished one penny in the prosecution of these cases for 50 years; but at one time, as the attorneys considered that the matter of the probate of the estate probably did not come under their contract, and that they were not to pay that expense, when they requested the heirs to at least pay the expenses of getting the estate probated, so that they could continue the action in the name of the personal representatives of the estate, the heirs answered that they would pay nothing; that the attorneys could go ahead and prosecute the case.

The attorneys went on with this prosecution year after year, tried these three cases, secured their evidence from Apia, in the Navigator Islands, paid all the expense, and tried and retried the case under a written contract that has never been questioned in the slightest degree. Now, I submit that it is rather late for a grandchild of the decedent to come in at this time and say that 50 per cent of the fee is an exorbitant charge.

I know the Senator says that the heirs claim that the decedent entered into contracts that would make 65 per cent, and I am perfectly willing, if he thinks there is any question between his view of it and mine, to say that it shall not exceed 50 per cent. That would end it—a difference of 10 per cent between his contention and what I say was the honest contract which was entered into with the attorneys. It was a contract into which the decedent had the right to enter; it was prosecuted for nearly 30 years, while he was alive, without any objection upon his part; it has been prosecuted for 20 or 25 years since that time by the same attorneys or their successors, and not one of the children ever made any objection; and now a grandchild finally comes in, when the claim is about to be allowed, and says that this 50 per cent is an excessive fee and that it ought not to be allowed. I say that is certainly extremely unjust.

The amount allowed now aggregates, I think, $38,000. There are four attorneys that I know of who are engaged and have been engaged right along in the trial of this action. Giving them 50 per cent, it would amount to $19,000 for 50 years of service; and I insist it is not excessive.

But, Mr. President, if any Senator things that it is excessive, or if these heirs of the decedent think it is excessive, they have their rights in the probate court, because we have already adopted an amendment, which the Senator from Ohio now wishes to destroy, providing that not one dollar shall be paid out of this sum until the probate court has passed upon all contracts for the payment of attorneys' fees and has approved of them.

I assume that the probate court will not approve of them unless they are reasonable and fair and just, and there is not a Senator here who is capable to-day of passing judgment upon what this charge should be; and, admitting his incapability to pass upon it, is he willing to take upon himself the authority to destroy a written contract made over 50 years ago, under which the parties have continued their services until they are about to secure a portion of the claim?

I think this question should go right where the amendment sends it—to the probate court; and if the probate court thinks that these 50 years of services are worth less, with all the expenses and all the probating fees paid by the attorneys, than 50 per cent of what they seek to recover, then, of course, the attorneys will have to abide by it.

But I submit, Mr. President, it is unjust for Senators to attempt to pass judgment upon that contract and to say that it is not right; and it is equally unjust for the grandchildren of the man who made the contract 50 years ago, and who continued that contract and who renewed it in 1883, under which all the services have been carried on without objection from him and without objection from his immediate heirs, to now say that they will hold up the attorneys "if we can not get more than this," because the increase in the number of heirs has been such that there will not be so much coming to each beneficiary as there would have been when the heirs consisted of only the children. Upon that ground the husband of one of these grandchildren has come to the conclusion that his share will not be so much as he thinks it ought to be.

I do not think that a delay until the number of heirs has increased to such an extent that the division must necessarily be small would hardly justify us in setting aside a contract, especially when we all admit that we can not say that that contract was not fair upon its face.

I am certain, from what I know of the case, that there is not an attorney in the land who would have put in the work that has been put in on this case and charged less than 50 per cent of the claim.

Mr. BURTON. Will the Senator from North Dakota yield to me for a question?

Mr. McCUMBER. Certainly.

Mr. BURTON. Does the Senator regard the provision inserted several days since in the paragraph on page 127 as prevailing over the general provision of 25 per cent which the Senate has just adopted by vote?

Mr. McCUMBER. I should certainly hope that it did.

Mr. BURTON. That strengthens the position I took a few moments ago, that we should put this beyond peradventure.

Mr. McCUMBER. I should hope that it did. That is the reason I let it go, because I considered that it did.

Mr. BURTON. And the amendment adopted as in Committee of the Whole should be defeated. I trust Senators will understand the question about to be submitted.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had passed a bill (H. R. 29495) making appropriations to supply urgent deficiencies in appropriations for the fiscal year ending June 30, 1911, and for other purposes, in which it requested the concurrence of the Senate.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 21331) for the purchase of land for the widening of Park Road, in the District of Columbia, and it was thereupon signed by the Vice President.

URGENT DEFICIENCY APPROPRIATIONS.

Mr. HALE. Mr. President——

Mr. BURTON. I shall not take any time. Does the Senator from Maine desire the floor?

Mr. HALE. There is an appropriation bill on the Vice President's table which I desire to have considered.

The VICE PRESIDENT. The Chair was about to lay before the Senate a message from the House of Representatives whenever the Senator from Ohio would yield the floor for that purpose.

Mr. BURTON. I yield now.

Mr. HALE. It will take only a few moments. I ask the Chair to lay before the Senate the urgent deficiency bill.

The VICE PRESIDENT laid before the Senate the bill (H. R. 29495) making appropriations to supply urgent deficiencies in appropriations for the fiscal year ending June 30, 1911, and for other purposes, which was read twice by its title.

Mr. HALE. To hasten the adjournment, I ask the Senate to proceed to the consideration of the bill.

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

The Secretary proceeded to read the bill.

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

The SECRETARY. On page 1, after line 7, it is proposed to insert:

DEPARTMENT OF STATE.

Contingent expenses, foreign missions: To enable the President to provide, at the public expense, all such stationery, blanks, records, and other books, seals, presses, flags, and signs as he shall think necessary for the several embassies and legations in the transaction of their business, and also for rent, postage, telegrams, furniture, including typewriters and exchange of same, messenger service, compensation of kavasses, guards, dragomans, and porters, including compensation of interpreters, and the compensation of dispatch agents at London, New York, and San Francisco, and for traveling and miscellaneous expenses of embassies and legations, and for printing in the Department of State, and for loss on bills of exchange to and from embassies and legations, for the fiscal year ending June 30, 1911, $50,000.

The amendment was agreed to.

Mr. HALE. I offer the following amendment.

The SECRETARY. On page 3, after line 8, it is proposed to insert:

CAPITOL.

For work at Capitol and for general repairs thereof, including flags for the east and west fronts of the center of the Capitol and for Senate and House Office buildings; flagstaffs, halyards, and tackle; wages of mechanics and laborers; purchase, maintenance, and driving of office vehicle, and not exceeding $100 for the purchase of technical and necessary reference books and city directory; and for special repairs Senate wing, $2,500.

To pay the Sinclair-Scott Co. for damage to property of said company while temporarily in possession of the Government and in the charge of the Superintendent of the United States Capitol Building and Grounds, $1,636.14.

The amendment was agreed to.

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

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on something it does know something about, and has been informed about, and upon which it must admit that the claim is absolutely just. So I think the argument of the Senator from Ohio is not sound in that respect.

I know something about the time it takes to prosecute these cases. I have no information that the attorneys have not acted with diligence. I think those who represented the French spoliation claims have so acted, and I have heard no criticism against them. I think the body that has not been diligent or fair in the matter has been Congress and not the claimants or their attorneys.

Mr. President, I do not like to see Congress take it upon itself by a vote to strike out a contract which it does not say is wrong, and which on every principle is right and ought to be enforced.

The Senator from Ohio says that the heirs would rather get nothing than get the little amount. Yes; and the Government would rather that the attorneys should get nothing than to get their just fees. That seems to be the position. If we can not deprive them of receiving what they are entitled to receive, under the contract, we would rather that the whole claim should go to the wall. The heirs have nothing to lose in the matter, because they have expended no money and they have expended no services, whereas the attorneys have expended years of service, and they have expended their money in the prosecution of these claims. It is a very easy thing for them to say, "We are nothing out, anyway; we have expended nothing in it;" but it is unjust for them to attempt to enforce a theory of that kind as against those who have performed the service and paid the expenses.

Mr. President, I suggest the want 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	Clarke, Ark.	Jones	Shiveley
Borah	Crane	Lodge	Simmons
Bradley	Crawford	Lorimer	Smith, Md.
Brandegee	Cummins	McCumber	Smith, Mich.
Bristow	Curtis	Martin	Smoot
Brown	Dick	Newlands	Swanson
Burkett	Dillingham	Page	Taliaferro
Burnham	du Pont	Paynter	Terrell
Burton	Fletcher	Percy	Thornton
Carter	Flint	Piles	Warner
Chamberlain	Gamble	Purcell	Young
Clark, Wyo.	Hale	Rayner	

The VICE PRESIDENT. Forty-seven Senators have answered to the roll call. A quorum of the Senate is present. The question is on concurring in the amendment made as in Committee of the Whole, which the Secretary will again read.

The SECRETARY. On page 127, line 13, after the word "dollars," insert the following proviso:

Provided, That all claims for services or expenses of attorneys in the prosecution of this claim shall be approved by the probate court of the District of Columbia before the same shall be paid out of the aforesaid sum.

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

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

Mr. BACON (when his name was called). I desire to announce that I have a general pair with the junior Senator from Maine [Mr. FRYE], and I therefore withhold my vote, as he is absent.

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

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the Senator from Missouri [Mr. STONE] and withhold my vote.

Mr. DILLINGHAM (when his name was called). I again announce my pair with the senior Senator from South Carolina [Mr. TILLMAN] and the transfer of my pair to the Senator from Rhode Island [Mr. ALDRICH]. I vote "yea."

Mr. PAYNTER (when Mr. JOHNSTON's name was called). The Senator from Alabama [Mr. JOHNSTON] is still ill and unable to attend the session of the Senate.

Mr. PAYNTER (when his name was called). I have a general pair with the senior Senator from Colorado [Mr. GUGGENHEIM], who is necessarily detained from the Senate. I therefore withhold my vote.

Mr. PURCELL (when his name was called). I am paired with the junior Senator from New Jersey [Mr. BRIGGS]. If he were present and voting I should vote "yea."

Mr. RAYNER (when his name was called). I am paired with the junior Senator from Arkansas [Mr. DAVIS].

Mr. SHIVELY (when his name was called). I again announce that I am paired for the day with the senior Senator from New Jersey [Mr. GALLINGER]. I transfer my pair to the junior Senator from Colorado [Mr. HUGHES] and vote "nay."

The roll call having been concluded, the result was announced—yeas 16, nays 25, as follows:

YEAS—16.

Borah	Dillingham	Lorimer	Piles
Bradley	du Pont	McCumber	Swanson
Brandegee	Fletcher	Martin	Taliaferro
Burnham	Hale	Newlands	Thornton

NAYS—25.

Bourne	Crawford	La Follette	Taylor
Bristow	Cummins	Lodge	Terrell
Brown	Curtis	Page	Warner
Burkett	Dick	Percy	Young
Burton	Flint	Shively	
Carter	Gamble	Smith, Mich.	
Clarke, Ark.	Jones	Smoot	

NOT VOTING—51.

Aldrich	Cullom	Johnston	Richardson
Bacon	Davis	Kean	Root
Bailey	Depew	Money	Scott
Bankhead	Dixon	Nelson	Simmons
Beveridge	Elkins	Nixon	Smith, Md.
Briggs	Foster	Oliver	Smith, S. C.
Bulkeley	Frazier	Overman	Stephenson
Burrows	Frye	Owen	Stone
Chamberlain	Gallinger	Paynter	Sutherland
Clapp	Gore	Penrose	Tillman
Clark, Wyo.	Guggenheim	Perkins	Warren
Crane	Heyburn	Purcell	Wetmore
Culberson	Hughes	Rayner	

The VICE PRESIDENT. The amendment is lost.

Mr. McCUMBER. I wish to ask the Chair, as I did not hear the vote announced clearly, whether it indicated that a quorum is present.

The VICE PRESIDENT. With the announcement of those present who stated that they were paired, and therefore withheld their votes, a quorum was shown to be present.

Mr. McCUMBER. I suggest the want of a quorum at the present time.

The VICE PRESIDENT. At the present time?

Mr. McCUMBER. Yes.

The VICE PRESIDENT. The Senator from North Dakota 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	Clark, Wyo.	Jones	Shively
Borah	Clarke, Ark.	La Follette	Smith, Mich.
Bourne	Crane	Lodge	Smoot
Bradley	Crawford	Lorimer	Swanson
Brandegee	Cummins	McCumber	Taliaferro
Bristow	Curtis	Martin	Taylor
Burkett	Dick	Newlands	Terrell
Burnham	Dillingham	Page	Thornton
Burrows	du Pont	Paynter	Warner
Burton	Fletcher	Percy	Young
Carter	Flint	Piles	
Chamberlain	Gamble	Purcell	
Clapp	Hale	Rayner	

Mr. McCUMBER. I should like to ask at this time whether the roll call discloses that a quorum is present.

The VICE PRESIDENT. The roll call discloses the presence of 49 Senators who have answered to their names. A quorum of the Senate is present.

Mr. HALE. Mr. President, I do not want to interefere with the Senator from North Dakota [Mr. McCUMBER], but it is evident that no further business can be done to-day. I therefore move that the Senate adjourn.

The motion was agreed to, and (at 4 o'clock and 4 minutes p. m.) the Senate adjourned until Monday, December 19, 1910, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, *December 17, 1910.*

The House met at 12 o'clock noon.

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

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

URGENT DEFICIENCY 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 consideration of the bill H. R. 29495, the urgent deficiency appropriation bill. And pending that I ask unanimous consent that general debate be closed in five minutes.

The SPEAKER. The gentleman from Minnesota moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of H. R. 29495, the urgent deficiency appropriation bill. And pending that he asks unanimous consent that all general debate close on this bill in five minutes. Is there objection?

There was no objection.

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The motion of Mr. TAWNEY was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. BOUTELL in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of H. R. 29495, the urgent deficiency appropriation bill, and the Clerk will read.

Mr. TAWNEY. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. TAWNEY. Mr. Chairman, the total amount carried in this bill is $849,356.79. Of that amount there is less than $100,000 actual deficiency. There is $550,000 of that amount for continuing the work on the New York dry-dock. One hundred thousand dollars of that amount is an advance appropriation which Congress always makes in an urgent deficiency bill for the Geological Survey in Alaska. They need that appropriation as soon as possible in order that they may get their supplies into the interior of Alaska during the winter months when transportation facilities are far better than at any other time of year.

Then there is an item of $90,000 which, in a sense, is a deficiency in the Treasury Department on account of compensation in lieu of moities. Then there are two items for rent of buildings where the rent is long past due, the rent of a temporary structure while the post office is being erected—one in Columbus, Ohio, and one in Michigan. There are also the salaries of the judges of the the Court of Commerce and their contingent expenses. Also the salary of one district judge in the new district created at the close of the last session in the State of New York.

Mr. MANN. Has that judge been appointed?

Mr. TAWNEY. I do not know whether he has been appointed or not. Then there is a deficiency of $19,574 in the Treasury on account of stationery. The Secretary of the Treasury has submitted a letter stating that this appropriation was apportioned at the beginning of this fiscal year as required by the antideficiency act, and that the apportionment has since been waived because of the discovery of the fact which could not be ascertained or was not ascertained at the time the apportionment was made. That discovery was that the Chief of the Division of Stationery in the Treasury Department had drawn in advance on the appropriation for this fiscal year to make up a deficiency in the last fiscal year. There is now a new chief of that division. But the deficiency exists; in fact, the appropriation is practically exhausted at this time and it is very necessary that it should be made. The letter of the Secretary shows that the deficiency is a legal deficiency within the antideficiency law.

The CHAIRMAN. The time for general debate having expired, the Clerk will read the bill.

The Clerk read as follows:

WAR DEPARTMENT.

For reimbursement to the Broadway Bargain House, New York City, the amount paid by said firm for clothing purchased from the United States and paid for, but not delivered, $3,357.04.

Mr. MANN. Mr. Chairman, to that I raise a point of order.

Mr. TAWNEY. That item, Mr. Chairman, arises in this way: The War Department advertised for the sale of a large quantity of clothing. The purchaser bid and paid for the amount which the department stated in their proposal they had for sale, but when the department came to inventory and ship the clothing it was found that it did not inventory as much as they had represented and as much as they had received from this man in the city of New York. Now, this is to reimburse him for the difference between the actual amount of clothing he bid and paid for at the price fixed in his bid and the amount of clothing which he in fact received on the strength of the original proposal.

Mr. MANN. Of course this money was paid into the Treasury.

Mr. TAWNEY. The money was paid into the Treasury.

Mr. MANN. It is now a claim against the Government like other claims.

Mr. TAWNEY. No; it is not a claim against the Government.

Mr. MANN. What is it?

Mr. TAWNEY. Other branches of the service have the same provision; in fact, there is permanent law in the Internal Revenue Bureau. There is authority for refunding out of appropriations that are made for that purpose. There is no difference between making an appropriation in advance of the refunding of the amount, or in advance of the circumstances which require the refunding of the amount, and making an appropriation after the fact, as it is proposed to do here.

Mr. MANN. I take it that it is just an ordinary claim against the Government with an exceptional——

Mr. TAWNEY. No; it is an ascertained amount. The money is in the Treasury, the difference between the amount paid and the inventory price of the goods, and it does not belong to the Government, but belongs to this individual.

Mr. MANN. Well, I would not insist on the point of order, so far as the claim is concerned, although it is a claim against the Government, but I would like to make inquiry about one other thing. What I have in mind relates to the sale of clothing by the War Department. I have frequently seen in the city of Chicago, and the same is true in other cities, flaming advertisements in newspapers, accompanied with the rent of a store in a prominent place, filled with War Department goods, stating that these goods were new and had been purchased from the Government, and were now for sale at reduced rates. I have examined those goods, blankets in the very best of order, as good blankets as are used in the War Department, much clothing in the same condition, and I would like to know how it is that these goods are being offered for sale by the Government under such conditions.

Mr. TAWNEY. Because they are condemned.

Mr. MANN. It may be; but for what?

Mr. TAWNEY. Condemned by officials of the War Department.

Mr. MANN. Well, I know they are nominally condemned; but condemned for what?

Mr. TAWNEY. The chairman of the Committee on Military Affairs, who is somewhere on the floor, may be able to answer the gentleman from Illinois, but my understanding is that the officials of the War Department, acting under the authority of the Secretary of War, condemn these goods, and then they are advertised for sale. This particular sale was condemned under the authority of the Acting Secretary of War, October 11, 1909, 27,000 drill coats, 30,000 duck coats, 25,000 drill trousers, and 26,200 duck trousers.

Mr. MANN. What was the matter with them?

Mr. TAWNEY. The condemned clothing was advertised for sale. I had no opportunity to examine the clothing, and I do not know whether it was moth-eaten or what was the matter with it.

Mr. MANN. But the gentleman had an opportunity in the committee to ascertain the information that I want, and if he did not avail himself of that opportunity I regret it.

Mr. TAWNEY. They were condemned by authority of law, and there is no necessity wasting time finding out what the trouble was.

Mr. MANN. It is desirable not to waste time, but to properly use it in making an investigation. Here is clothing that can only be accepted by the War Department after inspection. We had up here not long since the question of whether the War Department inspection of clothing was as good as by the Indian Service. Here is clothing inspected by the War Department, and then condemned without being taken out of stock—not used, not worn; in some cases the regulations not changed; and then when the money is put into the Treasury they want us to take it out again. It seems to me we ought to have an explanation of an item like that.

Mr. DOUGLAS. May I ask what information was before the committee which led them to make this provision?

Mr. TAWNEY. A report from the Secretary of the Treasury transmitting a letter in Document No. 1142—a letter from the Quartermaster General—fully explaining the circumstances under which the excess amount was paid into the Treasury, and also a detailed statement of the quantity of goods and the authority under which they were condemned. The circular does not state why they were condemned.

Mr. MANN. Well, I am sorry that I can not get the information. I have laid away somewhere among my files some of these page advertisements, and if I had known this item was in this bill this morning I think I would have produced those advertisements and asked leave to put them into the RECORD. Following these advertisements, which I have seen on a number of occasions in the metropolitan papers, I have gone to the store and examined the goods—perfectly new. It may be that some excuse can be given for it.

Mr. MANN. I do not think the Quartermaster's Office would do such a thing without an excuse. I think we ought to have a reasonable excuse and know why good clothing purchased to-day, inspected to-morrow, is condemned the next day and sold the next day, if that be the case.

Mr. HULL of Iowa. I doubt if that is true.

Mr. MANN. Well, that is what we want to find out.

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even though we applied the rule as indicated by the Chair. I may be in error, and I should like to have the Secretary give the pairs that were announced.

Mr. HALE. Mr. President——

The PRESIDING OFFICER. Will the Senator from North Dakota yield to the Senator from Maine?

Mr. McCUMBER. I yield.

Mr. HALE. The Senator from New Hampshire in charge of this important bill has brought it before the Senate. Without spending any more time on this question of the ruling or the intimation of the Chair, as it was ended by a roll call that disclosed a quorum, I should like the Chair to state just what is the attitude of the bill in charge of the Senator from New Hampshire. What is the amendment pending, and if there is any amendment pending, let us proceed to vote upon it.

The PRESIDING OFFICER. The Chair will state that there is not any amendment pending at the present time. The bill is in the Senate.

Mr. HALE. Then why should we spend any more time——

Mr. McCUMBER. There is a question whether there is an amendment pending.

Mr. HALE. The Chair has ruled there is no amendment pending.

Mr. McCUMBER. I have the right to offer an amendment.

Mr. HALE. The Senator has the right. What I am trying to get at is some progress upon this bill, without spending any more time upon a subject-matter where the debate has shown clearly that the Senate is almost unanimous that there will never be—not in our day—any infringement of the rule and the practice of the Senate heretofore. But that ought not to imperil this important measure, which can be presented to the Senate and a vote taken on it, and I take it that is what the Senator from New Hampshire [Mr. BURNHAM] desires.

Mr. BURNHAM. Certainly.

Mr. HALE. I should hope that the Senator will not further delay the bill, as no amendment is pending, and let us proceed to the consideration of the bill, without spending any more time on that subject, which has already, so far as the indication of the opinion of the Senate goes, been settled by the almost unanimous opinion of the body. So I hope the Senator will allow the bill, without regard to that matter, to come before the Senate, unless he desires to defeat the bill.

Mr. McCUMBER. Mr. President, I desired simply to call attention to the facts that I have, and then to secure the ruling of the Chair upon the matter. I shall not attempt even to appeal from the Chair's decision if it should be contrary to the view I take.

The PRESIDING OFFICER. The Chair is prepared to rule. The Chair would rule that inasmuch as the Vice President declared that the amendment was not agreed to, and the Journal containing that declaration has been read and approved by the Senate, it is not now before the Senate. But the Chair may perhaps go outside of its privilege a little, and suggest to the Senator from North Dakota that a motion to reconsider the vote would be in order at the present time.

Mr. McCUMBER. I am not going even to move to reconsider the vote, but I shall consider the amendment as disagreed to, according to the ruling of the Chair; and I now offer a substitute for that amendment, Mr. President.

The PRESIDING OFFICER. The Senator from North Dakota offers an amendment, which the Secretary will state.

The SECRETARY. On page 127, at the end of line 18, insert the following words:

All claims for attorneys' fees or expenses incurred in the prosecution of this claim shall first be settled by the probate court of the District of Columbia before the same or any part thereof shall be paid out of the aforesaid sum, and any defense which the heirs at law or either of them may interpose, either as to the competency of the decedent to enter into any contract for payment of attorneys' fees or expenses in such prosecution, or as to the excessiveness of such claim, shall first be tried and passed upon by said probate court before the same shall be allowed.

Mr. BURTON. Mr. President, on that——

Mr. McCUMBER. If the Senator will excuse me for a moment, I sent the wrong amendment to the desk. I purpose to be more liberal than that amendment was, and I ask to have this take its place.

The PRESIDING OFFICER. The Senator from North Dakota submits an amendment in place of the one last stated, which the Secretary will now state.

The SECRETARY. At the same place, on page 127, at the end of line 18, insert the following words:

That all claims of attorneys for fees or expenses incurred in the prosecution of aforesaid claim of said decedent shall before the same is paid out of the said sum be submitted to the probate court of the District of Columbia, and said probate court shall allow only just and reasonable compensation for the services of such attorneys irrespective of any contract that may have been entered into between them and said decedent.

Mr. BURTON. On that I raise the point of order that it is the same question as that which we have voted upon. The amendment which was voted out last Saturday did not contain the words "just and reasonable," but those go without saying. In any proceeding before a court of justice that which is just and reasonable should be done. The remaining part of it, in regard to the validity of the contracts, was as well implied. It certainly was not expected in the amendment voted down that contracts which were invalid should be sustained. The verbiage is different, but the substance is the same.

Mr. McCUMBER. It has no relation whatever to it. The one which was read first was similar, and I immediately offered a substitute for it. Under the first amendment the contract made between the parties was left intact. Under a claim on the part of the Senator from Ohio that this was excessive or that the heirs thought the old contract was unjust the Senate fixed a different remuneration.

Now, I submit to the Senator from Ohio and to all Senators here, especially to those who have no acquaintance whatever with the case, that I can not understand, when we say we will abandon the contracts entirely—and that is what this last amendment does—and that the judge of probate shall disregard any contracts, either written or oral, and shall allow only just and reasonable remuneration for the attorneys in the action, why anyone who desires to give justice and exact justice should object. It is much more reasonable than any amendment which has been offered, even more so than that which was first offered by the Senator from Ohio.

If these attorneys appear before the probate court and show the actual value of their services and the amount of money they have expended, and the court shall pass upon that, and shall not take into consideration any contract that may have been entered into between the parties, it seems to me any party seeking exact justice and not wishing to act in an arbitrary manner could not reasonably object. The only thing I want to avoid is that the Senate itself, which has not the information, shall pass judgment upon the amount of the fees, upon what has been advanced, and what the services are worth after 40 or 50 years of litigation. If the Senator from Ohio can suggest in any different language than that I have employed any way to leave that matter entirely open to a disinterested tribunal to try it and pass judgment upon the merits, I should certainly cheerfully adopt that language.

I of course, Mr. President, understand the case and the work that has been done on it to a greater extent probably than any other Senator. I was talking this morning just for one moment—because it was a moment only—with the son of Mr. Goode. The father was the original attorney, and he is now dead.

The son is the administrator of his father's estate. He informed me that the 25 per cent provision, which applies generally to this bill, would not even pay the expenses that his father had been to in the prosecution of the claim. It seems that he has an itemized statement of all the expenses. He figured it out to me to a nicety, showing that the 25 per cent would not allow his father within forty-odd dollars of the amount of money that he had actually expended.

The PRESIDING OFFICER. The Chair would suggest to the Senator from North Dakota that the question is the point of order made by the Senator from Ohio and not the merits of the bill itself.

Mr. McCUMBER. I am willing that the Chair should first pass upon the point of order.

The PRESIDING OFFICER. The Chair overrules the point of order and the amendment is before the Senate.

Mr. McCUMBER. Of course if the Senate should persist in doing an absolute injustice to this claim, I shall be compelled to ask the Senate to take the claim out of the bill and dispose of it in that way. But I simply ask the Senators to allow any tribunal they see fit, which can get the facts before it, to pass judgment upon what is a reasonable fee, and if it is not 10 per cent the people who have been prosecuting this case are willing to take the judgment of the judge of probate upon the subject, whatever it may be. It does seems to me that that is as fair a proposition as could be submitted.

Mr. BURTON. Mr. President, this question has already been discussed at great length. It seems to me it is an unusual proposition to select out one claim from a multitude of hundreds or thousands and prescribe a different rule for compensation from that which is prescribed in every other one. The Senate after a discussion of this matter last Saturday decided to fix a uniform rule under which 25 per cent was made the maximum amount to be paid to attorneys. No doubt in a very considerable number of these cases that amount may prove to be an inadequate compensation, but the object of so voting, I

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take it, was in great part to discourage the prosecution of these claims which are merely for the benefit of attorneys. I am willing to submit the question to the Senate.

Mr. MCCUMBER. I have stated again and again that in the direct contract on which they agreed the attorneys fee was to be 50 per cent for all fees and expenses, and there have been over 50 years of litigation. This applies simply to this case that I have knowledge of. All I ask is that in this case (I do not know anything about any of the others) we simply submit to the court the question of what is reasonable compensation, not only for the expenses, but also for any services rendered, and in doing that shall absolutely disregard even a written or oral contract. Now, it does seem to me that that is a fair proposition.

The PRESIDING OFFICER. The question is on the amendment submitted by the Senator from North Dakota. [Putting the question.] The ayes appear to have it.

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

The yeas and nays were ordered.

Mr. CULBERSON. May I ask that the question be restated?

The PRESIDING OFFICER. The amendment will be again read.

The SECRETARY. On page 127, at the end of line 18, insert:

That all claims of attorneys for fees or expenses incurred in the prosecution of the aforesaid claim of said decedent shall, before the same is paid out of the said sum, be submitted to the probate court of the District of Columbia, and the said probate court shall allow only just and reasonable compensation for services of such attorneys, irrespective of any contract that may have been entered into between them and said decedent.

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 my pair to the senior Senator from Alabama [Mr. BANKHEAD], and vote "yea."

Mr. JONES (when his name was called). I am paired for the day with the senior Senator from Maryland [Mr. RAYNER]. If he were present, I would vote "nay," and under the understanding with him I vote "present."

Mr. PAYNTER (when Mr. JOHNSTON's name was called). I desire to announce that the junior Senator from Alabama [Mr. JOHNSTON] is detained from the Senate on account of illness.

Mr. PAYNTER (when his name was called). I have a general pair with the senior Senator from Colorado [Mr. GUGGENHEIM], who is necessarily detained from the Senate, and I will therefore withhold my vote.

The roll call was concluded.

Mr. CLARK of Wyoming. I have a general pair with the Senator from Missouri [Mr. STONE]. I transfer that pair to the Senator from New York [Mr. DEPEW], and vote "yea."

Mr. KEAN. The senior Senator from Rhode Island [Mr. ALDRICH] is paired with the junior Senator from South Carolina [Mr. SMITH] for the day, and the junior Senator from Rhode Island [Mr. WETMORE] is paired with the senior Senator from Arkansas [Mr. CLARKE].

Mr. BRISTOW. I desire to state that my colleague [Mr. CURTIS] is paired with the Senator from Tennessee [Mr. FRAZIER]. My colleague is necessarily detained from the Senate.

Mr. BACON. I desire to announce that I am paired with the junior Senator from Maine [Mr. FRYE], who is absent, and I withhold my vote.

The result was announced—yeas 27, nays 21, as follows:

YEAS—27.

Borah	Gallinger	Newlands	Swanson
Bradley	Hale	Overman	Taliaferro
Brandegee	Heyburn	Percy	Terrell
Burnham	Kean	Perkins	Thornton
Chamberlain	Lorimer	Piles	Warren
Clark, Wyo.	McCumber	Purcell	Young
Fletcher	Martin	Scott	

NAYS—21.

Bourne	Crawford	Lodge	Sutherland
Briggs	Cullom	Nixon	Taylor
Bristow	Cummins	Page	Warner
Brown	Dick	Shively	
Burkett	du Pont	Smith, Mich.	
Burton	La Follette	Smoot	

NOT VOTING—44.

Aldrich	Culberson	Gamble	Penrose
Bacon	Curtis	Gore	Rayner
Bailey	Davis	Guggenheim	Richardson
Bankhead	Depew	Hughes	Root
Beveridge	Dillingham	Johnston	Simmons
Bulkeley	Dixon	Jones	Smith, Md.
Burrows	Elkins	Money	Smith, S. C.
Carter	Flint	Nelson	Stephenson
Clapp	Foster	Oliver	Stone
Clarke, Ark.	Frazier	Owen	Tillman
Crane	Frye	Paynter	Wetmore

So Mr. MCCUMBER's amendment was agreed to.

The PRESIDING OFFICER. If no further amendment be proposed——

Mr. BRISTOW. I desire to offer an amendment which is quite lengthy, and I will explain it. I have gone through the bill, seeking to cut out all the payments in the French spoliation claims for insurance and for premiums. I offer this amendment, which cuts out a large part, about $275,000, if I remember rightly, of the appropriation for the French spoliation claims. There is more than that. There is in the bill two hundred and eighty-seven thousand dollars and a fraction for insurance, and some $39,231 for premiums on insurance. The amendment which I offer cuts out these amounts, so that the insurers, the underwriters, will not be reimbursed for their commercial losses.

The PRESIDING OFFICER. Will the Senator from Kansas suspend one moment, so that the unfinished business may be laid before the Senate? It was not attended to at 2 o'clock, because the Senate was dividing. The Secretary will state the unfinished business by title.

The SECRETARY. A 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."

The PRESIDING OFFICER. The Senator from New Hampshire asks that the unfinished business may be temporarily laid aside. Is there objection? The Chair hears none. The Senator from Kansas has the floor.

Mr. HEYBURN. I desire to report back favorably, from the Committee on Mines and Mining, the bill (S. 9027) to exempt owners of unpatented mining claims from performing annual labor upon such claims for the year 1910, under certain circumstances, and to ask for unanimous consent for its present consideration. It is a relief bill for the sufferers by the fire; those who were burned out——

The PRESIDING OFFICER. The Chair will suggest to the Senator from Idaho that under the rules of the Senate that can not be done at the present time. The Senator from Kansas has the floor.

Mr. HEYBURN. I did not catch the ruling of the Chair.

The PRESIDING OFFICER. The ruling of the Chair is that, under the rules of the Senate, the Senator from Kansas can not be taken from the floor for the purpose of business of that kind.

Mr. HEYBURN. I so timed my report as not to violate that rule. The Senator from Kansas was taken off the floor at 2 o'clock by the clock indicating the hour of the unfinished business.

The PRESIDING OFFICER. The Senator's remarks were only suspended for that purpose. The Senator from Kansas has the floor. If the Senator from Kansas yields the floor the Chair will recognize the Senator from Idaho.

Mr. HEYBURN. I think it will appeal to the Senator. I will say that it is a bill for the relief of the sufferers, the persons who were burned out, deprived of their annual labor. It is to relieve them for the time being. For that reason I have reported from the committee favorably a bill covering that subject.

Mr. BRISTOW. I will be very glad to yield if it does not interfere with my rights in discussing the claims bill.

Mr. BURNHAM. Mr. President, not only as a matter of the rules, but in the interest of the bill which I am presenting to the Senate, I do not yield to the Senator from Idaho.

The PRESIDING OFFICER. Objection is made and the Senator from Kansas will proceed.

Mr. BRISTOW. I offer at this time an amendment cutting out the insurance and premiums, because it is part of the appropriation for the spoliation claims. If it were in order to offer an amendment to cut out the spoliation claims in the event that that was defeated, and then to offer this amendment, I would offer the other amendment first; but, as I understand the rules of the Senate, if an amendment is offered to cut out the entire part of the bill carrying the appropriations for the French spoliation claims and that should not prevail, then it precludes the offering of an amendment to cut out a part of them, refusing to cut them all out being equivalent to the adoption of that part of the bill. So I offer this amendment, which cuts them out in part, and I will follow that, whether it is accepted or rejected, by another amendment to cut out all the French spoliation claims. I offer this amendment first because if I offered the other and lost, this would not be in order. I will ask that the amendment be read.

The PRESIDING OFFICER. The Senator from Kansas offers an amendment, which will be read.

Mr. BRISTOW. Before it is read I want to make the statement that I have gone through the bill and that the erasures

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that I am asking for simply refer to insurance and premiums. It has been quite laborious, but at the same time I think it is accurate.

Mr. BURNHAM. This subject has been debated, I think, quite fully, and after the question is stated I desire a vote.

The PRESIDING OFFICER. The proposed amendment will be read.

The SECRETARY (reading):

On page 48 strike out lines 17 to 21, inclusive, and in lines 24 and 25 strike out the words "nine hundred and twenty-five," and insert in lieu thereof the word "eighty-five."

On page 49 strike out lines 1, 2, 3, and 4 and lines 13 to 22, inclusive.

On page 50 strike out lines 9 and 10 and insert in lieu thereof the words "seven thousand three hundred and seventy-seven dollars and forty-nine cents;" strike out lines 14 and 15 and insert in lieu thereof the words "one thousand three hundred and seventy-three dollars and sixty-five cents;" strike out, in line 16, after the word "Willet," the word "one," and all of lines 17 and 18, and insert in lieu thereof the words "one thousand three hundred and seventy-three dollars and sixty-five cents;" and strike out lines 19 to 24, inclusive.

On page 51 strike out lines 1 and 2; strike out line 6, and in lieu thereof insert the words "twenty-six thousand seven hundred and forty-two dollars;" and strike out lines 8 to 24, inclusive.

On page 52 strike out lines 1 to 17, inclusive; in line 21 strike out the words "two thousand four hundred" and insert in lieu thereof the words "one thousand six hundred."

On page 53 strike out lines 14 and 15, and insert in lieu thereof the words "five thousand four hundred and fifty-four dollars;" in line 17, after the word "Campbell," strike out the words "six thousand seven hundred and sixty-six," and all of line 18, and insert in lieu thereof the words "five thousand four hundred and fifty-four dollars;" in line 20 strike out the words "three thousand eight hundred" and insert in lieu thereof the words "two thousand nine hundred and twenty-five;" and strike out lines 25 and 26.

On page 54 strike out lines 1 to 6, inclusive; in line 6, after the word "Company," strike out the words "four thousand eight hundred and fifty" and insert in lieu thereof the words "four thousand four hundred and seventy;" and strike out lines 11 to 24, inclusive.

On page 55 strike out lines 1 to 20, inclusive, and in line 24, after the word "Pennock," strike out the word "four" and insert in lieu thereof the word "two."

On page 56 strike out lines 8 and 9 and insert in lieu thereof the words "one thousand nine hundred and forty-nine dollars and eighty-four cents," and strike out lines 18 to 23, inclusive.

On page 57, in lines 12 and 13, strike out the words "six thousand four" and insert in lieu thereof the words "five thousand nine," and strike out lines 14 to 25, inclusive.

On page 58 strike out lines 1 and 2 and lines 7 to 24, inclusive.

On page 59 strike out lines 1 to 25, inclusive.

On page 60 strike out lines 1 to 11, inclusive; and strike out line 25 and insert in lieu thereof the words "six hundred and fifty-two dollars and forty-eight cents."

On page 61 strike out line 2 and insert in lieu thereof the words "three hundred and twenty-six dollars and twenty-five cents;" after the word "Atwater," in line 3, strike out the word "four" and all of line 4 and insert in lieu thereof the words "three hundred and twenty-six dollars and twenty-five cents;" in lines 5 and 6 strike out the words "two hundred and thirty-eight dollars and twenty-one cents" and insert in lieu thereof the words "one hundred and sixty-three dollars and thirteen cents;" strike out line 8 and insert in lieu thereof the words "one hundred and sixty-three dollars and twelve cents;" in line 12 strike out the words "five thousand one" and insert in lieu thereof the words "three thousand six;" and strike out all of lines 14 to 24, inclusive.

On page 62 strike out lines 1 to 15, inclusive; in lines 18 and 19 strike out the words "six hundred and sixty-two dollars and four cents" and insert in lieu thereof the words "five hundred and twenty-seven dollars and twenty-nine cents;" and strike out lines 20 to 25, inclusive.

On page 63 strike out lines 1 and 2; in line 7 strike out the words "three thousand eight hundred and sixty-six" and insert in lieu thereof the words "two thousand six hundred and forty-one;" and strike out lines 16, 17, 18, and 19.

On page 64, in lines 4 and 5, strike out the words "ten thousand two hundred and seventy-five" and insert in lieu thereof the words "six thousand four hundred and fifteen;" strike out lines 10 and 11; and strike out lines 21 to 25, inclusive.

On page 65 strike out lines 1 to 24, inclusive.

On page 66 strike out lines 1 to 24, inclusive.

On page 67 strike out lines 1 to 5, inclusive; in line 9, after the word "thousand," strike out the word "six" and insert in lieu thereof the word "one;" strike out lines 10 to 21, inclusive.

On page 68, in lines 3 and 4, strike out the words "one thousand four" and insert in lieu thereof the word "eight;" in line 7, strike out the word "eight" and insert in lieu thereof the word "three;" and strike out lines 11 to 24, inclusive.

On page 69 strike out lines 1 to 7, inclusive; strike out lines 21, 22, and 23; and in lines 24 and 25 strike out the words "nine thousand two hundred and forty" and insert in lieu thereof the words "six thousand three hundred and sixty."

On page 70 strike out lines 1 to 25, inclusive.

On page 71 strike out lines 1 to 24, inclusive.

On page 72 strike out lines 1 to 16, inclusive.

On page 73 strike out the word "one" at the end of line 3 and all of lines 4 and 5 and insert in lieu thereof the words "one thousand six hundred and twenty-four dollars;" strike out lines 7 and 8 and insert in lieu thereof the words "one thousand six hundred and twenty-four dollars;" and strike out lines 9 to 20, inclusive.

On page 74 strike out the word "three" at the end of line 3, and all of lines 4 and 5 and insert in lieu thereof the words "two thousand four hundred and fourteen dollars;" strike out lines 6 to 25, inclusive.

On page 75 strike out lines 1 to 8, inclusive, and lines 21 to 26, inclusive.

Strike out pages 76 and 77 entire.

On page 78 strike out lines 15 to 24, inclusive.

On page 79 strike out lines 1 to 20, inclusive; in lines 21 and 22 strike out the words "one thousand and forty-eight" and insert in lieu thereof the words "four hundred."

On page 80 strike out lines 6 to 25, inclusive.

On page 81 strike out lines 1 and 2, and lines 7, 8, 9, and 10.

On page 82 strike out lines 1 to 12, inclusive; strike out line 21, and in lieu thereof insert the words "seven hundred and fifty dollars and sixty-eight cents;" strike out, in line 23, after the word "thousand," the word "eight" and insert in lieu thereof the word "seven;" strike out all of lines 24, 25, and 26.

On page 83, in line 4, after the word "junior," strike out the remainder of the line and all of line 5, and insert in lieu thereof the words "one thousand three hundred and ninety dollars and fifty-seven cents;" and strike out lines 6 to 25, inclusive.

On page 84 strike out lines 1 to 24, inclusive.

On page 85 strike out lines 1 to 8, inclusive; in lines 11 and 12, strike out the words "five thousand one hundred and fifty-three dollars and three cents" and insert in lieu thereof the words "four thousand seven hundred and seventy-six dollars and fifty-four cents;" and strike out lines 13 to 24, inclusive.

On page 86 strike out lines 1 to 24, inclusive.

On page 87 strike out lines 1 to 24, inclusive.

On page 88 strike out lines 1 to 8, inclusive; strike out the word "two" at the end of line 16, and all of line 17, and insert in lieu thereof the words "two thousand six hundred and eighty-three dollars and fifty cents;" in line 19 strike out the words "eight hundred and fifty-eight" and insert in lieu thereof the words "six hundred and eighty-three;" and strike out lines 20 to 26, inclusive.

On page 89 strike out lines 1 to 16, inclusive, and lines 21, 22, 23, and 24.

On page 90 strike out lines 1 to 8, inclusive; strike out the word "seven," at the end of line 12, and all of line 13, and insert in lieu thereof the words "six hundred and eighty-five dollars;" strike out lines 17 to 24, inclusive.

On page 94 strike out lines 1 to 14, inclusive.

On page 92, in line 4, strike out the words "seven hundred and sixty" and insert in lieu thereof the words "five hundred;" and strike out lines 8 to 23, inclusive.

On page 93 strike out lines 1 and 2; and strike out lines 9 to 12, inclusive.

On page 94, in line 5, strike out the words "and sixty-six dollars and sixty-six cents" and insert in lieu thereof the word "dollars;" strike out lines 6 to 25, inclusive.

On page 95 strike out lines 1, 2, 3, and 4; strike out lines 9 and 10 and insert in lieu thereof the words "six hundred and nineteen dollars and six cents;" strike out lines 13 to 17, inclusive; in lines 19 and 20 strike out the words "nine hundred and sixty" and insert in lieu thereof the words "six hundred;" in line 24 strike out the words "two thousand two" and insert in lieu thereof the words "one thousand eight;" strike out lines 25 and 26.

On page 96 strike out lines 1, 2, 3, 4, and 5; in lines 9 and 10 strike out the words "two thousand and eighty-nine dollars and eighty-three cents" and insert in lieu thereof the words "one thousand and fifty-nine dollars;" strike out line 12 and insert in lieu thereof the words "one thousand and fifty-nine dollars;" strike out lines 13 to 25, inclusive.

On page 97 strike out lines 1 and 2 and lines 5 to 22, inclusive; in line 24 strike out the words "four hundred and eighty-nine" and insert in lieu thereof the words "three hundred and nine."

On page 98 strike out the word "three" at the end of line 3 and all of lines 4 and 5 and insert in lieu thereof the words "two hundred and fifty-seven dollars and seventy-seven cents;" in lines 7 and 8 strike out the words "three thousand seven hundred and ninety-seven dollars and eighty-seven cents" and insert in lieu thereof the words "two hundred and fifty-seven dollars and seventy-seven cents;" strike out lines 21, 22, 23, 24, and 25.

On page 99 strike out lines 1 to 24, inclusive.

On page 100 strike out lines 1 to 25, inclusive.

On page 101 strike out lines 1 to 6, inclusive.

On page 102 strike out lines 1 to 24, inclusive.

On page 103 strike out lines 1 to 10, inclusive; strike out line 21 and insert in lieu thereof the words "four hundred and forty-nine dollars and twenty-seven cents;" strike out the word "five" at the end of line 22 and all of line 23 and insert in lieu therof the words "four hundred and forty-nine dollars and twenty-seven cents;" strike out lines 24, 25, and 26.

On page 104 strike out lines 12 to 19, inclusive.

On page 105 strike out lines 6 to 25, inclusive.

On page 106 strike out lines 1 to 15, inclusive; and in line 20 strike out the words "six hundred and twenty-eight" and insert in lieu thereof the words "one hundred and three."

On page 48——

Mr. BRISTOW. Before the remainder of the amendment is read, I desire to state that it refers to cases of vessels upon which reports are not contained in this volume [indicating]. Not having had before me the volume referred to by the Senator from New Hampshire [Mr. BURNHAM] the other day, I was not able to take out that part of the appropriation for premiums and insurance; and since there is no report which is at all available or at all convenient for the Senate to examine, I ask to strike out all of the appropriations for the vessels for which reports are not contained in this book, and the part which the Secretary is going to read is the part of the amendment relating to this point.

The SECRETARY. The amendment proposed by Mr. BRISTOW continues:

On page 48 strike out lines 13 to 16, inclusive.

On page 79 strike out lines 23, 24, 25, and 26, and on page 80 strike out lines 1, 2, and 3.

On page 81 strike out lines 11 to 25, inclusive.

On page 88 strike out lines 9 to 13, inclusive.

On page 91 strike out lines 15 to 24, inclusive.

On page 93 strike out lines 15 to 24, inclusive.

On page 98 strike out lines 9 to 16, inclusive.

On page 101 strike out lines 7 to 24, inclusive.

On page 106 strike out lines 22 to 26, inclusive, and strike out all of pages 107 to 117, inclusive, and on page 118 lines 1 to 12, inclusive.

The PRESIDING OFFICER. Does the Senator from Kansas desire that the matter which has just been read shall be treated as one amendment?

Mr. BRISTOW. Yes.

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The PRESIDING OFFICER. Without objection, it will be so ordered.

Mr. BURNHAM. Mr. President, I desire to say, as to the part of the amendment last referred to by the Senator from Kansas, that the items referred to are all based upon findings that are in the Senate document room, available to anybody at any time. They have been sent here the same as others have been and they have been referred to the Senate Committee on Claims. They are all certified claims.

In view of the fact that on last Saturday the Senate, by a very decisive vote, rejected substantially the same proposition now submitted by the Senator from Kansas, I do not propose to discuss it, but should like to have a vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from Kansas.

Mr. BRISTOW. The Senate on last Saturday did not reject this amendment, but it rejected an amendment which sought to recommit the bill. If the Senator from New Hampshire will remember, when the vote was taken on whether or not all these claims or any part of them should be retained in the bill, the proposition was lost by a tie vote.

Mr. BURNHAM. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from New Hampshire?

Mr. BRISTOW. I do.

Mr. BURNHAM. Will the Senator answer the query whether or not the motion was not to recommit the bill with instructions to strike out all allowances made for the payment of premiums and allowances for insurance?

Mr. BRISTOW. It was; but I was advised by a number of Senators that they would very much prefer to vote to strike out that part relating to insurance than to recommit the bill, because of the many other claims that would be involved in recommitting.

I now wish to call attention of the Senate to the merits of this proposition. I want to say, first—and I do not intend to consume a large amount of time—that the Committee on Claims of the Senate in 1818, on the 3d day of March, if I remember the date accurately, reported to the Senate a resolution declaring that these claims were not valid.

Mr. JONES. Mr. President, I suggest the absence of a quorum.

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

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

Bacon	Clark, Wyo.	Jones	Purcell
Bailey	Crane	Kean	Root
Borah	Crawford	Lodge	Scott
Bradley	Culberson	Martin	Shively
Brandegee	Cullom	Money	Smith, Md.
Briggs	Cummins	Newlands	Smith, Mich.
Bristow	Dick	Nixon	Smoot
Brown	Dillingham	Overman	Swanson
Burkett	Dixon	Page	Taliaferro
Burnham	Flint	Paynter	Thornton
Burrows	Gallinger	Percy	Warner
Carter	Hale	Perkins	Warren
Clapp	Heyburn	Piles	Young

The PRESIDING OFFICER. Fifty-three Senators have answered to their names. A quorum of the Senate is present. The Senator from Kansas will proceed.

Mr. BRISTOW. Mr. President, I desire to state that in 1818 the Committee on Claims of the United States Senate had these claims before it, and it made a report to the Senate. That committee was composed of the following Senators: Mr. Roberts, of Pennsylvania; Mr. Morrill, of New Hampshire; Mr. Ruggles, of Ohio; Mr. Goldsborough, of Maryland; and Mr. Wilson, of New Jersey. That report was made to the Senate on the 3d of March, 1818, and it discussed these claims. I want to read a paragraph from that report. That is the first official action which Congress had taken in regard to these claims. It was within 20 years of the period when these claims originated, and this committee, headed by Mr. Roberts, of Pennsylvania, and of which Mr. Morrill, of New Hampshire, was a member, found in part as follows:

> The committee can not discover any original obligation on the United States to pay those claims, and they think it would be more unreasonable to infer obligation when their nature has been found to preclude their recovery by negotiation. To them it appears the Government has performed its duty with fidelity and diligence.

I want to call attention to the fact of the difference in the declarations made by the Committee on Claims then, of which Mr. Morrill, of New Hampshire, was a member, and the attitude taken by certain Senators on this floor in this debate. They certainly had an ample opportunity and as good an opportunity to know the validity of these claims and of the responsibility of the Government as we have to-day. I repeat the committee said:

> It appears the Government has performed its duty with fidelity and diligence and that the alleged liability of it to pay on the ground of its having renounced its pretensions to recover those claims is of no validity. No details have been laid before the committee, nor even an estimate of the amount claimed. From the number and character of the memorialists it may fairly be presumed to be very considerable. This is not offered as a reason for the disallowance of the claim, but as one why its merits ought to be well investigated. The claims heretofore allowed by treaty present proof that those now made are of more doubtful justice. The committee have thought it unnecessary to decide on the question of the alleged illegality of the captures and confiscations of which the memorialists complain. It is obvious, however, that France was not the only belligerent that preyed upon neutral commerce during the late European wars or under whose piratical depredations our citizens have suffered during that period. England and her allies made the first attempts to violate the law of nations, as reference to the President's message to Congress of the 23d of December, 1808, will prove. France soon fell in with their course of wrong, and in the sequel even minor states emulated their more powerful neighbors in the carreer of iniquity. From which of them have your citizens obtained redress? And if you allow this claim, which on the catalogue will not impose on you as strong or stronger obligations to make reimbursements? Where are the reclamations for the 1,000 ships plundered from your people under the British orders? Our country has fought hard, it is true, and conquered a glorious peace, and will it be said that the Government, in the failure to recover indemnity for this plunder purchased it at the expense of the sufferers? Certainly not. Such reasoning, however, would be about as pertinent as that offered by the memorialists.

On the point of insurance the committee said:

> This claim is in part made by underwriters and even insurance companies; their pretensions are certainly weaker than the bona fide claimant of the vessels and merchandise. While the committee entertain the utmost respect for the memoralists and, they hope, duly estimate the feelings of men who have suffered so severely under losses arising out of a spirit of wanton injustice, they indulge the remark that lapse of time has softened the features of the original grievance while it has made it more difficult to adjust the claim, if it was right to undertake it. Individual ruin was often consequent on these alleged illegal captures and condemnations, but much of the injury was incurred under a knowledge of the risk, and, in the main, the commerce of the country flourished. Speaking the same language with one of the belligerents, it is fairly presumable a portion of the losses in question was connected with foreign interest, at all times difficult to detect, not less so from lapse of time. Indeed, this seems to have been a cause for the withholding payment by France of these claims in part.
>
> The memorialists suggest they have, for reasons arising out of the state of the country, forborne hitherto to bring their claim into the view of Congress, but now that the state of the Treasury is capable of affording ample means for doing justice to all the citizens, they have been led to ask relief.

It has been said that the country was poor and not able to meet this obligation. This does not seem to have been the case in 1818.

> For this patriotic forbearance the claimants are entitled to due credit, but the committee are not aware that this ought to have any weight in deciding on the claim. It certainly does not relax the obligations of Congress to observe as strict and just an application of the public moneys as if the Treasury was not so well supplied. The committee take occasion to remark that when the amount of the ultimate engagements of the Government are duly weighed there will be found abundant cause for care and economy in the disbursement of the public moneys. From a full consideration of this case, the committee respectfully submit the following resolution:
>
> *Resolved*, That the relief asked by the memorialists and petitioners ought not to be granted.

That resolution passed the Senate without division in 1818.

Mr. BROWN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Nebraska?

Mr. BRISTOW. I do.

Mr. BROWN. Upon the Senator's investigation I want to inquire whether there was any doubt at all about that report and resolution dealing with the matters that are here presented?

Mr. BRISTOW. None whatever; it is admitted by all.

Mr. BROWN. And is that the first action taken by Congress on this matter?

Mr. BRISTOW. This is the first action taken by Congress. The next action taken by Congress, so far as I have been able to learn, was in 1846, when a bill was passed to pay these claims in land. That bill was vetoed by President Polk. Now I desire to submit as a part of my remarks the membership of the Senate that the Journal shows was attending the session when this resolution was adopted.

The PRESIDING OFFICER. Without objection, the matter will be printed without reading.

The matter referred to is as follows:

MEMBERS OF THE UNITED STATES SENATE IN 1818 (15TH CONG., 1ST SESS.) WHO ATTENDED THE SESSION.

New Hampshire.—David L. Morril and Clement Storer.
Rhode Island and Providence Plantations.—James Burrill, jr., and William Hunter.
Vermont.—Isaac Tichenor and James Fisk.
Connecticut.—David Daggett and Samuel W. Dana.
New York.—Rufus King and Nathan Sanford.
New Jersey.—James J. Wilson and Mahlon Dickerson.
Pennsylvania.—Abner Lacock and Jonathan Roberts.
Virginia.—James Barbour and John W. Eppes.
North Carolina.—Nathaniel Macon and Montford Stokes.
South Carolina.—John Gaillard and William Smith.

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Georgia.—Charles Tait and George M. Troup.
Kentucky.—John J. Crittenden and Isham Talbot.
Tennessee.—John Williams and George W. Campbell.
Ohio.—Benjamin Ruggles and Jeremiah Morrow.
Indiana.—James Noble and Waller Taylor.
Massachusetts.—Harrison Gray Otis and Eli P. Ashmun.
Maryland.—Robert H. Goldsborough.
Delaware.—Outerbridge Horsey and Nicholas Van Dyke.
Mississippi.—Walter Leake and Thomas H. Williams.
Louisiana.—Eligius Fromentin and Henry Johnson.

Mr. BRISTOW. President Cleveland, it will be remembered, in his veto message laid special emphasis upon the injustice of reimbursing these insurance companies and underwriters for any of the money that they had paid. They were in business, charging excessive rates for the unusual risk. They lost, of course, occasionally, and they paid their losses. Why the Government should be called upon to tax the people of the United States at this time to reimburse those men is a thing that is inconceivable to me.

I should like the chairman of the committee, if he can, to advise the Senate as to whom this money is to be paid. Of course, from the bill it is difficult to ascertain just who will be the beneficiaries. We have heard discussions here in regard to the enormous fees that attorneys are to secure in certain claims that are incorporated in this bill. I do not know. I notice in the bill that a Mr. Brooks Adams will receive as administrator and in other capacities something over $50,000 out of the money appropriated in this bill. Could the Senator from New Hampshire advise the Senate as to who Mr. Brooks Adams is and what his relation to these claims is?

Mr. BURNHAM. Mr. President, I think he is from Massachusetts, but I do not know him.

Mr. BRISTOW. I notice also that Mr. Charles Francis Adams is to receive something over $22,000 as administrator and in other capacities.

Mr. BURNHAM. I judge from the names that both of those gentlemen are from Massachusetts. They are serving as administrators of these various estates.

Mr. BRISTOW. Then, I notice that Mr. George G. King is to receive, if I compute accurately, something over $39,000 out of these spoliation claims. Has the Senator any information as to who Mr. King is?

Mr. BURNHAM. I have not.

Mr. BRISTOW. Also, Mr. David Stewart is to receive some $28,000. Does the Senator have any information as to who he is?

Mr. BURNHAM. In answer to the questions which the Senator seems to desire to follow up, I will say that I do not have in mind any of these attorneys except Charles Francis Adams and one or two others, or have any knowledge of them whatever.

Mr. BRISTOW. I thought it would be interesting to know whether this money, if appropriated, is going to the agents, attorneys, or representatives in some distant or collateral capacity, or whether the money is to go to the actual descendants of those who claim to have lost.

I do not know that I want to extend my remarks. I have already referred to the message of President Cleveland; I have submitted the report of the original committee; I have put into the RECORD the veto messages of President Polk and President Pierce; I have submitted the facts as to the enormous premiums that were charged, as to the loss that was incurred, and as to the payment, presenting the business transactions; and now I am going to give the Senate an opportunity of saying whether or not they propose to reimburse these men for losses they were paid to assume, and which they did assume, and, of course, incidentally had some loss. It means that these men who were in the insurance business shall have their losses paid by the Government and be permitted to keep the enormous profits they made by charging sometimes 33⅓ per cent for taking the risk. I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas, on which he asks for the yeas and nays.

The yeas and nays were ordered, and 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. FLINT (when his name was called). I announce my pair with the senior Senator from Texas [Mr. CULBERSON]. He being absent, I withhold my vote.

Mr. OVERMAN (when Mr. PAYNTER'S name was called). I am requested to announce that the Senator from Kentucky [Mr. PAYNTER] is necessarily absent. He is paired with the senior Senator from Colorado [Mr. GUGGENHEIM].

The roll call was concluded.

Mr. JONES. I desire to announce that I am paired with the senior Senator from Maryland [Mr. RAYNER]. If present, he would vote "nay" and I would vote "yea." Under these circumstances I ask to be excused from voting.

Mr. DILLINGHAM. I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN], which I transfer to the Senator from Delaware [Mr. RICHARDSON] and vote. I vote "nay."

Mr. BRISTOW. I desire to state that my colleague [Mr. CURTIS] is necessarily absent from the Chamber. He is paired with the Senator from Tennessee [Mr. FRAZIER].

Mr. BACON. I have a pair with the junior Senator from Maine [Mr. FRYE]. As he is absent, I withhold my vote.

Mr. BRANDEGEE. I desire to announce that my colleague [Mr. BULKELEY] is paired to-day with the junior Senator from Arkansas [Mr. DAVIS].

Mr. CLARK of Wyoming. I desire to announce that I am paired with the Senator from Missouri [Mr. STONE]. I therefore withhold my vote. I should like to have this announcement hold for the balance of the day.

The result was announced—yeas 22, nays 25, as follows:

YEAS—22.

Beveridge	Cullom	Overman	Smith, Mich.
Borah	Cummins	Page	Terrell
Bristow	Dixon	Percy	Warner
Brown	Fletcher	Purcell	Young
Burkett	Heyburn	Shively	
Clapp	La Follette	Simmons	

NAYS—25.

Brandegee	Gallinger	Money	Smith, Md.
Briggs	Hale	Newlands	Swanson
Burnham	Kean	Nixon	Thornton
Crane	Lodge	Perkins	Warren
Crawford	Lorimer	Piles	
Dick	McCumber	Root	
Dillingham	Martin	Scott	

NOT VOTING—45.

Aldrich	Clarke, Ark.	Gore	Smith, S. C.
Bacon	Culberson	Guggenheim	Smoot
Bailey	Curtis	Hughes	Stephenson
Bankhead	Davis	Johnston	Stone
Bourne	Depew	Jones	Sutherland
Bradley	du Pont	Nelson	Taliaferro
Bulkeley	Elkins	Oliver	Taylor
Burrows	Flint	Owen	Tillman
Burton	Foster	Paynter	Wetmore
Carter	Frazier	Penrose	
Chamberlain	Frye	Rayner	
Clark, Wyo.	Gamble	Richardson	

So Mr. BRISTOW'S amendment was rejected.

Mr. BRISTOW. I move that the bill be amended by striking out from line 10, on page 53, to and including line 22, the item relating to the ship *Venus*.

The *Venus* is the ship that was sailing around the Mediterranean Sea carrying $31,000 of money which belonged to the owners and the captain, and a bundle of silk stockings which belonged to the captain. That is all the cargo she had, and the record shows that she had started on a trip from Gibraltar to Java.

This bill proposes to pay $4,144 freight which the ship presumably would have earned if she had gone to Java—a freight bill to carry money belonging to the owners around over the oceans wherever the ship might go.

It also proposes to pay back to them the insurance premium which was paid upon this cargo—$3,500. I desire to give the Senate an opportunity to decide now whether or not it believes that a claim like that is a just claim against the United States Government. The facts as I have stated them are all that are shown in the reports on this bill.

The SECRETARY. On page 53 it is proposed to strike out from line 10 down to and including line 22, the item relating to the vessel ship *Venus*.

The VICE PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Kansas. [Putting the question.] The noes appear to have it.

Mr. BRISTOW. I ask for a roll call on this vote.

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

Mr. BRADLEY (when his name was called). I announce my pair with the junior Senator from Tennessee [Mr. TAYLOR] and therefore withhold my vote.

Mr. MARTIN (when Mr. BURTON'S name was called). The Senator from Ohio [Mr. BURTON] was called from the Chamber, and may be absent for a while. I am paired with him. He would vote "yea" and I should vote "nay" if I were at liberty to vote.

Mr. FLINT (when his name was called). I again announce my pair with the senior Senator from Texas [Mr. CULBERSON].

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Mr. MARTIN (when his name was called). I am paired with the Senator from Ohio [Mr. BURTON]. If he were present I should vote "nay."

Mr. PAYNTER (when his name was called). I announce my general pair with the senior Senator from Colorado [Mr. GUGGENHEIM].

The roll call was concluded.

Mr. DILLINGHAM. I again announce my pair with the senior Senator from South Carolina [Mr. TILLMAN] and withhold my vote.

Mr. JONES. I again announce my pair with the senior Senator from Maryland [Mr. RAYNER] and ask to be excused from voting.

Mr. BRISTOW. I desire to state that my colleague [Mr. CURTIS] is absent necessarily from the Chamber. He is paired with the Senator from Tennessee [Mr. FRAZIER]. I desire this statement to stand for the day on all votes.

Mr. BACON. I again announce my pair with the junior Senator from Maine [Mr. FRYE] and withhold my vote, he being absent.

The vote resulted as follows:

YEAS—21.

Beveridge	Cummins	Page	Smith, Mich.
Borah	Dixon	Percy	Terrell
Bristow	Fletcher	Perkins	Young
Brown	Heyburn	Purcell	
Burkett	La Follette	Shively	
Clapp	Overman	Simmons	

NAYS—23.

Brandegee	Dick	McCumber	Scott
Briggs	Gallinger	Money	Smith, Md.
Burnham	Hale	Nixon	Swanson
Crane	Kean	Penrose	Thornton
Crawford	Lodge	Piles	Warren
Cullom	Lorimer	Root	

NOT VOTING—48.

Aldrich	Clarke, Ark.	Gamble	Rayner
Bacon	Culberson	Gore	Richardson
Bailey	Curtis	Guggenheim	Smith, S. C.
Bankhead	Davis	Hughes	Smoot
Bourne	Depew	Johnston	Stephenson
Bradley	Dillingham	Jones	Stone
Bulkeley	du Pont	Martin	Sutherland
Burrows	Elkins	Nelson	Taliaferro
Burton	Flint	Newlands	Taylor
Carter	Foster	Oliver	Tillman
Chamberlain	Frazier	Owen	Warner
Clark, Wyo.	Frye	Paynter	Wetmore

The VICE PRESIDENT. On this question the yeas are 21, the nays 23; six Senators have announced their pairs and have announced their intention not to vote because of those pairs.

Mr. HEYBURN. Mr. President——

The VICE PRESIDENT. The nays have it, and the amendment is lost.

Mr. HEYBURN. I do not know whether I am before the final announcement or not, but I think the same condition presents itself that confronted us this morning—that it is necessary, in order that a quorum shall vote, to dissociate the pairs. There is not, as I understand the announcement, a quorum voting, and the Chair has announced, in effect, that with those voting and with those paired a quorum is present.

I raise the objection that the pending question is not disposed of, and I ask that those who have not voted be required to vote. I raise the question in that way.

The VICE PRESIDENT. Does the Senator from Idaho put it in the form of a motion?

Mr. HEYBURN. Yes; I move that the pairs be disregarded and that the Senators who have indicated their presence by stating their pairs be required to vote.

Mr. BEVERIDGE. I rise to a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Indiana will state it.

Mr. BEVERIDGE. It is for information, which I am sure the Chair or some older Senator can give at once, and that is whether it is not within the province of any Senator, without moving, to require Senators not voting to vote——

Mr. HEYBURN. I have moved——

Mr. BEVERIDGE. Since the rules of the Senate state that Senators shall be required to vote unless, for reason, excused. I merely raise the point, as a parliamentary inquiry, whether a motion is necessary; whether a Senator is not within his rights when he merely makes request under the rules of the Senate.

The VICE PRESIDENT. The Chair will hold that the motion is in order.

Mr. BEVERIDGE. I know. But the question I am asking is rather an important one, as I think the Chair will see in a moment. The Senator from Idaho rose, and, as I recollect the rules of the Senate, within his rights, called upon the Chair to require Senators not voting and present to vote. Since the rules provide that Senators shall vote or be excused from voting only by stating their reasons to the Senate and getting excused, is not the Senator within his rights in demanding this without making a motion? If he makes a motion, then the question comes, to be determined by a majority vote of the Senate, whether or not a rule of the Senate shall be enforced. That is the parliamentary inquiry. There is a vast difference between a request, such as the Senator from Idaho made, as I understand——

Mr. HEYBURN. I made a motion.

Mr. BEVERIDGE. I know; and the making of a motion, because in the first instance, if within his rights, then the mere request puts the rule in operation, whereas if he must make a motion, then it requires a majority of the Senate to put the rule of the Senate in operation.

Mr. HALE. Mr. President——

The VICE PRESIDENT. The Senator from Idaho has the floor.

Mr. HALE. Will the Senator from Idaho yield to me for a moment?

Mr. HEYBURN. I yield.

Mr. HALE. I do not think the Senate, upon this most important matter of procedure, is possessed of knowledge of what the Chair ruled. I ask the Chair, upon the vote that was given, to announce its decision so that the Senate may have it for action.

The VICE PRESIDENT. The Chair did announce the vote, and its decision.

Mr. HALE. What was that decision?

The VICE PRESIDENT. That there was the presence of a quorum.

Mr. HALE. What was that decision?

The VICE PRESIDENT. The Chair announced that upon this question the yeas were 21 and the nays were 23; that during the roll call six Senators had risen and announced they did not vote because they were paired; and that a quorum of the Senate was present, and the motion was lost.

Mr. HALE. From that decision, Mr. President, I appeal and ask a vote of the Senate.

The VICE PRESIDENT. Meantime, after that decision was rendered, the Senator from Idaho made a motion.

Mr. HALE. I take it the Senator from Idaho will withdraw that motion.

Mr. HEYBURN. Will the appeal be debatable?

Mr. HALE. I do not know whether it will be. I hope so.

Mr. LODGE. Mr. President——

Mr. HEYBURN. Mr. President——

The VICE PRESIDENT. The Senator from Idaho is entitled to the floor.

Mr. HEYBURN. If the same question can be raised in a better manner for ultimate wise decision through an appeal——

Mr. HALE. I think it can.

Mr. HEYBURN. Then, certainly I shall withdraw the motion, although the motion will have to be put some time in order to determine this question.

Mr. HALE. I appeal from the decision of the Chair.

Mr. LODGE and Mr. BEVERIDGE addressed the Chair.

The VICE PRESIDENT. The Senator from Idaho has the floor. To whom does the Senator from Idaho yield?

Mr. HEYBURN. I have yielded to the Senator from Maine, and I am willing to yield to any other Senator in order.

Mr. BEVERIDGE. Will the Senator yield for a suggestion?

Mr. HALE. I do not think this most important matter ought to pass from the consideration of the Senate—

Mr. BEVERIDGE. I agree with the Senator——

Mr. HALE. I desire a vote of the Senate as to whether the decision of the Chair, that a Senator announcing a pair and not voting upon a call of the yeas and nays shall be counted in a quorum.

Mr. BEVERIDGE. I quite agree with that.

Mr. HALE. From that decision I appeal.

Mr. BEVERIDGE. Upon that——

Mr. HEYBURN. Mr. President——

The VICE PRESIDENT. The Senator from Idaho has the floor.

Mr. HEYBURN. I desire, in order that we may make no mistake as to the manner of procedure, to give a moment's attention to this point. The appeal from the ruling of the Chair would come after we had determined the result by requiring those who are paired to vote.

The VICE PRESIDENT. The Chair thinks not.

Mr. HALE. If the Senator thinks he has a better method than mine, I will let him go on with it. I think my method is the best.

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The VICE PRESIDENT. The Chair desires to say that if there is to be any appeal from its decision, it must be made immediately after the decision. Other business can not intervene——

Mr. BEVERIDGE. That is true; intervening business can not come——

The VICE PRESIDENT. With the Senator's motion pending.

Mr. LODGE. Mr. President——

The VICE PRESIDENT. Will Senators please suspend to enable the Chair to state the proposition? The Senator from Idaho has the floor. To whom does he yield?

Mr. LODGE. I desire to make a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Idaho has the floor.

Mr. LODGE. May I not submit a parliamentary inquiry?

The VICE PRESIDENT. The Senator from Idaho has the floor, and the Senator from Massachusetts can not make a parliamentary inquiry without his consent.

Mr. HEYBURN. I yield for that purpose.

Mr. LODGE. I want to ask the Senator whether he made the point of order that there was no quorum.

Mr. HEYBURN. I did not.

The VICE PRESIDENT. He did not.

Mr. LODGE. I did not hear what the point of order was.

Mr. BEVERIDGE. Will the Senator yield to me for a moment?

Mr. HEYBURN. Allow me to state the point. I think Senators are misinformed as to the status.

Mr. LODGE. I do not know what it was. I want to find out.

Mr. HEYBURN. I attempted, before the announcement of the vote, to require Senators who had not voted to vote. I take it that can only be done before the announcement of the vote. It must be done after the vote has been cast, but before the announcement of the result, I think. It is then I could and only could properly ask that other Senators vote who had not voted. That appeals to me. I may be wrong about it. I am inclined to yield to the ripe judgment and experience of the Senator from Maine and other Senators; but I think I would lose the benefit of the point did I not make it before the announcement.

The VICE PRESIDENT. As a matter of fact the Chair had announced the result before the Senator made his motion.

Mr. HEYBURN. I was attempting to get the attention of the Chair, and I presume no very fine line should be drawn.

The VICE PRESIDENT. No.

Mr. HEYBURN. I was on my feet attempting to get the attention of the Chair.

Mr. BEVERIDGE. Mr. President——

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

Mr. BEVERIDGE. It is for just a suggestion. Of course, I take it everyone will agree with the Senator and the Chair that the appeal must be taken immediately upon the announcement of the decision of the Chair and not after intervening business has transpired, but taking the appeal does not prevent the Senator from Idaho from raising the question, not only by motion but by request, within his rights under the rule; and he can do that immediately preceding the determination or, indeed, upon the vote or the determination of the appeal made by the Senator from Maine.

Mr. HEYBURN. If I can have close attention for a moment I think I can untangle that knot. Of course, no appeal can be taken until judgment is rendered—that is obvious—that it is too late to raise the question I raised as to whether or not a Senator shall vote, because if it is to be determined as to whether he shall vote or not, it must be determined before the vote is announced.

Mr. BEVERIDGE. It can be done on the vote on the appeal. Both of these remedies——

The VICE PRESIDENT. The Senator from Idaho still has the floor, and he yields, I presume, to the Senator from Indiana.

Mr. HEYBURN. Mr. President, upon the suggestion of Senators of long experience I am going to try the experiment of withdrawing my motion and let the appeal be taken.

The VICE PRESIDENT. The question then is on the——

Mr. BEVERIDGE. Mr. President——

Mr. BACON. Mr. President——

The VICE PRESIDENT. The Senator from Maine appeals from the decision of the Chair. The question is whether the decision of the Chair shall stand as the judgment of the Senate.

Mr. BACON. Mr. President——

Mr. HALE. Let us have the yeas and nays upon that question.

The yeas and nays were ordered.

Mr. BACON. I desired to make a suggestion to the Senator from Maine in reference to his motion. For that reason I addressed the Chair several times.

The VICE PRESIDENT. The Chair did hear the Senator at just that moment.

Mr. BACON. I desire to suggest to the Senator from Maine that the true question is not whether or not there was a quorum present, but it arises upon the action of the Chair in declaring the result of the vote of the Senate when no quorum had voted. The Chair had not ruled upon the question whether a quorum was present, as I understand, because no such question had been raised; but the Chair, in the absence of a majority having voted, had declared the result as to whether the motion was either lost or carried, and I forget which.

The VICE PRESIDENT. Lost.

Mr. HALE. And from that decision I have appealed. I wish Senators would dispossess their minds of all little technicalities. We can come by a direct vote of the Senate to the question whether this decision by the Chair, which is an innovation upon the practice of the Senate, is to be sanctioned by the Senate; and the nearest way to do that is by an appeal from that decision and a direct vote of the Senate on the question whether that decision shall stand. If by a vote of the Senate that decision does not stand, I know the Chair well enough to know that will be the end of the whole thing.

The VICE PRESIDENT. Certainly.

Mr. HALE. I should like to vote without any discussion.

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

The Secretary proceeded to call the roll.

Mr. BRADLEY (when his name was called). I announce the pair of the junior Senator from Tennessee [Mr. TAYLOR] with the senior Senator from New York [Mr. DEPEW]. I vote "yea."

Mr. MARTIN (when Mr. BURTON's name was called). The Senator from Ohio [Mr. BURTON] was called from the Chamber on a matter of official business. I am paired with that Senator.

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. I desire to transfer my pair to the senior Senator from Alabama [Mr. BANKHEAD], and I vote "nay."

Mr. HEYBURN. Mr. President, I object to the recognition of pairs in a vote on a rule of the Senate.

The VICE PRESIDENT. The Senator from Oregon has voted.

Mr. HEYBURN. Some pairs have been announced.

Mr. DILLINGHAM (when his name was called). I announce my pair with the senior Senator from South Carolina [Mr. TILLMAN], and withhold my vote.

Mr. FLINT (when his name was called). I again announce my pair with the senior Senator from Texas [Mr. CULBERSON]. As he is absent, I withhold my vote.

Mr. HEYBURN. Mr. President, I again raise the question that pairs can not be recognized in a vote on a rule, and I object. It requires unanimous consent to be paired.

The VICE PRESIDENT. The Chair knows no way of compelling Senators to vote except by the action of the Senate, which can be had after the roll call has been finished.

Mr. HALE. Let the roll call proceed.

The Secretary resumed the calling of the roll.

Mr. MARTIN (when his name was called). I am paired with the Senator from Ohio [Mr. BURTON]. If he were present, I should vote "nay."

Mr. PAYNTER (when his name was called). I am paired with the senior Senator from Colorado [Mr. GUGGENHEIM]. I transfer my pair to the junior Senator from Alabama [Mr. JOHNSTON], and vote "nay."

The roll call was concluded.

Mr. JONES. While I am paired with the junior Senator from Maryland [Mr. RAYNER], I feel free under the understanding to vote. Therefore I vote "yea."

Mr. HEYBURN. I ask that the names of the Senators who announced pairs and did not vote be called, and that they vote or that they be excused by the Senate.

Mr. HALE. Will not the Senator let this expressive and overwhelming vote of the Senate be passed without interfering with it? Let the Chair announce the vote.

Mr. HEYBURN. Mr. President, I am just as anxious to settle it as the Senator from Maine.

Mr. HALE. In his own way.

Mr. HEYBURN. I expect every Senator wants something in his own way. I presume that is what they are here to do. It is a pity some of them do not claim the right oftener to vote without discussing it. It is not open to discussion. I do not do this in any factious spirit, but while we are settling rules of procedure in this body we might just as well settle that one.

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The VICE PRESIDENT. The Senator from Idaho asks that all Senators who refrained from voting now vote.

Mr. HALE. Let their names be called.

The VICE PRESIDENT. Their names will be called.

Mr. BAILEY (after having voted in the negative). Before that is done I desire to say that I have a general pair with the senior Senator from West Virginia [Mr. ELKINS], who is, as we all regret to know, detained at home by serious illness, but I did not regard the question of rules as one coming within the rule of pairs, and I therefore cast my vote.

Mr. BACON (after having voted in the negative). I desire to make a similar statement in reference to my pair with the Senator from Maine [Mr. FRYE]. We have an understanding that each can vote upon occasions, when we deem it proper, that are nonpolitical. This is certainly not a political question.

The VICE PRESIDENT. The Senator from Idaho has made a request that the names of Senators who refrained from voting be called. The Secretary will call the names of those who announced their pairs and therefore refrained from voting.

The SECRETARY. The Senator from Vermont [Mr. DILLINGHAM] announced a pair with the Senator from South Carolina [Mr. TILLMAN].

Mr. DILLINGHAM. I simply wish to make a request that I be excused from voting on account of my pair with the senior Senator from South Carolina.

The VICE PRESIDENT. Is there objection to the request of the Senator from Vermont? The Chair hears none. The next name will be announced.

The SECRETARY. The Senator from California [Mr. FLINT] announced his pair with the Senator from Texas [Mr. CULBERSON].

Mr. FLINT. The senior Senator from Texas [Mr. CULBERSON] is now in the Chamber, and I will vote. I vote "nay."

Mr. CULBERSON. I vote "nay."

The VICE PRESIDENT. The next name will be announced.

The SECRETARY. The Senator from Virginia [Mr. MARTIN] announced a pair with the Senator from Ohio [Mr. BURTON].

Mr. MARTIN. I am paired with the Senator from Ohio [Mr. BURTON], who has been unavoidably called temporarily from the Chamber. I ask the Senate to permit me to respect that pair and to excuse me from voting.

The VICE PRESIDENT. Is there objection to the request of the Senator from Virginia? The Chair hears none. That completes the list of those who refrained from voting because of pairs.

The result was announced—yeas 17, nays 37, as follows:

YEAS—17.

Bourne	Cullom	Lorimer	Smith, Mich.
Bradley	Dixon	Page	Warner
Brown	Gallinger	Piles	
Carter	Jones	Root	
Crawford	Lodge	Scott	

NAYS—37.

Bacon	Clark, Wyo.	McCumber	Shively
Bailey	Culberson	Money	Simmons
Beveridge	Cummins	Nelson	Swanson
Borah	Dick	Newlands	Taliaferro
Brandegee	Fletcher	Overman	Terrell
Bristow	Flint	Owen	Thornton
Burkett	Hale	Paynter	Young
Burnham	Heyburn	Percy	
Chamberlain	Kean	Perkins	
Clapp	La Follette	Purcell	

NOT VOTING—38.

Aldrich	Depew	Hughes	Smoot
Bankhead	Dillingham	Johnston	Stephenson
Briggs	du Pont	Martin	Stone
Bulkeley	Elkins	Nixon	Sutherland
Burrows	Foster	Oliver	Taylor
Burton	Frazier	Penrose	Tillman
Clarke, Ark.	Frye	Rayner	Warren
Crane	Gamble	Richardson	Wetmore
Curtis	Gore	Smith, Md.	
Davis	Guggenheim	Smith, S. C.	

So the Senate decided that the decision of the Chair should not stand as the judgment of the Senate.

Mr. HALE. I submit a privileged report from the Committee on Appropriations.

The VICE PRESIDENT. The Senator from Maine submits a privileged report, which will be read.

The Secretary read the concurrent resolution of the House of Representatives (H. Con. Res. 55), as follows:

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Wednesday, December 21, they stand adjourned until 12 o'clock m. on Thursday, January 5, 1911.

Mr. LODGE. I desire to make the point of order that, the Senate having decided that no quorum was present on the vote, nothing is in order except a call of the roll for a quorum, and if a quorum is disclosed the vote must be taken which has been ordered.

The VICE PRESIDENT. The Chair sustains the point of order.

Mr. LODGE. I make the point of order that nothing else is in order.

Mr. OVERMAN. A quorum was disclosed in the last vote that was had.

The VICE PRESIDENT. The Senate has just said that it was not. The Chair ruled that it was, and the Senate ruled that the Chair was wrong.

Mr. LODGE. The Senate has decided that there was no quorum shown in the vote.

The VICE PRESIDENT. The Chair sustains the point of order raised by the Senator from Massachusetts.

Mr. LODGE. Therefore nothing is in order except a call of the Senate for a quorum.

Mr. HALE. There is no objection to that.

The VICE PRESIDENT. The Secretary will call the roll.

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

Bacon	Clark, Wyo.	Kean	Piles
Bailey	Crane	La Follette	Purcell
Beveridge	Crawford	Lodge	Root
Borah	Culberson	Lorimer	Scott
Bourne	Cullom	McCumber	Shively
Bradley	Cummins	Martin	Simmons
Brandegee	Dick	Money	Smith, Md.
Briggs	Dillingham	Newlands	Smith, Mich.
Bristow	Dixon	Overman	Swanson
Brown	Fletcher	Owen	Taliaferro
Burkett	Flint	Page	Terrel
Burnham	Gallinger	Paynter	Thornton
Carter	Hale	Penrose	Warner
Chamberlain	Heyburn	Percy	Young.
Clapp	Jones	Perkins	

The VICE PRESIDENT. Fifty-nine Senators have answered to the roll call. A quorum of the Senate is present. The Senator from Maine submits a privileged report.

Mr. LODGE. I submit that nothing is in order now except the vote which disclosed the absence of a quorum. We were voting. A vote had been ordered on the amendment of the Senator from Kansas, and that vote disclosed the absence of a quorum. It has been held by the Senate that the vote must disclose a quorum. Now, nothing is in order but the vote ordered by the Senate.

Mr. HALE. We have just had a roll call.

Mr. LODGE. That makes no difference. The vote recurs on the amendment of the Senator from Kansas.

The VICE PRESIDENT. The Chair sustains the point of order. The Secretary will call the roll on agreeing to the amendment of the Senator from Kansas.

Mr. HALE. If Senators think it worth while to quibble away this proposition by these points of order, I am willing to have repeated roll calls. The resolution that I report is a privileged resolution.

The VICE PRESIDENT. It can not intervene in the midst of a division.

Mr. LODGE. I am adhering simply to the practice of the Senate.

Mr. BEVERIDGE. I should like to call the attention of the Senator from Kansas——

Mr. HALE. I ask for the regular order.

The VICE PRESIDENT. The regular order is the calling of the roll on agreeing to the amendment of the Senator from Kansas [Mr. BRISTOW].

Mr. BEVERIDGE. I ask the Senator from Kansas to withhold his amendment until the Senator from Maine puts in his resolution.

The VICE PRESIDENT. He can not do that. The Senate has ordered the roll to be called.

Mr. BEVERIDGE. But it has not begun.

The VICE PRESIDENT. It has begun. It was once had.

Mr. LODGE. It has begun.

The VICE PRESIDENT. The presence of a quorum having been disclosed, the roll will be called on agreeing to the amendment of the Senator from Kansas.

Mr. HALE. What is the amendment?

The VICE PRESIDENT. It is to strike out of the bill certain provisions.

The Secretary proceeded to call the roll.

Mr. BACON (when his name was called). I again announce my pair with the junior Senator from Maine [Mr. FRYE], and I withhold my vote.

Mr. BRADLEY (when his name was called). I transfer my pair with the Senator from Tennessee [Mr. TAYLOR] to the senior Senator from New York [Mr. DEPEW], and vote "nay."

Mr. CHAMBERLAIN (when his name was called). I transfer by pair with the junior Senator from Pennsylvania [Mr.

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OLIVER] to the senior Senator from Alabama [Mr. BANKHEAD], and vote "yea."

Mr. DILLINGHAM (when his name was called). I transfer my pair with the senior Senator from South Carolina [Mr. TILLMAN] to the Senator from Delaware [Mr. RICHARDSON], and vote "nay."

Mr. MARTIN (when his name was called). I am paired with the junior Senator from Ohio [Mr. BURTON]. If he were present, I would vote "nay."

Mr. PAYNTER (when his name was called). I again announce my pair with the senior Senator from Colorado [Mr. GUGGENHEIM].

Mr. TALIAFERRO (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. SCOTT]. In his absence I withhold my vote.

The roll call was concluded.

Mr. JONES. I ask to be excused from voting by reason of my pair with the senior Senator from Maryland [Mr. RAYNER].

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. BAILEY. If no quorum has voted——

Mr. HALE and others. A quorum has voted.

Mr. BAILEY. Then I will withhold my vote and respect my pair.

The VICE PRESIDENT. The Chair does not know whether a quorum has voted or not.

Mr. BAILEY. Mr. President, I think it is a pretty close question as to whether there is a quorum, and I will disregard my pair and vote for the purpose of making a quorum. I vote "nay."

The result was announced—yeas 25, nays 29, as follows:

YEAS—25.

Beveridge	Clapp	Overman	Smith, Mich.
Borah	Culberson	Page	Terrell
Bourne	Cummins	Percy	Warner
Bristow	Dixon	Perkins	Young
Brown	Fletcher	Purcell	
Burkett	Heyburn	Shively	
Chamberlain	La Follette	Simmons	

NAYS—29.

Bailey	Crawford	Kean	Piles
Bradley	Cullom	Lodge	Root
Brandegee	Dick	Lorimer	Smith, Md.
Briggs	Dillingham	McCumber	Swanson
Burnham	du Pont	Money	Thornton
Burrows	Flint	Newlands	
Carter	Gallinger	Owens	
Crane	Hale	Penrose	

NOT VOTING—38.

Aldrich	Elkins	Martin	Stephenson
Bacon	Foster	Nelson	Stone
Bankhead	Frazier	Nixon	Sutherland
Bulkeley	Frye	Oliver	Taliaferro
Burton	Gamble	Paynter	Taylor
Clark, Wyo.	Gore	Rayner	Tillman
Clarke, Ark.	Guggenheim	Richardson	Warren
Curtis	Hughes	Scott	Wetmore
Davis	Johnston	Smith, S. C.	
Depew	Jones	Smoot	

So Mr. BRISTOW's amendment was rejected.

HOLIDAY RECESS.

Mr. HALE. Mr. President, if the Chair, for whom I have great affection, is convinced that an actual quorum has voted, I report a privileged resolution from the Committee on Appropriations. I ask that it may be acted upon.

The VICE PRESIDENT. The Senator from Maine reports favorably without amendment, from the Committee on Appropriations, a concurrent resolution from the House of Representatives (H. Con. Res. 55), which will be read.

The concurrent resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Wednesday, December 21, they stand adjourned until 12 o'clock m. on Thursday, January 5, 1911.

RELIEF OF SUFFERERS BY FOREST FIRES.

Mr. HEYBURN. Mr. President, I have a report here of a peculiar character.

I ask leave to report back favorably, without amendment, from the Committee on Mines and Mining the bill (S. 9027) to exempt owners of unpatented mining claims from performing annual labor upon such claims for the year 1910 under certain circumstances, and I submit a report (No. 941) thereon.

The VICE PRESIDENT. Without objection, and out of order, the Senator from Idaho presents a report.

Mr. HEYBURN. I ask for the present consideration of the bill.

The VICE PRESIDENT. The Secretary will read the bill for which the Senator from Idaho asks present consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that the provisions of section 2324 of the Revised Statutes of the United States relative to the performance of annual labor upon mining claims during each year shall not apply to claims owned by persons who, by reason of losses suffered during the months of July, August, and September, 1910, by forest fires upon said claims and of the damages upon said claims, were rendered unable financially or otherwise to perform such labor upon said claims for the year 1910; that no mining claim or part thereof owned by such persons, which has been regularly located and recorded shall be subject to forfeiture because of the nonperformance of said assessment work.

Section 2 provides that those persons desiring to take advantage of this act shall on or before the 1st day of January, 1911, file or cause to be filed in the office of the recorder in the county wherein the mining claim is situated a notice in writing under oath, in which notice the facts upon which the owner of such mining claims relies shall be fully set forth, stating the nature and extent of the loss by which such owner claims exemption from the performance of such annual assessment work.

Section 3 provides that upon the making and filing in the office of said recorder of such notice claiming the benefit of this act such owner or owners of such mining claims shall be exempt from the performance of annual labor upon such mining claims for the year 1910, subject, however, to the establishment of the truth of the facts alleged in such notice when such statement of facts is controverted by a locator claiming adversely to such owner which may be inquired into and determined by any court having jurisdiction to determine controversies respecting titles to lands.

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

Mr. BURNHAM. Mr. President, I call for the regular order.

The VICE PRESIDENT. The regular order is demanded.

OMNIBUS CLAIMS BILL.

The Senate resumed the consideration of the bill (S. 7971) for the allowance of certain claims reported by the Court of Claims, and for other purposes.

Mr. BRISTOW. Mr. President, I move to strike out lines 21, 22, 23, 24, and 25 on page 55.

The VICE PRESIDENT. The Senator from Kansas offers an amendment, which will be stated.

The SECRETARY. On page 55 strike out all of lines 21, 22, 23, 24, and 25, in the following words:

On the vessel ship Jane, James Barron, master, namely:
James L. Hubard, administrator of the estate of William Pennock, $4,601.67.

Mr. BRISTOW. Mr. President, I desire to state, before the vote is taken upon the amendment, that the ship *Jane* sailed from Liverpool bound for Norfolk, Va. The value of the vessel was $10,000 and the value of the cargo was $3,151.85. The vessel was captured. It was insured for its full value. The owners of the vessel and cargo paid premiums aggregating $2,000 for this insurance. They estimated that the ship, if she had made the voyage, would have earned $4,000 in freight. The vessel was captured and the insurance company paid the full value of the ship, all that she was worth, including the cargo. Now it is proposed by this bill to appropriate $6,150.52 for the benefit of the heirs of this claimant—that is, he got all that his ship was worth; he got all that his cargo was worth; he was paid all he claimed it to be worth, every cent of it, and now it is proposed to pay him $6,000 more than his ship and goods were worth, from his own estimate.

It is proposed to reimburse him for the earnings his ship could have made if it had made the voyage and to reimburse him for the insurance premiums that he paid on the vessel and cargo. If the Senate desires to reimburse these claimants for what they lost, it seems to me that ought to be enough. Is it proposed here to pay them more than their vessel and the cargo were worth—to make them a present of $6,000? For what purpose, I should like to inquire? I want the Senate to determine whether it will take out of the Treasury of the United States $6,000 and present it to those people when it does not owe them a cent and they have been paid every dollar of loss they incurred.

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. BACON (when his name was called). I again announce my pair with the junior Senator from Maine [Mr. FRYE].

Mr. CHAMBERLAIN (when his name was called). I again transfer my pair with the junior Senator from Pennsylvania [Mr. OLIVER] to the senior Senator from Alabama [Mr. BANKHEAD], and vote. I vote "yea."

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Mr. FLINT (when his name was called). I again announce my pair with the senior Senator from Texas [Mr. CULBERSON]. He being absent, I withhold my vote.

The roll call was concluded.

Mr. BRADLEY. I transfer my pair with the junior Senator from Tennessee [Mr. TAYLOR] to the senior Senator from New York [Mr. DEPEW] and vote. I vote "nay."

Mr. JONES. I again ask to be excused from voting by reason of my pair with the senior Senator from Maryland [Mr. RAYNER].

Mr. FLETCHER. I am requested to announce that the senior Senator from South Carolina [Mr. TILLMAN] is paired with the Senator from Vermont [Mr. DILLINGHAM]. Both of those Senators are unavoidably absent.

The result was announced—yeas 24, nays 23, as follows:

YEAS—24.

Beveridge	Burton	Heyburn	Purcell
Borah	Chamberlain	La Follette	Shively
Bourne	Clapp	Overman	Simmons
Bristow	Cullom	Page	Smith, Mich.
Brown	Cummins	Percy	Terrell
Burkett	Fletcher	Perkins	Young

NAYS—23.

Bailey	Carter	Kean	Root
Bradley	Crane	Lodge	Smith, Md.
Brandegee	Crawford	Lorimer	Swanson
Briggs	Dick	Martin	Taliaferro
Burnham	du Pont	Penrose	Thornton
Burrows	Gallinger	Piles	

NOT VOTING—45.

Aldrich	Elkins	McCumber	Smoot
Bacon	Flint	Money	Stephenson
Bankhead	Foster	Nelson	Stone
Bulkeley	Frazier	Newlands	Sutherland
Clark, Wyo.	Frye	Nixon	Taylor
Clarke, Ark.	Gamble	Oliver	Tillman
Culberson	Gore	Owen	Warner
Curtis	Guggenheim	Paynter	Warren
Davis	Hale	Rayner	Wetmore
Depew	Hughes	Richardson	
Dillingham	Johnston	Scott	
Dixon	Jones	Smith, S. C.	

So Mr. BRISTOW's amendment was agreed to.

Mr. BRISTOW. Mr. President, I now renew the motion I made a while ago to strike out from line 19, on page 47, to and including line 26, on page 118, which is that part of the bill relating to the French spoliation claims.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. Beginning on page 47, line 19, it is proposed to strike out that line and the remainder of the bill down to and including line 26, on page 118, which includes the items relative to the French spoliation claims.

Mr. GALLINGER. I would ask the Senator from Kansas if that is not precisely the question we voted upon once during the afternoon?

Mr. KEAN. No; that was in Committee of the Whole.

Mr. GALLINGER. No; in the Senate.

Mr. BRISTOW. No. The question we voted on early in the afternoon was to strike out that part of these claims relating to insurance premiums. This is to strike out all of them. This is the motion that was made as in Committee of the Whole, which was lost on a tie vote.

I ask for the yeas and nays, Mr. President.

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 senior Senator from Alabama [Mr. BANKHEAD] and vote. I vote "yea."

Mr. FLINT (when his name was called). I again announce my pair with the senior Senator from Texas [Mr. CULBERSON]. He being absent I withhold my vote.

Mr. PAYNTER (when his name was called). I again announce my pair with the senior Senator from Colorado [Mr. GUGGENHEIM].

The roll call was concluded.

Mr. BRADLEY. I again transfer my pair with the junior Senator from Tennessee [Mr. TAYLOR] to the senior Senator from New York [Mr. DEPEW] and vote. I vote "nay."

Mr. JONES. I again announce my pair with the Senator from Maryland [Mr. RAYNER]. If he were present he would vote "nay." If I were permitted to vote, I should vote "yea." I ask to be excused from voting.

The VICE PRESIDENT. Is there objection to the request of the Senator from Washington? The Chair hears none.

Mr. BAILEY. In order to make it certain that a quorum will vote, I again disregard my pair, and will vote. I vote "nay."

Mr. DILLINGHAM. I transfer my pair with the senior Senator from South Carolina [Mr. TILLMAN] to the Senator from Delaware [Mr. RICHARDSON] and vote. I vote "nay."

Mr. BACON. I again announce my pair with the junior Senator from Maine [Mr. FRYE] and withhold my vote.

The result was announced—yeas 19, nays 29, as follows:

YEAS—19.

Beveridge	Burkett	Fletcher	Simmons
Borah	Burton	Heyburn	Smith, Mich.
Bourne	Chamberlain	La Follette	Terrell
Bristow	Clapp	Overman	Warner
Brown	Cummins	Shively	

NAYS—29.

Bailey	Crawford	Lorimer	Root
Bradley	Dick	Martin	Smith, Md.
Brandegee	Dillingham	Newlands	Swanson
Briggs	du Pont	Page	Taliaferro
Burnham	Gallinger	Penrose	Thornton
Burrows	Hale	Percy	
Carter	Kean	Perkins	
Crane	Lodge	Piles	

NOT VOTING—44.

Aldrich	Dixon	Jones	Scott
Bacon	Elkins	McCumber	Smith, S. C.
Bankhead	Flint	Money	Smoot
Bulkeley	Foster	Nelson	Stephenson
Clark, Wyo.	Frazier	Nixon	Stone
Clarke, Ark.	Frye	Oliver	Sutherland
Culberson	Gamble	Owen	Taylor
Cullom	Gore	Paynter	Tillman
Curtis	Guggenheim	Purcell	Warren
Davis	Hughes	Rayner	Wetmore
Depew	Johnston	Richardson	Young

So Mr. BRISTOW's amendment was rejected.

The VICE PRESIDENT. The question is, Shall the bill be ordered to be engrossed for a third reading and read the third time?

Mr. BRISTOW. Mr. President, I have reviewed this bill at some length. I have endeavored to present reasons why it should not pass so far as it relates to the French spoliation claims. The record will show that these claims were first acted upon by a branch of the American Congress on the 3d day of March, 1818. This body then declared that they had no validity. That action was taken upon a petition of citizens from the cities of Portsmouth, N. H.; Philadelphia, Pa.; Baltimore, Md., and Charleston, S. C. That memorial was examined by the Senate Committee on Claims at that time. That committee was composed of the following Senators: Mr. Roberts, of Pennsylvania, was its chairman. The chairman of the Committee on Claims in 1818 was from the State of Pennsylvania, where a number of these claimants resided in the city of Philadelphia, and he found that the claims were not valid.

On that committee was Mr. Morril, of New Hampshire, a Senator representing the State in which Portsmouth was located, another city where some of the memorialists lived. That Senator, whose knowledge not only was derived from the literature that was presented to the Committee on Claims, but who was familiar with the losses that were alleged to have occurred, found that these claims were not justified and not valid against the United States.

Mr. Goldsborough, of Maryland, was another Senator who was on the Committee on Claims at that time. The city of Baltimore was interested in these claims, citizens from that State then being among the petitioners, and Mr. Goldsborough, a Senator representing that State, found that the claims were not valid. Added to these three were Mr. Ruggles, of Ohio, and Mr. Wilson, of New Jersey. A majority of the Senators on the Committee on Claims represented States wherein more than four-fifths of the petitioners lived, and they found then that these claims were not justified.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Kansas yield to the Senator from New Hampshire?

Mr. BRISTOW. I do.

Mr. GALLINGER. Does the Senator not think that it would be only fair to state that prior to this adverse report there were two favorable reports made by committees of the House of Representatives, by Mr. Giles in one case and by Mr. Marion in the other?

Mr. BRISTOW. They never received the favorable consideration of the House of Representatives to which they were presented.

Mr. GALLINGER. I am not so sure of that; I have not had time to look it up; but does the Senator not think it fair to say that, as against this adverse report to which he refers and four or five other adverse reports, there have been 50 or 60 favorable reports? Does he not think it might be well to state that Daniel Webster, not quite so early as the report that he suggests, but in 1830, made a favorable report, which passed the Senate? The fact that there have been two or three adverse

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A bill (S. 9720) granting an increase of pension to Mary B. Jenks (with accompanying papers); to the Committee on Pensions.

By Mr. PILES:

A bill (S. 9721) to authorize additional aids to navigation in the Lighthouse Establishment, and for other purposes; to the Committee on Commerce.

By Mr. BEVERIDGE:

A bill (S. 9722) granting an increase of pension to Robert Kent;

A bill (S. 9723) granting an increase of pension to Emily J. Hormel; and

A bill (S. 9724) granting an increase of pension to Emily P. Hubbard; to the Committee on Pensions.

By Mr. MARTIN:

A bill (S. 9725) granting a pension to James J. Boothe (with accompanying papers); to the Committee on Pensions.

By Mr. LODGE:

A bill (S. 9726) for the relief of John I. Brown & Son and others; to the Committee on Finance.

By Mr. OWEN:

A bill (S. 9727) to forbid the issuance of license for the sale or manufacture of intoxicating liquors or beverages within the limits of any State prohibiting the sale or manufacture thereof; to the Committee on the Judiciary.

By Mr. DU PONT:

A bill (S. 9728) granting an increase of pension to Isaac T. Hart; to the Committee on Pensions.

By Mr. GALLINGER:

A bill (S. 9729) to amend an act entitled "An act to provide for the extension of Newton Place NW. from New Hampshire Avenue to Georgia Avenue, and to connect Newton Place in Glass's subdivision with Newton Place in Whitney Close subdivision," approved February 21, 1910 (with accompanying papers); to the Committee on the District of Columbia.

By Mr. HEYBURN:

A bill (S. 9730) granting an increase of pension to Michael Lennane (with accompanying paper);

A bill (S. 9731) granting an increase of pension to Albert Otto (with accompanying paper);

A bill (S. 9732) granting an increase of pension to Pierpont H. B. Moulton (with accompanying paper); and

A bill (S. 9733) granting an increase of pension to Israel Gamblin; to the Committee on Pensions.

AMENDMENTS TO RIVER AND HARBOR BILL.

Mr. NELSON submitted an amendment relative to securing a harbor of refuge at Arnesen, Minn., on the Lake of the Woods, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. FLETCHER submitted an amendment providing for the survey of St. Marks River, Fla., from the town of St. Marks to the Gulf of Mexico, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Commerce:

H. R. 6867. An act to authorize the city of Sturgis, Mich., to construct a dam across the St. Joseph River;

H. R. 20366. An act to transfer St. Joseph Bay, of the Pensacola collection district, in the State of Florida, to the Apalachicola collection district;

H. R. 25775. An act to authorize the Great Northern Development Co. to construct a dam across the Mississippi River from a point in Hennepin County to a point in Anoka County, Minn.; and

H. R. 26583. An act to authorize the city of Drayton, N. Dak., to construct a bridge across the Red River of the North.

H. R. 23826. An act to amend section 13, chapter 252, entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes," approved May 28, 1896 (29 Stat. L., p. 183), was read twice by its title and referred to the Committee on the Judiciary.

OMNIBUS CLAIMS BILL.

The VICE PRESIDENT. The morning business is closed.

Mr. BURNHAM. I ask the Senate to proceed with the consideration of Senate bill 7971.

There being no objection, the Senate resumed the consideration of the bill (S. 7971) for the allowance of certain claims reported by the Court of Claims, and for other purposes.

The VICE PRESIDENT. The bill is in the Senate and open to amendment.

Mr. BRISTOW. Mr. President, I have been making some examination of the items in the bill under the head of "Virginia." If I may have the attention of the chairman of the committee, I find that in the first item in the bill, on page 32, under the heading "Virginia," there is appropriated for the benefit of Edward Anderson, administrator of Mary Anderson, deceased, $8,150. I have been unable to find the report for that claim. Will the chairman of the committee state what the claim is for, or indicate where the report can be found?

Mr. MARTIN. Mr. President, I am having a search made for the report. There is no doubt a report.

Mr. BRISTOW. Will the Senator from Virginia also please find the report for Margaret R. Shipley, administratrix of the estate of John Flower, deceased, late of Dinwiddie County, the appropriation being $3,510; and also John R. Taylor and Charles F. Taylor, of Fairfax County, for $4,323?

Mr. MARTIN. The Edward Anderson item is Senate Document No. 83. I will send for it.

Mr. BURNHAM. I have it here.

Mr. BRISTOW. And the Margaret R. Shipley item.

Mr. MARTIN. It is Senate Document No. 216.

Mr. BRISTOW. And John R. Taylor and Charles F. Taylor.

Mr. MARTIN. That is Senate Document No. 105. All of them are favorable findings by the Court of Claims.

Mr. BRISTOW. I was not able to find them, and they may be all right. I am glad to say that I looked through the Virginia claims and found a good many of them that seemed to me to be justified.

Mr. MARTIN. Each one of them is a regular court finding.

Mr. BRISTOW. But these three reports I was unable to find, and I did not think the Senate would want to vote on them unless it had some evidence showing just what the appropriations were for.

Now, there is one claim in the bill to which I desire to call the special attention of the chairman of the committee, and that is found on page 13:

> To Adolph Hartiens, tutor of Sidney L. Hartiens, William W. Hartiens, and Mary R. Hartiens, grandchildren and heirs at law of William H. Osborne, deceased, late of Rapides Parish, $54,875.

I am not clear as to why the committee allows $54,875 for this claim.

Mr. THORNTON. Mr. President, I will say to the Senator from Kansas that, while I have no connection whatever with this claim, it is one which has been pending now for some 40 years, to my knowledge. Everything relative to the claim, it is understood, has been carefully passed on by the Court of Claims. The claim was for sugar and molasses, and probably rum, or some such things. I merely have a general understanding of the claim in that way.

Mr. BRISTOW. Mr. President, I desire to call the attention of the Senator from Louisiana and of the chairman of the Committee on Claims to the findings of the Court of Claims in regard to this claim. It seems that the amount named in the bill is very much more than the court finds is due. The report is found on pages 85, 86, 87, 88, and 89. It seems from the findings of the Court of Claims that John Osborne and William H. Osborne were planters in Louisiana; that the United States Army took their property, $19,750 worth of corn, mules, horses, and cattle. These two brothers were partners. The court found that the value of the articles taken aggregated $19,750; that one-half of it was due to John Osborne and one-half to William H. Osborne.

In the first trial of this case, which was on January 17, 1901, William H. Osborne was found to have been disloyal and, therefore, not entitled to recover any damages. I will read from the findings of the court:

> I. It does not appear that William H. Osborne, deceased, the person alleged to have furnished such supplies or stores or from whom they are alleged to have been taken, was loyal to the Government of the United States throughout the War for the Suppression of the Rebellion.
>
> II. The plantation from which the property was taken is situated 10 miles below Alexandria, La., and was the property of John and William Osborne. It was worked by them in partnership, both before and during the war, up to the time of seizure. The property seized was in bulk on the plantation and had not been divided or set off to the respective partners.
>
> III. Between the 5th and 13th of May, 1864, the military and naval forces of the United States seized and took from the plantation of John and William Osborne 1,000 hogsheads containing 1,000,000 pounds of sugar belonging to them as partners. This sugar was laden on naval gunboats or Army transports on the Red River.

I now desire to call the attention of the chairman of the committee to this finding:

> It does not further appear what became of it, nor whether it was issued to or used as stores or supplies by the Army or Navy, nor whether it came to the official custody of the chief quartermaster of the Department of the Gulf, in New Orleans, or of the chief commissary of

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the department, nor whether it was treated as abandoned or captured property and sold and the proceeds paid into the Treasury.

It does not appear what was done with this sugar. I think the chairman of the committee will agree that no claimant is entitled to recover unless it appears that his property was taken by the United States Army and used for the benefit of the Federal Government. There is no finding of the court that this sugar was taken and used for the benefit of the Federal Government. There is a finding that the $19,750 worth of mules, horses, and so forth, was taken and used by the Army of the United States. Since the first finding was that John Osborne was loyal, he was entitled to recover one-half of this amount, but there is no finding of the Court of Claims here that he was entitled to recover the half of the million pounds of sugar, because there is no evidence on file that the United States Government took and used that sugar or appropriated it to its own use. If it did not, the claimant was not entitled to recover; and I should like to have the chairman of the committee indicate why this $45,000 is appropriated for the sugar when there is no evidence that the United States Government used the sugar.

Mr. BURNHAM. Mr. President, I will say that this is one of several hundred claims, and, of course, it is impossible to keep them all in mind. I find, in addition to what the Senator has read, that the court held:

IV. The value of the sugar at the time of capture in the local market of Alexandria has not been shown; but it appears that on the 5th of May, 1864, the Commissary Department purchased large quantities of sugar in Alexandria at about 9 cents per pound. Private property at that time could not be taken out from the vicinity, for the reason that the evacuation of Alexandria by the military forces of the United States was then taking place, and all of the means of transportation were in the possession and control of the Government.

It seems that the sugar which is in question was laden on naval gunboats or on Army transports belonging to the United States on the Red River. It would appear to me from this statement that the party claimant proved that the sugar went on board a United States gunboat and transport. That would seem to be sufficient.

Mr. BRISTOW. Mr. President, if the chairman of the committee will permit me, he will find that the Army transports and gunboats were the only means of transportation available at that time; that sugar or any other kind of property that went to market from that region had to go on United States transports; that there was no other means of shipping any product out of that part of the country. Now, this sugar was loaded on to the gunboats and transports. That is found. But what became of it? Was it sent to New Orleans to market? There is no finding that it was appropriated by the United States. Now, why are we going to pay $45,000 to these people when there is no evidence that the Government used their sugar?

Mr. BURNHAM. Mr. President——

The PRESIDING OFFICER (Mr. OVERMAN in the chair). Does the Senator from Kansas yield to the Senator from New Hampshire?

Mr. BRISTOW. Certainly.

Mr. BURNHAM. Mr. President, it seems to me when the claimant has shown that this sugar went into the possession of the United States vessels the claimant had proved about all that probably could be shown in such a case. He can not prove just where the sugar went or who the ultimate consumer of that sugar was. I do not believe that the claimant is called upon to trace the sugar to the retail or wholesale dealer or into the possession of a Government quartermaster.

Mr. BRISTOW. If the Senator will pardon me, I did not suggest that it was necessary to trace the property to the consumer, but I did suggest that if the United States Government is to pay for it there ought to be some evidence that it got it.

Mr. BURNHAM. It is evident——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from New Hampshire?

Mr. BRISTOW. Certainly.

Mr. BURNHAM. It is evident that it went into the possession of the United States, and it is a fair presumption, such a presumption of fact that a court might reasonably entertain, that after the Government of the United States, through their transports and gunboats, secured possession of the property they turned it over to the quartermaster and made use of the property.

Mr. BRISTOW. That presumption, if carried to its conclusion, would mean that for all property that went aboard of a United States transport or gunboat the Government was liable. There is no finding in the decision of the Court of Claims that the United States Government owes this man for that sugar. There is a finding that it owes these two men $19,750; but there is no finding that it owes for this sugar. Now I will read the difference in the two findings, that in regard to sugar and that in regard to the mules and horses.

Mr. BURNHAM. Mr. President, bearing upon this question, I want to read a few lines from the opinion of the court. The court says:

The claim in this case is for stores and supplies alleged to have been taken from the plantation of John and William H. Osborne, near Alexandria, La., in May, 1864, by the military forces of the United States.

The claim of John Osborne for his one-half of the property so taken was presented to the Commissioners of Claims, who rejected the same because prior thereto the claimant had gone into bankruptcy. Thereafter the claim was referred to this court by the Committee on War Claims of the House of Representatives under the act of March 3, 1883, known as the Bowman Act; and the claimant having been found loyal, findings were made on the merits and certified to Congress, and the amount therein allowed has since been appropriated and paid.

So that it seems that one-half of this total claim has been approved and paid. Therefore, perhaps, we might draw some inference or have some intimation as to whether or not the remaining half of the claim should be paid.

Mr. BRISTOW. The Court of Claims made exactly the same finding in regard to the sugar in the John Osborne case that it afterwards did in the William H. Osborne case. There was no question, apparently, as to the loyalty of John Osborne, but there was question as to the loyalty of William H. Osborne. The first decision was that William H. Osborne was not loyal. Some five years afterwards, I believe, in 1906——

Mr. BURNHAM. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield further to the Senator from New Hampshire?

Mr. BRISTOW. Certainly.

Mr. BURNHAM. Let me ask the Senator from what report he is reading. In what Congress and in what year was it made?

Mr. BRISTOW. I read from the report of the Senate Committee on Claims in the Sixtieth Congress, first and second sessions.

Mr. BURNHAM. What is the document number of that report, if the Senator please?

Mr. BRISTOW. I do not see the number. It is not on the title page.

Mr. BURNHAM. In the report that I have here, which is Senate Document No. 137, Fifty-ninth Congress, second session, the party is found loyal.

Mr. BRISTOW. That is the second report. That was the report that was made in 1906, when the case as to William H. Osborne was retried and contradictory evidence was submitted, which went to show that the evidence upon which the court had found its first decision that he was disloyal was not correct, and that, in fact, he was loyal. So that the loyalty of William H. Osborne, upon the second trial in 1906, was established; but in neither the John Osborne case nor the William H. Osborne case did the court find that they were entitled to recover for the sugar. The court simply found the facts, but it did not state that they were entitled to recover.

Now, I want to read the difference in the findings as to the mules and as to the sugar. The chairman of the committee, I know, burdened with the vast number of these claims as he has been, may not be familiar with the details of each case. Many of them have been very properly rejected, and a number that should have been rejected have not been because of the physical inability of any man to examine all of them carefully. Section 3 of the findings of fact says:

III. Between the 5th and 13th May, 1864, the military or naval forces of the United States seized and took from the plantation of John and William Osborne 1,000 hogsheads containing 1,000,000 pounds of sugar belonging to them as partners. This sugar was laden on naval gunboats or Army transports on the Red River. It does not further appear what became of it—

I now call the attention of the chairman to this special finding, italicized and emphasized by the court:

nor whether it was issued to or used as stores or supplies for the Army or Navy.

There is no evidence that it was used by the United States Government. The chairman of the committee will admit that if the Government did not use these stores it should not be required to pay for them.

Mr. BURNHAM. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield further to the Senator from New Hampshire?

Mr. BRISTOW. I do.

Mr. BURNHAM. The chairman of the committee does not admit any such thing. The simple fact that the sugar went into the possession of gunboats and transports belonging to the Government would seem to be a pretty strong piece of evidence that the property went into the possession of the United States. What possible disposition could be made of that property afterwards? After having been taken possession of, would it be

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I desire to transfer my pair to the senior Senator from Alabama [Mr. BANKHEAD]. I vote "nay."

Mr. DILLINGHAM (when his name was called). I transfer my general pair with the senior Senator from South Carolina [Mr. TILLMAN] to the Senator from New York [Mr. DEPEW], and vote "nay."

Mr. THORNTON (when Mr. FOSTER's name was called). I was requested by my colleague [Mr. FOSTER] to announce, if a yea-and-nay vote were taken in the Senate to-day, that he is unavoidably absent.

Mr. PAYNTER (when his name was called). I have a general pair with the senior Senator from Colorado [Mr. GUGGENHEIM]. He is necessarily detained from the Senate and I withhold my vote.

Mr. DU PONT (when Mr. RICHARDSON's name was called). I wish to announce the pair of my colleague [Mr. RICHARDSON]

The PRESIDING OFFICER. The Secretary will read the paragraph as proposed to be amended.

The Secretary read the clause on page 13, beginning in line 22, as follows:

To Adolph Hartiens, tutor of Sidney L. Hartiens, William W. Hartiens, and Mary R. Hartiens, grandchildren and heirs at law of William H. Osborne, deceased, late of Rapides Parish, $54,875.

The amendment is on page 14, line 1, to strike out the word "fifty-four" and insert "nine," so as to read "nine thousand eight hundred and seventy-five dollars."

Mr. BRISTOW. I desire to state that my colleague [Mr. CURTIS] is paired with the senior Senator from Tennessee [Mr. FRAZIER]. I make this announcement to stand for any vote that may be had to-day.

Mr. WARREN. I wish to announce that my colleague [Mr. CLARKE of Wyoming] is paired with the senior Senator from Missouri [Mr. STONE].

The result was announced—yeas 11, nays 43, as follows:

YEAS—11.

Beveridge	Bristow	Cummins	Smith, Mich.
Borah	Brown	Jones	Smoot
Bourne	Burton	La Follette	

NAYS—43.

Bacon	Cullom	Overman	Smith, Md.
Bailey	Dillingham	Page	Swanson
Bradley	du Pont	Penrose	Taliaferro
Brandegee	Fletcher	Percy	Taylor
Briggs	Flint	Perkins	Terrell
Burnham	Gallinger	Piles	Thornton
Carter	Kean	Purcell	Warner
Chamberlain	Lodge	Rayner	Warren
Crane	Lorimer	Root	Wetmore
Crawford	McCumber	Scott	Young
Culberson	Martin	Simmons	

NOT VOTING—38.

Aldrich	Depew	Hale	Paynter
Bankhead	Dick	Heyburn	Richardson
Bulkeley	Dixon	Hughes	Shively
Burkett	Elkins	Johnston	Smith, S. C.
Burrows	Foster	Money	Stephenson
Clapp	Frazier	Nelson	Stone
Clark, Wyo.	Frye	Newlands	Sutherland
Clarke, Ark.	Gamble	Nixon	Tillman
Curtis	Gore	Oliver	
Davis	Guggenheim	Owen	

So Mr. BRISTOW's amendment was rejected.

Mr. BRISTOW. Mr. President, this bill carries with it an appropriation of $2,040,946.97, of which $475,123.04 are private individual war claims; $327,174.08 are war claims paid to churches; $345,000 is for overtime for employees of different departments of the Government; and $842,688.53 is for the French spoliation claims.

On the first day that this bill was before the Senate for consideration I discussed it from a general point of view. I realized then how difficult it is to defeat a bill constructed as this has been. I realized then the full force of the distribution that was made of these large appropriations. I realize now the magnetic influence of combining claims into a general bill.

Many of these claims are just and should be paid. Many of them are not just and should not be paid. An omnibus claims bill invariably carries with it the good and the bad as well. That is why I have opposed this measure with what energy I could. I have had no disposition or purpose from the beginning to defeat it by any tactics of filibustering. I have sought to bring to the attention of the Senate and the American people the kind of legislation that this bill represents.

I hope that another bill of this character will not be soon presented to the American Congress. I hope that during my service here it will not be incumbent upon me again to review the French spoliation claims. I hope that Senators of the United States will not be required again to vote for appropriations that they do not approve in order that they may get just claims paid to their constituents.

I make the statement now that I have made heretofore, that there are claims aggregating hundreds of thousands of dollars in this bill that could not pass the American Congress upon their merits. I feel that I have done my duty in exposing these, as ineffectively as it has been done. I hoped for better results, but no one recognizes more than I do the power of organization. No one realizes more than I do the attractiveness of local appropriations. The American people recently witnessed the widespread dissatisfaction that grows from combinations in legislation and that carries through the bad with the good. This was manifested at the special session of Congress in the enactment of a tariff bill that has been repudiated by the American people because there were incorporated within it provisions that were unjust and indefensible.

This is comparatively a small measure, but the principle that underlies this bill is the same as that which underlies all legislation of this character. If the American people will go back a hundred years and dig up claims that rest upon shadowy authority and pay them out of the Public Treasury, that practice may continue and continue, and as time goes on it will become worse. When these French spoliation claims were first presented to the American Congress no effort was made to ascertain their aggregate amount; no estimate was made. Indeed it remained for half a century to pass before any estimate was made—that was in 1846. Then the estimate was fixed at $5,000,000.

In 1896, 50 years later, it had grown to $25,000,000. What will it be 50 years hence? Practically $4,000,000 has been appropriated, and this bill carries $842,000 more; and that, too, in face of the fact that this body in 1818, when the issue was fresh, found that the claims were not justified; in face of the fact that when the bill passed in 1846 and had attached to it the provision that the claims should be paid in land or land certificates, it was vetoed by the President; that when it passed nine years later it was then vetoed by another President, and when it passed in 1896 it was again vetoed by another President. So it has gone from year to year, the amount growing as the heirs accumulate. Probably many Senators have received communications from their home States from constituents who have a vague and shadowy notion that there is money due them out of Revolutionary War claims. One of the grossest and most insidious frauds that have ever been practiced upon the American people is found in the inducements which are held out to a great many people in this country that back in England somewhere there are vast estates that have been accumulating for centuries in which they have a share. There are attorneys and alleged representatives of these old estates who are in the cities of this country and abroad who are sending communications everywhere, claiming that for a certain stipulated fee they can help people get hold of a large inheritance, and there are thousands of people in the United States who are contributing annually to the payment of these attorneys in the hope that at some time they may thereby get something. It is just as culpable for the American Congress to hold up the hope and to hold out the expectation to many people in the United States, as they are doing by passing these old shadowy Revolutionary claims, that there is something for them in the United States Treasury, if they only knew how to get at it.

I received this morning a letter from an old gentleman in the State of Virginia stating that he understood that his grandfather had lost a large amount of money during the Revolutionary time; that the Government had the money, and ought to pay it. That man has been induced to believe that. He has not any valid claim; he has no claim against the Government. Why do we keep these bills before the American people, continuously making these appropriations and holding out such inducements?

Take the French spoliation claims. There were thousands of dollars lost in the turbulent times out of which those claims grew. There have been no claims made, no complaint filed, no evidence presented as to whether or not the people who lost had a valid claim; and why should those who had industriously constructed evidence for these claims for a hundred years be favored over others just as worthy? There certainly has been no evidence presented here to warrant such action on our part.

Now I submit, after a week's discussion, this case to the Senate of the United States. If it sees fit to pass the bill, as it apparently will, I feel that I have done my duty. If, by the efforts I have made I have given to the people of the United States a clear knowledge of the character of this legislation, I feel that I have not spoken in vain. If I have succeeded in serving notice upon the American Congress that legislation of this kind in future can not pass without a pronounced and vigorous controversy, I feel that my efforts have not been in vain. But I want to say now that while this fight, so far as

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actual results in the defeat of this bill are concerned, has failed, it has not been fruitless because it had no merit, but because of the system of legislation that prevails in the passing of claims of this kind. And I stand here to-day and protest with all the energy in my being against this system of legislation. I therefore submit the case to the Senate.

The PRESIDING OFFICER. The question is, Shall the bill be ordered to be engrossed for a third reading and read the third time?

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

The PRESIDING OFFICER. The question now is, Shall the bill pass?

Mr. BRISTOW. On that question I ask for the yeas and nays.

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

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE]. Therefore I withhold my vote.

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 New York [Mr. DEPEW], and vote. I vote "yea."

Mr. SCOTT (when the name of Mr. ELKINS was called). I wish to say that my colleague the senior Senator from West Virginia [Mr. ELKINS], as all Senators are well aware, is detained at home by serious illness. If he were here, he would vote "yea." I am glad to say that he is much better this morning.

Mr. PAYNTER (when his name was called). I again announce my pair with the Senator from Colorado [Mr. GUGGENHEIM].

Mr. DU PONT (when Mr. RICHARDSON'S name was called). I again announce the pair of my colleague [Mr. RICHARDSON] with the senior Senator from Arkansas [Mr. CLARKE]. If my colleague were present and free to vote, he would vote "yea."

Mr. SIMMONS (when his name was called). I wish to inquire whether the junior Senator from Minnesota [Mr. CLAPP] has voted.

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

Mr. SIMMONS. I have a pair with that Senator, but I transfer that pair to the Senator from Alabama [Mr. JOHNSTON], and vote. I vote "yea."

The roll call was concluded.

Mr. CHAMBERLAIN. I transfer my general pair with the junior Senator from Pennsylvania [Mr. OLIVER] to the senior Senator from Alabama [Mr. BANKHEAD], and vote. I vote "yea."

Mr. PURCELL. I have a pair with the senior Senator from Maine [Mr. HALE]. I therefore withhold my vote.

Mr. PAYNTER. I desire to announce that the senior Senator from Alabama [Mr. BANKHEAD] is detained from the Senate on account of illness.

The result was announced—yeas 45, nays 11, as follows:

YEAS—45.

Bacon	Dillingham	Overman	Swanson
Bourne	du Pont	Owen	Taliaferro
Bradley	Fletcher	Page	Taylor
Brandegee	Flint	Penrose	Terrell
Briggs	Gallinger	Percy	Thornton
Burnham	Kean	Perkins	Warner
Carter	Lodge	Piles	Warren
Chamberlain	Lorimer	Rayner	Wetmore
Crane	McCumber	Root	Young
Crawford	Martin	Scott	
Culberson	Newlands	Simmons	
Dick	Nixon	Smith, Md.	

NAYS—11.

Beveridge	Brown	Cummins	La Follette
Borah	Burkett	Heyburn	Smith, Mich.
Bristow	Burton	Jones	

NOT VOTING—36.

Aldrich	Curtis	Gore	Purcell
Bailey	Davis	Guggenheim	Richardson
Bankhead	Depew	Hale	Shively
Bulkeley	Dixon	Hughes	Smith, S. C.
Burrows	Elkins	Johnston	Smoot
Clapp	Foster	Money	Stephenson
Clark, Wyo.	Frazier	Nelson	Stone
Clarke, Ark.	Frye	Oliver	Sutherland
Cullom	Gamble	Paynter	Tillman

So the bill was passed.

EXECUTIVE SESSION.

Mr. LODGE. 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 10 minutes spent in executive business the doors were reopened, and (at 1 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, December 21, 1910, at 12 o'clock m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 20, 1910.

CONSUL.

Edwin S. Cunningham to be consul at Bombay, India.

REVENUE-CUTTER SERVICE.

Capt. Francis Marion Dunwoody to be senior captain in the Revenue-Cutter Service.

CIRCUIT JUDGE, COMMERCE COURT.

Martin A. Knapp to be additional circuit judge from the second judicial circuit and hereby designated to serve for five years in the Commerce Court.

REGISTER OF LAND OFFICE.

John F. Armstrong to be register of the land office at Sacramento, Cal.

RECEIVER OF PUBLIC MONEYS.

Louis T. Dugazon to be receiver of public moneys at New Orleans, La.

PROMOTIONS IN THE NAVY.

Lieut. Zeno E. Briggs to be a lieutenant commander.

Lieut. (Junior Grade) William L. Culbertson, jr., to be a lieutenant.

Lieut. (Junior Grade) Theodore G. Ellyson to be a lieutenant.

Lieut. (Junior Grade) Hugh Brown to be a lieutenant.

POSTMASTERS.

CALIFORNIA.

Wellington A. Griffin, Mountain View.

CONNECTICUT.

Frank M. Buckland, West Hartford.
George W. Merritt, Greenwich.

ILLINOIS.

James O. Burton, Dahlgren.
Charles W. Corwin, Peru.
Peter E. Low, Eureka.

IOWA.

L. M. Bosworth, Ames.
Arthur S. Burdick, Postville.
William B. Collinson, Oelwein.
Charles M. Marshall, Moulton.
James F. Mentzer, Knoxville.
Millard F. Stookey, Leon.

KANSAS.

Harvey S. Givler, Wakeeney.

MASSACHUSETTS.

Simeon L. Smith, Orleans.

MINNESOTA.

William D. Hale, Minneapolis.

NEBRASKA.

L. F. Etter, South Omaha.
A. O. Yetter, Cozad.

NEW JERSEY.

Henry M. Bigelow, Hampton.
John W. Dooling, Clayton.

HOUSE OF REPRESENTATIVES.

TUESDAY, *December 20, 1910.*

The House met at 12 o'clock noon.

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

The Journal of the proceedings of yesterday was read.

CORRECTION OF JOURNAL.

The SPEAKER. Joint resolution 247, to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of December, and so forth, was reported yesterday from the Committee on Accounts and went on the Union Calendar. As it merely changes the date in the making of the payment, in the opinion of the Chair, the Journal should show that it went on the House Calendar; and, without objection, it is so ordered, and the Journal will be so corrected.

There was no objection.

The Journal of the proceedings of yesterday was approved.

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By Mr. BRADLEY:
A bill (S. 9760) granting an increase of pension to Jesse K. Freeman; to the Committee on Pensions.
By Mr. NIXON:
A bill (S. 9761) granting an increase of pension to Alfred Y. Gale;
A bill (S. 9762) granting an increase of pension to George W. Thompson;
A bill (S. 9763) granting an increase of pension to John Milton Ralston (with accompanying paper); and
A bill (S. 9764) granting an increase of pension to Patrick O'Donnell (with accompanying paper); to the Committee on Pensions.
By Mr. BRANDEGEE:
A bill (S. 9765) granting an increase of pension to Hiram F. Chappell;
A bill (S. 9766) granting an increase of pension to Jerome A. Shirley;
A bill (S. 9767) granting an increase of pension to Mary M. Hoxie;
A bill (S. 9768) granting an increase of pension to Perry B. Johnson;
A bill (S. 9769) granting an increase of pension to Henry Worthington; and
A bill (S. 9770) granting an increase of pension to Michael Cleary; to the Committee on Pensions.
By Mr. JONES:
A bill (S. 9771) granting an increase of pension to George F. Ralston;
A bill (S. 9772) granting an increase of pension to Winfield S. Blain;
A bill (S. 9773) granting an increase of pension to Samuel M. Hoover;
A bill (S. 9774) granting an increase of pension to James R. McKee;
A bill (S. 9775) granting an increase of pension to David W. Fox;
A bill (S. 9776) granting an increase of pension to George Liddle;
A bill (S. 9777) granting an increase of pension to William H. Dupray;
A bill (S. 9778) granting an increase of pension to George H. Slightam;
A bill (S. 9779) granting an increase of pension to Samuel Malkohn;
A bill (S. 9780) granting an increase of pension to Alfred B. Wilcox; and
A bill (S. 9781) granting an increase of pension to Luther McNeal; to the Committee on Pensions.
By Mr. CARTER:
A bill (S. 9782) for the improvement of Quackenbos Street from Georgia Avenue to the east side of Eighth Street NW., Quintana Place from Eighth Street to Ninth Street NW., Eighth Street from Quackenbos Street to Rittenhouse Street NW., and Ninth Street from Quackenbos Street to Rittenhouse Street NW.;
A bill (S. 9783) authorizing the extension of Ninth Street NW.; and
A bill (S. 9784) authorizing the extension of Eighth Street NW.; to the Committee on the District of Columbia.
By Mr. BURKETT:
A bill (S. 9785) granting an increase of pension to Daniel Liming;
A bill (S. 9786) granting an increase of pension to Myron Richards; and
A bill (S. 9787) granting an increase of pension to William M. Thomas (with accompanying papers); to the Committee on Pensions.
By Mr. PENROSE:
A bill (S. 9788) to grant an honorable discharge to Patrick Quinn (with accompanying papers); to the Committee on Military Affairs.
A bill (S. 9789) granting an increase of pension to Laura V. Tegethoff;
A bill (S. 9790) granting a pension to Sarah M. Chandler (with accompanying papers); and
A bill (S. 9791) granting a pension to Ethalinda Stewart (with accompanying paper); to the Committee on Pensions.
By Mr. LODGE:
A bill (S. 9792) granting an increase of pension to Arthur W. Cox (with accompanying papers); to the Committee on Pensions.
By Mr. NELSON:
A bill (S. 9793) for the relief of public-land claimants in fire-burned areas; to the Committee on Public Lands.
By Mr. OWEN (for Mr. GORE):
A bill (S. 9794) to remove the charge of desertion against Elias Gibbs; to the Committee on Military Affairs.
A bill (S. 9795) granting an increase of pension to Elias Cleveland (with accompanying paper);
A bill (S. 9796) granting an increase of pension to Benjamin R. Chisam (with accompanying papers);
A bill (S. 9797) granting an increase of pension to William H. Dillingham (with accompanying paper);
A bill (S. 9798) granting an increase of pension to Amos Potter (with accompanying papers);
A bill (S. 9799) granting an increase of pension to Thomas M. Smith (with accompanying paper);
A bill (S. 9800) granting an increase of pension to William G. Downs (with accompanying papers); and
A bill (S. 9801) granting an increase of pension to Hiram Brooks (with accompanying papers); to the Committee on Pensions.
A bill (S. 9802) to reimburse the members of the Chickasaw and Choctaw Tribes of Indians for the fee of $750,000, said fee paid the firm of Mansfield, McMurray & Cornish, and for other purposes; to the Committee on Indian Affairs.
By Mr. RAYNER (by request):
A bill (S. 9803) for the relief of the heirs of Charles N. Gregory, deceased; to the Committee on Claims.
By Mr. SCOTT:
A bill (S. 9804) granting an increase of pension to Bernard F. Morrow (with accompanying papers); to the Committee on Pensions.
By Mr. BEVERIDGE:
A bill (S. 9805) granting a pension to Benaldine Smith Noble;
A bill (S. 9806) granting an increase of pension to John V. Preston;
A bill (S. 9807) granting an increase of pension to William C. Hoffman (with accompanying papers); and
A bill (S. 9808) granting an increase of pension to Benjamin B. Winans (with accompanying paper); to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. NELSON submitted an amendment proposing to appropriate $10,000 for improving the Mississippi River in Minnesota, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. BAILEY submitted an amendment proposing to appropriate $300,000 for continuing the contract plan for widening and deepening the Sabine-Neches Canal from the Port Arthur ship channel to the Sabine River to a navigable depth of 25 feet, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. BURTON submitted an amendment proposing to increase the salary of the chief clerk of the Bureau of Yards and Docks, Navy Department to $2,500, intended to be proposed by him to the legislative, etc., apropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. PILES submitted an amendment proposing to appropriate $50,000 for improving Willapa River and Harbor, Wash., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to appropriate $25,000 for improving the harbor at Bellingham, Wash., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

GOVERNMENT OFFICERS AND EMPLOYEES.

Mr. BOURNE submitted the following resolution (S. Res. 312), which was considered by unanimous consent and agreed to:

Resolved, That the President of the United States is hereby requested to furnish to the Senate for its use, if he does not deem it incompatible with public interest, the following information, with departmental classifications of the same:

First. The total number of appointments which are made by the President upon nomination to and confirmation by the Senate.

Second. The total number of appointments which are made by the President, but which do not require nomination to and confirmation by the Senate.

Third. The total number of officers and employees of the Government subject to civil-service regulations, specifying classification and number of postmasters.

Fourth. The total number of officers and employees subject to removal by the President without action on the part of Congress.

Fifth. Total number of officers and employees of the United States Government exclusive of enlisted men and officers of the Army and Navy.

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PRESIDENTIAL APPROVALS.

A message from the President of the United States, by M. C. Latta, Executive clerk, announced that the President had, on December 20, 1910, approved and signed the following acts and joint resolution:

S. 5651. An act to amend an act entitled "An act to incorporate the Washington Sanitary Housing Co.," approved April 23, 1904;

S. 6910. An act to provide for the extension of Reno Road, in the District of Columbia; and

S. J. Res. 130. Joint resolution to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of December, 1910, on the 21st day of said month.

RULE REGARDING TARIFF LEGISLATION.

Mr. NEWLANDS. Mr. President, I give notice that on the 5th of January, at the conclusion of the morning business, I will address the Senate on the resolution proposed by the Senator from Iowa [Mr. CUMMINS] regarding the amendment of the tariff by schedules.

ENTRY ON COAL LANDS IN ALABAMA.

Mr. OVERMAN. Mr. President, on behalf of the Senator from Alabama [Mr. JOHNSTON], who is confined to his room by sickness and is very anxious to get a local bill through at this session, I ask unanimous consent for the present consideration of the bill (S. 9266) extending the operation of the act of June 10, 1910, to coal lands in Alabama.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes that all the public lands containing coal deposits in the State of Alabama which are now being withheld from homestead entry under the provisions of the act entitled "An act to exclude the public lands in Alabama from the operations of the laws relating to mineral lands," approved March 3, 1883, may be entered under the homestead laws of the United States subject to the provisions, terms, conditions, and limitations prescribed in the act entitled "An act to provide for agricultural entries on coal lands," approved June 10, 1910.

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

JOURNAL OF PORTO RICO.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States (H. Doc. No. 1069), which was read, ordered to be printed, and, with the accompanying paper, referred to the Committee on Pacific Islands and Porto Rico:

To the Senate and House of Representatives:

As required by section 19 of the act of Congress approved April 12, 1900, entitled "An act temporarily to provide revenue and a civil government for Porto Rico, and for other purposes," I transmit herewith a copy of the Journal of the Executive Council of Porto Rico for the session beginning August 30 and ending September 3, 1910.

WM. H. TAFT.

THE WHITE HOUSE, *December 21, 1910.*

FRANCHISES IN PORTO RICO.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States (H. Doc. No. 1223), which was read, and, with the accompanying papers, referred to the Committee on Pacific Islands and Porto Rico and ordered to be printed:

To the Senate and House of Representatives:

As required by section 32 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 transmit herewith certified copies of franchises granted by the Executive Council of Porto Rico, which are described in the accompanying letter from the Secretary of War transmitting them to me. Such of these as relate to railroad, street railway, telegraph, and telephone franchises, privileges, or concessions have been approved by me, as required by the joint resolution of May 1, 1900 (31 Stat. L., p. 715).

WM. H. TAFT.

THE WHITE HOUSE, *December 21, 1910.*

TEXAS-NEW MEXICO BOUNDARY LINE.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States (H. Doc. No. 1076), which was read, ordered to lie on the table, and to be printed:

To the Senate and House of Representatives:

The constitutional convention recently held in the Territory of New Mexico has submitted for acceptance or rejection the draft of a constitution to be voted upon by the voters of the proposed new State, which contains a clause purporting to fix the boundary line between New Mexico and Texas which may reasonably be construed to be different from the boundary lines heretofore legally run, marked, established, and ratified by the United States and the State of Texas, and under which claims might be set up and litigation instigated of an unnecessary and improper character. A joint resolution has been introduced in the House of Representatives for the purpose of authorizing the President of the United States and the State of Texas to mark the boundary lines between the State of Texas and the Territory or proposed State of New Mexico, or to reestablish and re-mark the boundary line heretofore established and marked, and to enact that any provision of the proposed constitution of New Mexico that in any way tends to annul or change the boundary lines between Texas and New Mexico shall be of no force or effect. I recommend the adoption of such joint resolution.

The act of June 5, 1858 (vol. 11, U. S. Stats., 310)—

authorizing the President of the United States, in conjunction with the State of Texas, to run and mark the boundary lines between the territories of the United States and the State of Texas—

under which a survey was made in 1859–60 by one John H. Clark, and in the act of Congress approved March 3, 1891 (vol. 26, U. S. Stats., 971)—

the boundary lines between said public-land strip and Texas, and between Texas and New Mexico, established under the act of June 5, 1858, is hereby confirmed—

and a joint resolution was passed by the legislature of Texas, and became a law March 25, 1891—

confirming the location of the boundary lines established by the United States commissioner between No Man's Land and Texas and Texas and New Mexico under the act of Congress of June 5, 1858. (Laws of Texas, 191, p. 193, Resolutions.)

The Committee on Indian Affairs, in its report of May 2, 1910 (No. 1250), Sixty-first Congress, second session, recommended a joint resolution, in the fourth section of which appears the following:

Provided, That the part of a line run and marked by monument along the thirty-second parallel of north latitude, and that part of the line run and marked along the one hundred and third degree of longitude west of Greenwich, the same being the east and west and north and south lines between Texas and New Mexico, and run by authority of act of Congress approved June 5, 1858, and known as the Clark lines, and that part of the line along the parallel of 36 degrees and 30 minutes of north latitude, forming the north boundary line known as the Panhandle of Texas, and which said parts of said lines have been confirmed by act of Congress of March 3, 1891, shall remain the true boundary lines of Texas and Oklahoma and the Territory of New Mexico: *Provided further*, That it shall be the duty of the commissioners appointed under this act to re-mark said old Clark monuments and lines where they can be found and identified.

The lines referred to in the paragraph above are the same as contained in the proposed joint resolution above referred to.

Under the act of Congress approved June 20, 1910, "An act to enable the people of New Mexico to form a constitution and State government and be admitted into the Union," etc. (vol. 36, U. S. Stats., 557, sec. 4), provides that when a constitution has been duly ratified by the people of New Mexico a certified copy of the same shall be submitted to the President of the United States, and in section 5 it provides that after certain elections shall have been held and the result certified to the President of the United States, the President shall immediately issue his proclamation, upon which the proposed State of New Mexico shall be deemed admitted by Congress into the Union, by virtue of said act of June 20, 1910. The required acts have not taken place, and therefore to all intents and purposes the proposed State of New Mexico is still a Territory and under the control of Congress.

As the boundary line between Texas and New Mexico is established under the act of June 5, 1858, and confirmed by Congress under the act of March 3, 1891, and ratified by the State of Texas March 25, 1891, and as the Territory of New Mexico has not up to the present time fulfilled all the requirements under the act of June 20, 1910, for admission to the Union, there is no reason why the joint resolution should not be adopted, as above provided, and I recommend the adoption of such resolution for the purpose of conferring indisputable authority upon the President, in conjunction with the State of Texas, to reestablish and re-mark a boundary already established and confirmed by Congress and the State of Texas.

WM. H. TAFT.

THE WHITE HOUSE, *December 21, 1910.*

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The report of the board is based not only upon its field examination of the various projects, but upon information derived from personal conference with the field officers and employees of the Reclamation Service and data furnished by such officers and employees. In addition, settlers, landowners, and other parties interested in the projects were given an opportunity to be heard. The feasibility of the projects was considered from an engineering and economic standpoint, the board giving consideration to the character of the projects, whether international, interstate, or intrastate; the relative amounts of public and private lands capable of irrigation; the money already expended; the necessity of completion of the projects in order to secure its return; the existing contracts or agreements with water users' associations and private individuals; and the protection of water rights. The board also points out the importance of certain additional legislation, authorizing the sale of surplus stored water and the modification of conditions of payments of water rights on certain projects which will otherwise fail of returning their cost to the reclamation fund. The Secretary of the Interior, in his annual report to me, has recommended similar legislation.

The board recommended the allotment of the $20,000,000 provided by the act of June 25, 1910, to the following-named projects:

Salt River, Ariz	$495,000
Yuma, Ariz. and Cal	1,200,000
Grand Valley, Colo	1,000,000
Uncompahgre, Colo	1,500,000
Payette-Boise, Idaho	2,000,000
Milk River, Mont	1,000,000
North Platte, Wyo. and Nebr	2,000,000
Truckee-Carson, Nev	1,193,000
Rio Grande, N. Mex., Tex., and Mexico	4,500,000
Umatilla, Oreg	325,000
Klamath, Oreg. and Cal	600,000
Strawberry Valley, Utah	2,272,000
Sunnyside, Tieton } Yakima, Wash	1,250,000 665,000
Total	20,000,000

and that the interest on the loan as provided by said act be charged against the projects on the amounts contributed for their completion.

The recommendation of the board for the tentative allotment of the general reclamation fund among the various projects for the years 1911 to 1914, inclusive, was as follows:

Yuma	$2,380,462
Grand Valley (conditional)	500,000
Uncompahgre	2,045,000
Minidoka	528,000
Payette-Boise	4,585,435
Huntley	110,000
Milk River	2,950,000
Sun River	3,278,000
Lower Yellowstone (conditional)	578,000
North Platte	2,185,000
Truckee-Carson	1,594,000
Rio Grande	1,855,000
Missouri pumping (conditional)	270,000
Bellefourche	480,000
Okanogan	13,000
Shoshone	2,000,000
Total	25,351,897

No allotments, either from the loan or from the general reclamation fund, were recommended for the following projects, except for necessary maintenance and operation: Orland, Cal.; Garden City, Kans.; Kittitas, Wapato, and Benton, Yakima project, Wash.; Carlsbad, N. Mex.; Hondo, N. Mex.

The last-named projects are, with the exception of the Kittitas, Wapato, and Benton units of the Yakima project, completed or nearly completed. With respect to the said three units of the Yakima project, the board recommended development of a general system of storage reservoirs for the Yakima Valley, provided Congress authorizes the sale of excess stored water, so that the return of the cost of building of reservoirs may be secured, but did not recommend any allotment of funds for the construction of reservoirs or canals specifically for the said units.

After careful consideration of the report of the Board of Engineers I approved the same, believing that it sets forth a plan for the distribution of the loan and of the available reclamation fund that, from an engineering and economic standpoint, will best secure the speedy completion of those projects which, because of their character, the needs of the settlers, treaty or interstate relations, protection of water rights, and prompt return to the reclamation fund of the moneys invested, should be given the preference in construction and completion over such projects, or parts of projects, which are more remote and may properly wait until a later date for construction, or may secure water through private canals, in the event the Government is authorized to dispose of surplus water to the owners of such canals. My approval, however, is subject to the condition that the amounts allotted to the various projects may be adjusted and modified from time to time, as is found necessary for the intelligent and proper prosecution of the work and the advantage of the service. I have authorized the Secretary of the Interior to call upon the Secretary of the Treasury from time to time, as the same are needed, for the funds provided for by the act of June 25, 1910, in accordance with the allotments recommended by the board and approved by me.

Purusant to the recommendations of the Secretary of the Interior and of the Board of Army Engineers, I earnestly recommend the enactment of a law which will permit of the disposition of any surplus stored water available from reclamation projects to persons, associations, or corporations operating systems for the delivery of water to individual water users for the irrigation of arid lands, and the enactment of legislation which will give Executive authority for the modification of conditions of payment for water rights on certain of the projects where, by reason of local conditions, the return of the cost of the projects to the reclamation fund will not be secured unless settlers are permitted to make payments on terms or conditions other than those specified in the public notices heretofore issued. In this connection attention is directed to the provisions of Senate bill 6842, now pending. Attention is also directed to the other legislation pertaining to reclamation projects recommended by the Secretary of the Interior, which legislation would aid in the administration of the reclamation projects.

With the funds now at our disposal and the enactment of the additional legislation suggested, it is hoped that the work upon the several projects for which allotments have been made may proceed to an early completion, and that the settlers and water users upon the projects, upon being furnished with water for the irrigation of their lands, may be enabled to return to the Treasury the sums expended in the construction of the projects. In accordance with the requirements of section 2 of the reclamation act the Secretary of the Interior has already transmitted to Congress the Ninth Annual Report of the Reclamation Service, and in order that Congress may be placed in possession of all the information at hand to date with reference to the reclamation projects and the estimated cost of their completion I transmit herewith for its further information a copy of the said report of the Board of Army Engineers.

WM. H. TAFT.

THE WHITE HOUSE, *January 5, 1911.*

AFFAIRS IN THE PHILIPPINES.

The VICE PRESIDENT laid before the Senate the following message from the President of the United States (H. Doc. No. 1261), which was read and, with the accompanying paper, referred to the Committee on the Philippines and ordered to be printed:

To the Senate and House of Representatives:

As I said in my annual message, the Secretary of War by my direction visited the Philippine Islands during the summer, and has prepared a special report in respect to the condition of those islands, which I transmit to the Congress herewith.

It will appear by a perusal of the report that the condition of the islands, with respect to the prosperity, peace and good order, and the spread of education, has greatly improved during American occupation, and especially since the passage of the Payne tariff act, which gave to those islands practically free trade with the United States.

I commend to the perusal of the Congress the very satisfactory summary presented by Secretary Dickinson of the conditions now existing in the Archipelago.

WM. H. TAFT.

THE WHITE HOUSE, *January 5, 1911.*

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:

S. 1872. An act setting apart a tract of land to be used as a cemetery by the Independent Order of Odd Fellows of Central City, Colo.;

S. 3904. An act for the relief of the Merritt & Chapman Derrick & Wrecking Co.; and

S. 5362. An act granting to the city of Bozeman, Mont., certain lands to enable the city to protect its source of water supply from pollution.

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

S. 115. An act for the relief of Marcellus Troxell;

S. 192. An act for the relief of James D. Elliott; and

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S. 7252. An act granting an annuity to John R. Kissinger.

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

H. R. 5968. An act to pay Thomas P. Morgan, jr., amount found due him by Court of Claims;

H. R. 6776. An act for the relief of Olivia J. Baker, widow of Julian G. Baker, late quartermaster, United States Navy;

H. R. 11777. An act for the relief of John T. Glynn;

H. R. 15692. An act for the relief of William E. Murray;

H. R. 16133. An act for the relief of Samuel L. Barnhart;

H. R. 18342. An act for the relief of E. C. Young;

H. R. 18588. An act to correct the title to certain lands in the Creek Nation, Okla., sold under order of the United States court;

H. R. 18631. An act for the relief of Frederic William Scott;

H. R. 18857. An act for the relief of Laura A. Wagner;

H. R. 19379. An act for the relief of the estate of Jacob A. Henry;

H. R. 20072. An act for the relief of Hans N. Anderson;

H. R. 21965. An act for the relief of Mary Wind French;

H. R. 23888. An act for the relief of the Pennsylvania Engineering Co., of the city of Philadelphia;

H. R. 24123. An act for the relief of the legal representatives of William M. Wightman, deceased;

H. R. 24786. An act to refund certain tonnage taxes and light dues;

H. R. 25057. An act for the relief of Willard Call and John M. Wyatt;

H. R. 25074. An act for the relief of the owners of the schooner *Walter B. Chester;*

H. R. 25081. An act for the relief of Helen S. Hogan;

H. R. 25679. An act for the relief of the Sanitary Water-Still Co.; and

H. R. 26529. An act for the relief of Phoebe Clark.

The message also transmitted to the Senate resolutions of the House on the death of Hon. STEPHEN B. ELKINS, late a Senator from the State of West Virginia.

The message further announced that the Speaker of the House had appointed Mr. HUBBARD, Mr. HUGHES, Mr. WOODYARD, Mr. STURGISS, and Mr. GAINES of West Virginia, Mr. MANN of Illinois, Mr. ANDREWS of New Mexico, Mr. RUCKER of Missouri, Mr. ALEXANDER of New York, Mr. LONGWORTH of Ohio, Mr. CALDERHEAD of Kansas, Mr. LIVINGSTON and Mr. ADAMSON of Georgia, Mr. SLEMP and Mr. LAMB of Virginia, Mr. RICHARDSON of Alabama, and Mr. MCCALL of Massachusetts members of the committee on the part of the House.

SENATOR FROM ILLINOIS.

The VICE PRESIDENT. Petitions and memorials are in order.

Mr. OWEN and Mr. LORIMER addressed the Chair.

The VICE PRESIDENT. The Senator from Oklahoma.

Mr. OWEN. I yield to the Senator from Illinois.

Mr. LORIMER. Mr. President, in the latter part of May last I introduced a resolution in the Senate calling for an inquiry of the charges made in the public press that I had been elected to this body by bribery and corruption. The resolution called for the most exhaustive inquiry. Subsequently a resolution calling for a similar procedure was adopted by the Senate directing a committee of the Senate to make the investigation. After a considerable time and a very thorough inquiry a report was made to the Senate by a majority of the committee. I understand that a minority report is to be submitted to-day, and that a discussion of the subject on these reports is to begin to-day.

Mr. President, because of what I know of my election to the Senate, knowing that I was not elected by bribery and corruption, and that no person was guilty of corrupt practices in my election, I feel that I am obligated to the State which I represent in part in this body and to myself to be present in this Chamber during the discussion, and at some later time I reserve the right to discuss the statements made in the Senate, together with the reports.

I hope that my presence here will not embarrass any Senator who desires to discuss this matter, as his presence will not embarrass me when the time shall arrive when I shall discuss it myself.

Mr. OWEN. Mr. President, on May 21, 1908——

Mr. BEVERIDGE and Mr. GALLINGER. Regular order!

The VICE PRESIDENT. The regular order is the presentation of petitions and memorials.

Mr. OWEN. I rise to a question of the highest privilege—the right of a Senator to a seat on this floor.

Mr. BEVERIDGE. Regular order!

The VICE PRESIDENT. That is the regular order when the Senator from Oklahoma has stated it, as he had not theretofore done.

Mr. OWEN. I rise for the purpose of presenting a resolution to vacate the seat in the Senate now held by WILLIAM LORIMER.

Mr. BEVERIDGE. Regular order, Mr. President. The resolution must come according to the standing rules of the Senate in the regular order of business.

Mr. HALE. In the course of that order.

Mr. BEVERIDGE. In the course of that order; and I hope it will not be necessary to suggest to the Senator from Oklahoma that the introduction of a resolution utterly out of order, according to the standing rules which form the law of this body, is hardly appropriate. The Senator, I take it, is aware—and if he is not, I will now inform him—that a minority report is to be filed by a member of the committee having this case in charge. The Senator had notice that such action might be taken when the majority of the committee submitted its majority report with the evidence.

The law which governs us puts the Senator's proposed resolution at a definite and distinct place in the order of business. The Senator, I think on reflection, will see the impropriety of making any suggestion in the matter out of the regular order of the Senate, out of the settled law which governs this body, and before the report from the minority of the committee is presented. That report I shall present, as is suggested, at the regular and appropriate time fixed in the standing rules of this body.

I call for the regular order, Mr. President.

The VICE PRESIDENT. The regular order is the question which the Senator from Oklahoma [Mr. OWEN] has raised.

Mr. BEVERIDGE. What is that?

The VICE PRESIDENT. A question of the highest privilege—the right of a Senator to a seat upon this floor.

Mr. BEVERIDGE. That is provided for, Mr. President, by the standing rules.

The VICE PRESIDENT. Does the Senator from Oklahoma yield further to the Senator from Indiana?

Mr. OWEN. I decline to yield further, Mr. President.

The VICE PRESIDENT. The Senator from Oklahoma declines to further yield to the Senator from Indiana.

Mr. BEVERIDGE. I merely then repeat that this will not preclude the regular order of the Senate going forward.

The VICE PRESIDENT. The Senator from Oklahoma has the floor, and he will present his resolution as a preliminary.

Mr. OWEN. I present the following resolution:

Resolved, That the so-called election of WILLIAM LORIMER on May 26, 1909, by the legislature of the State of Illinois was illegal and void, and that he is not entitled to a seat in the United States Senate.

The VICE PRESIDENT. The Secretary will read the resolution.

Mr. GALLINGER. Let the resolution be stated from the desk, Mr. President.

The VICE PRESIDENT. The Secretary will read the resolution (S. Res. 316).

The Secretary read as follows:

Resolved, That the so-called election of WILLIAM LORIMER on May 26, 1909, by the legislature of the State of Illinois was illegal and void, and that he is not entitled to a seat in the United States Senate.

Mr. BEVERIDGE. Mr. President——

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

Mr. OWEN. I decline to yield to the Senator from Indiana.

The VICE PRESIDENT. The Senator from Oklahoma declines to yield.

Mr. GALLINGER. I rise to a question of order.

The VICE PRESIDENT. The Senator from New Hampshire will state his question of order.

Mr. GALLINGER. I make the point of order that under the rule the resolution should go over one day.

Mr. BEVERIDGE. If objected to.

The VICE PRESIDENT. The Chair will hold that a resolution of this character, presenting a question of the highest privilege, does not have to stand over for a day.

Mr. BEVERIDGE. Mr. President, I appeal from the decision of the Chair.

The VICE PRESIDENT. The Senator from Indiana appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. BEVERIDGE. Upon that point, Mr. President, just this sole remark——

Mr. GALLINGER (to Mr. BEVERIDGE). Do not discuss it——

Mr. BEVERIDGE. I do not think it is necessary, merely because it is an unquestioned rule of the Senate.

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By Mr. FLETCHER:
A bill (S. 9975) to extend the laws to regulate commerce and the authority and jurisdiction of the Interstate Commerce Commission to and over Alaska; to the Committee on Interstate Commerce.
A bill (S. 9976) granting an increase of pension to Theodore F. Colgrove; to the Committee on Pensions.
By Mr. STONE:
A bill (S. 9977) for the relief of the estate of James McGuire;
A bill (S. 9978) for the relief of the heirs of John A. Winn, deceased; and
A bill (S. 9979) for the relief of the heirs of Mark Beamer, deceased; to the Committee on Claims.
A bill (S. 9980) granting an increase of pension to James G. Durham (with accompanying papers);
A bill (S. 9981) granting an increase of pension to Margaret C. Dougherty (with accompanying papers);
A bill (S. 9982) granting an increase of pension to Thomas Lauderback (with accompanying papers);
A bill (S. 9983) granting a pension to Frank Castro (with accompanying papers);
A bill (S. 9984) granting an increase of pension to Caroline Kirchner;
A bill (S. 9985) granting a pension to Amanda E. Story;
A bill (S. 9986) granting an increase of pension to Asa Blanchard; and
A bill (S. 9987) granting a pension to Celestine Moreau (with accompanying paper); to the Committee on Pensions.
By Mr. OVERMAN:
A bill (S. 9988) for the relief of Chalmers G. Hall; to the Committee on Military Affairs.
By Mr. BRISTOW:
A bill (S. 9989) granting an increase of pension to Darius Wells; and
A bill (S. 9990) granting an increase of pension to Aaron Welty (with accompanying papers); to the Committee on Pensions.
By Mr. JONES:
A bill (S. 9991) granting an increase of pension to Thomas Mullen;
A bill (S. 9992) granting an increase of pension to Edmund Gould;
A bill (S. 9993) granting an increase of pension to Chauncey M. Carpenter;
A bill (S. 9994) granting an increase of pension to Michael Culp;
A bill (S. 9995) granting an increase of pension to David Mills; and
A bill (S. 9996) granting an increase of pension to William H. Davisson; to the Committee on Pensions.
By Mr. HEYBURN:
A bill (S. 9997) granting an increase of pension to Abram Trexler (with accompanying papers); to the Committee on Pensions.
By Mr. McCUMBER:
A bill (S. 9998) providing for the erection of a public building at Valley City, N. Dak.; and
A bill (S. 9999) providing for the erection of a public building at Dickinson, N. Dak.; to the Committee on Public Buildings and Grounds.
A bill (S. 10000) granting an increase of pension to Nahum B. Pinkham;
A bill (S. 10001) granting an increase of pension to Benjamin F. Gilson;
A bill (S. 10002) granting an increase of pension to Adelbert Whitney;
A bill (S. 10003) granting an increase of pension to Alonzo J. Batchelder;
A bill (S. 10004) granting an increase of pension to Richard Dent;
A bill (S. 10005) granting an increase of pension to R. H. Hankinson; and
A bill (S. 10006) granting an increase of pension to Charles E. Capehart (with accompanying papers); to the Committee on Pensions.
By Mr. PERKINS:
A bill (S. 10007) for the construction and equipment of a first-class steam light vessel to mark Orford Reef, Oreg.;
A bill (S. 10008) for a flashing light to replace the fixed light now at the Point Fermin Light Station, Cal.;
A bill (S. 10009) for the establishment of a light and fog-signal station on Anacapa Island, Cal.;
A bill (S. 10010) for the substitution of a first-class fog signal to replace the present Daboll trumpet at the Fort Point Light Station, Cal.;
A bill (S. 10011) for establishing a light and fog-signal station on the San Pedro Breakwater, Cal.;
A bill (S. 10012) for the establishment of acetylene-gas beacon lights, lighted buoys, and fog signals at or near Point Herron, Point Glover, Apple Cove Point, Bush Point, Point Partridge, and the improvement of the lights and fog signals at Marrowstone Point and Slip Point, Puget Sound, Wash.;
A bill (S. 10013) for establishing additional aids to navigation in Alaskan waters;
A bill (S. 10014) for completing the establishment of the light and fog-signal station at Battery (Alki) Point, Wash.;
A bill (S. 10015) for rebuilding and improving the present light and fog signal at Lincoln Rock, Alaska, or for building another light and fog-signal station upon a different site near by;
A bill (S. 10016) for establishing a fog signal and keeper's quarters at the Point Loma Light Station, Cal.;
A bill (S. 10017) for a flashing light, a fog signal, and a keeper's dwelling at the Santa Barbara Light Station, Cal.;
A bill (S. 10018) for establishing a light and fog-signal station at or near Army Point, Suisun Bay, Cal.;
A bill (S. 10019) for establishing a light and fog signal on Cape St. Elias, Alaska;
A bill (S. 10020) for establishing a light and fog-signal station at Resurrection Bay entrance, Alaska;
A bill (S. 10021) for establishing a light and fog-signal station at or near Cape Spencer, Alaska;
A bill (S. 10022) for establishing aids to navigation on the Yukon River, Alaska;
A bill (S. 10023) for establishing a light and fog-signal station on Richardsons Rock, in the Santa Barbara Islands, Cal.;
A bill (S. 10024) for installing a fourth-order flashing light, establishing a fog signal, and constructing quarters for two assistant keepers at the Santa Cruz Light Station, Cal.;
A bill (S. 10025) for a fog signal and keeper's quarters at the Trinidad Head Light Station, Cal.; and
A bill (S. 10026) for a flashing light, fog signal, and keeper's quarters at the Point Pinos Light Station, Cal.; to the Committee on Commerce.
By Mr. RAYNER:
A bill (S. 10027) providing for the appointment of special masters in equity by the supreme court of the District of Columbia; to the Committee on the Judiciary.
A bill (S. 10028) granting an increase of pension to August Burckard (with accompanying papers);
A bill (S. 10029) granting an increase of pension to Silas H. Drenner (with accompanying papers);
A bill (S. 10030) granting a pension to John Gallagher (with accompanying papers);
A bill (S. 10031) granting an increase of pension to John H. Johnson (with accompanying papers); and
A bill (S. 10032) granting an increase of pension to Sarah E. Anderson (with accompanying papers); to the Committee on Pensions.
By Mr. BRADLEY:
A bill (S. 10033) for the relief of James D. Gilman (with accompanying papers); and
A bill (S. 10034) for the relief of John E. Hillyard and Ada Walker, formerly Hillyard; to the Committee on Claims.
A bill (S. 10035) granting an increase of pension to John J. Hill;
A bill (S. 10036) granting an increase of pension to Thomas J. North; and
A bill (S. 10037) granting an increase of pension to William R. Arnold; to the Committee on Pensions.
By Mr. OWEN:
A bill (S. 10038) regulating the interstate shipment of intoxicating liquors, and for other purposes; to the Committee on the Judiciary.
A bill (S. 10039) making the rolls of the Five Civilized Tribes conclusive as to quantum of Indian blood and age, and for other purposes; and
A bill (S. 10040) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Ponca Tribe of Indians against the United States (with accompanying papers); to the Committee on Indian Affairs.
A bill (S. 10041) to create a United States legislative reference bureau, and for other purposes; to the Committee on the Library.
By Mr. LA FOLLETTE:
A bill (S. 10042) granting an increase of pension to John Rose;
A bill (S. 10043) granting an increase of pension to Christopher J. Rollis;

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A bill (S. 10044) granting an increase of pension to Levi B. Wallace;
A bill (S. 10045) granting an increase of pension to John Murdie;
A bill (S. 10046) granting a pension to William S. Cleggett; and
A bill (S. 10047) granting an increase of pension to Mark Smith; to the Committee on Pensions.

By Mr. BOURNE:
A bill (S. 10048) granting an increase of pension to Sadie O. Purcell (with accompanying paper); to the Committee on Pensions.

By Mr. ALDRICH:
A bill (S. 10049) granting an increase of pension to James Blade (with accompanying paper);
A bill (S. 10050) granting an increase of pension to Annie W. Thompson (with accompanying paper); and
A bill (S. 10051) granting an increase of pension to Sarah M. Peterson (with accompanying paper); to the Committee on Pensions.

By Mr. SMITH of Maryland:
A bill (S. 10052) to provide American register for the steamer *Minnesota* upon certain conditions; to the Committee on Commerce.
A bill (S. 10053) to extend the time within which the Baltimore & Washington Transit Co., of Maryland, shall be required to put in operation its railway in the District of Columbia under the provisions of an act of Congress approved June 8, 1896, as amended by an act of Congress approved May 29, 1908; to the Committee on the District of Columbia.

By Mr. GAMBLE:
A bill (S. 10054) granting an increase of pension to Cyrus G. Stevens (with accompanying paper); and
A bill (S. 10055) granting an increase of pension to Frank A. Fassett (with accompanying papers); to the Committee on Pensions.

By Mr. SMITH of Michigan:
A bill (S. 10056) for the erection of a new Federal building at Lansing, Mich.; to the Committee on Public Buildings and Grounds.
A bill (S. 10057) granting an honorable discharge to William G. Lang (with accompanying papers); to the Committee on Military Affairs.
A bill (S. 10058) granting an increase of pension to Ephriam Hanson;
A bill (S. 10059) granting an increase of pension to Robert Thomas; and
A bill (S. 10060) granting an increase of pension to William B. Knapp (with accompanying paper); to the Committee on Pensions.

By Mr. CRANE:
A bill (S. 10061) granting an increase of pension to Charles P. Powers;
A bill (S. 10062) granting an increase of pension to Mary P. Meade; and
A bill (S. 10063) granting an increase of pension to William Hewson; to the Committee on Pensions.

By Mr. SHIVELY:
A bill (S. 10064) granting an increase of pension to William W. Edwards;
A bill (S. 10065) granting an increase of pension to Byford E. Long;
A bill (S. 10066) granting a pension to Mary F. Hall;
A bill (S. 10067) granting an increase of pension to Jacob Garman;
A bill (S. 10068) granting an increase of pension to James Miles (with accompanying paper);
A bill (S. 10069) granting an increase of pension to James T. Brown (with accompanying paper);
A bill (S. 10070) granting a pension to Blanche Tolen (with accompanying papers);
A bill (S. 10071) granting an increase of pension to James W. Thompson (with accompanying papers);
A bill (S. 10072) granting an increase of pension to Thomas F. Chafee (with accompanying papers);
A bill (S. 10073) granting an increase of pension to Alexander Hogelan (with accompanying paper);
A bill (S. 10074) granting an increase of pension to John Denny (with accompanying papers);
A bill (S. 10075) granting an increase of pension to Andrew F. O'Neill (with accompanying papers);
A bill (S. 10076) granting an increase of pension to John N. Frazee (with accompanying paper); and
A bill (S. 10077) granting an increase of pension to Isaiah Fry; to the Committee on Pensions.

By Mr. BEVERIDGE:
A bill (S. 10078) for the relief of Joshua F. Spurlin (with accompanying papers);
A bill (S. 10079) for the relief of James N. Blankenship (with accompanying paper); and
A bill (S. 10080) to correct the military record of William B. Young; to the Committee on Military Affairs.
A bill (S. 10081) granting an increase of pension to Dorothea Saalman;
A bill (S. 10082) granting an increase of pension to George R. Howard;
A bill (S. 10083) granting an increase of pension to F. M. Bartley;
A bill (S. 10084) granting an increase of pension to Robert B. Mason;
A bill (S. 10085) granting a pension to Clyde W. Duvall;
A bill (S. 10086) granting an increase of pension to Oliver P. Smith;
A bill (S. 10087) granting an increase of pension to Richard Mitchell;
A bill (S. 10088) granting an increase of pension to William R. Harris;
A bill (S. 10089) granting an increase of pension to David S. Durbin;
A bill (S. 10090) granting an increase of pension to Jasper N. Woods;
A bill (S. 10091) granting an increase of pension to Lewis C. Jones;
A bill (S. 10092) granting an increase of pension to Josiah Mayer (with accompanying paper);
A bill (S. 10093) granting a pension to George Peyton (with accompanying papers); and
A bill (S. 10094) granting an increase of pension to Elihu J. Weesner; to the Committee on Pensions.

By Mr. CULBERSON:
A bill (S. 10095) to provide for the acquisition of a site on which to erect a public building at Gilmer, Tex.; to the Committee on Public Buildings and Grounds.

By Mr. LA FOLLETTE:
A bill (S. 10096) granting an increase of pension to Marcus P. Wheeler; to the Committee on Pensions.

By Mr. CARTER:
A bill (S. 10097) granting 50,000 acres of land in Montana to aid in the establishment and maintenance of a State insane asylum; to the Committee on Public Lands.

By Mr. DEPEW:
A bill (S. 10098) to provide for the introduction of foreign nursery stock by permit only, and to authorize the Secretary of Agriculture to establish a quarantine against the importation and against the transportation in interstate commerce of diseased nursery stock or nursery stock infested with injurious insects, and making an appropriation to carry the same into effect; to the Committee on Agriculture and Forestry.

By Mr. JONES:
A joint resolution (S. J. Res. 132) authorizing the delivering to the commander in chief of the United Spanish War Veterans of one or two dismounted bronze cannon; to the Committee on Military Affairs.

OCEAN MAIL SERVICE AND PROMOTION OF COMMERCE.

Mr. GALLINGER. Mr. President, I submit an amendment in the nature of a substitute for 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." I ask unanimous consent that the substitute, which is brief, may be printed in the RECORD and that it lie upon the table. I trust that Senators will examine it, and I give notice that on Wednesday next, when the unfinished business comes before the Senate, I will submit some brief remarks on the subject, and hope that the bill will be taken up seriously for consideration.

The VICE PRESIDENT. Is there objection to the request of the Senator from New Hampshire? The Chair hears none.

The proposed substitute is as follows:

Amendment in the nature of a substitute intended to be proposed by Mr. GALLINGER to 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," viz:

Strike out all after the enacting clause and insert the following:

That the Postmaster General is hereby authorized to pay for ocean mail service, under the act of March 3, 1891, in vessels of the second class on routes to South America south of the equator, outward voyage, at a rate per mile not exceeding the rate applicable to vessels of the first class, as provided in said act, and in vessels of the third class on said routes at a rate per mile not exceeding the rate applicable to vessels of the second class, as provided in said act: *Provided*, That if no contract is made under the provisions of this act for a line of ships between a port on the Atlantic coast south of Cape Charles and South American ports, the Postmaster General shall, provided two or more

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lines are established from North Atlantic ports, require that one of said lines shall, upon each outward and homeward voyage, touch at at least one port of call on the Atlantic coast south of Cape Charles for mail, freight, and passengers, regard being had in the selection of such port of call to geographical location and to the volume of the export and import business of the port so selected: *Provided further*, That to insure the independent operation of any steamship line holding a contract under the provisions of the act of March 3, 1891, or of this amendatory act, and to prevent discrimination detrimental to the public interest, the Postmaster General shall in no event award any contract for the mail service therein provided for to any bidder who shall be engaged in any competitive transportation business by rail, or who shall be engaged in the business of exporting or importing goods, wares, merchandise, or other property on his own account, or who shall bid for, on behalf of, or in the interest of any person or corporation engaged in such business, or either of them, or having the control thereof through stock ownership or otherwise: *And provided further*, That the Postmaster General is authorized and directed to cancel any contract entered into in pursuance of the act of March 3, 1891, or of this amendatory act, if at any time the performance of the same shall rest within the control of any competitive railroad company or of any person or persons in control of the same through stock ownership or otherwise, or if any party to any such contract shall make or give any undue or unreasonable preference or advantage to any particular person, company, firm, corporation, or locality, or any particular description of traffic in any respect whatsoever, or subject any particular person, company, firm, corporation, or locality, or any particular description of traffic, to any undue or unreasonable prejudice or disadvantage: *Provided further*, That, subject to the foregoing provisions, every contract hereunder shall be awarded to that responsible bidder who will contract, under penalties prescribed by the Postmaster General, for the highest running speed between the points named in the contract: *And provided further*, That the total expenditure for foreign-mail service in any one year under this act shall not exceed the sum of $4,000,000, and shall not in any case exceed the amount of revenue received from the foreign-mail service over and above the amount otherwise paid for such service.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. DU PONT submitted an amendment relative to the further improvement of the Little River, Del., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment relative to the further improvement of the Murderkill River, Del., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment relative to the further improvement of the Mispillion River, Del., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment relative to the further improvement of the Leipsic River, Del., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment relative to the further improvement of the Appoquinimink River, Del., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment relative to the appropriation for the purchase and construction of a suitable dredging plant to be used in the improvements in Delaware, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. OLIVER submitted an amendment proposing to appropriate $25,000 for the examination of sites, the construction of reservoirs, and other hydraulic works to prevent floods and overflow in the drainage basin of the Ohio River and its tributaries, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. MARTIN submitted an amendment relative to the examination of the waters near, in, and about the city of Newport News, Va., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. HEYBURN submitted an amendment relative to the allotment of lands on the Fort Hall Indian Reservation in Idaho, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. STONE submitted an amendment relative to the establishment and maintenance of an assay office at St. Louis, Mo., etc., intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. OVERMAN submitted an amendment relative to the establishment and maintenance of an assay office at Charlotte, N. C., etc., intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. FLETCHER submitted an amendment relative to the improvement of the harbor at St. Petersburg, Fla., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment relative to the improvement of the channel between the St. Johns River and Cumberland Sound, Fla., etc., intended to be proposed by him to the river and harbor appropriation bill, which was ordered to be printed and, with the accompanying papers, referred to the Committee on Commerce.

He also submitted an amendment proposing to appropriate $258,000 for the improvement of Biscayne Bay, Fla., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. DICK submitted an amendment proposing to increase the salary of Alanson D. Gaston, Senate messenger in charge of the President's room, to $1,800 per annum, intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. PERKINS submitted an amendment relative to the improvement of the Mokelumne River, Cal., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to appropriate $560,000 for continuing the improvement of the channel over Pinole Shoal, San Pablo Bay, Cal., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. BOURNE submitted an amendment proposing to appropriate $50,000 for the improvement of the Siuslaw River, Oreg., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

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

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

He also submitted an amendment proposing to appropriate $250,000 for continuing the improvement of the Columbia River, Oreg., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. ALDRICH submitted an amendment relative to the improvement of the channel of Providence River and Harbor, R. I., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. BURKETT submitted an amendment proposing to appropriate $3,500 for the salary of the Assistant Commissioner of Indian Affairs, intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. CURTIS (by request) submitted an amendment relative to the Civil War officers of the Navy, now on the retired list, etc., intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

Mr. MONEY submitted an amendment proposing to appropriate $60,000 for repairing and refitting the U. S. dredge *Barnard* for service at the harbor of Gulfport, Miss., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. BAILEY submitted an amendment proposing to appropriate $100,000 for improving the mouth of the Brazos River, Tex., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment providing for the improvement of the mouth of the Brazos River to Valasco, Tex., intended to be proposed by him to the river and harbor appro-

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priation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment providing for the improvement by locks and dams of the Colorado River, Tex., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment providing for the improvement by a system of locks and dams of the Guadalupe River, Tex., to Victoria, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. PILES submitted an amendment proposing to appropriate $40,000 for the construction of a brick pavement, etc., in front of the Cushman School grounds, Tacoma, Wash., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

He also submitted an amendment proposing to appropriate $75,000 for general repairs to the Cushman Indian School, Tacoma, Wash., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

He also submitted an amendment proposing to appropriate $70,000 for the support and education of Indian pupils, including native pupils brought from Alaska, at the Cushman Indian School, Tacoma, Wash., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. OWEN submitted an amendment authorizing the Secretary of the Interior to deduct from the amount awarded the Indians on the Colville Reservation, Wash., the sum of $90,000, and pay the same to the attorneys for these Indians, to whom awards were made by name, in the judgment of the Court of Claims, in cause No. 29526, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

WITHDRAWAL OF PAPERS—WILLIAM WENTWORTH.

On motion of Mr. FRYE, it was

Ordered, That permission be given for the withdrawal from the files of the Senate of the papers accompanying Senate bill 7931, to remove the charge of desertion from the record of William Wentworth, no adverse report having been made thereon.

REFUND OF CERTAIN TONNAGE TAXES.

Mr. BURTON. I ask that the Chair lay before the Senate the bill (H. R. 24786) to refund certain tonnage taxes and light dues.

The VICE PRESIDENT. The Chair lays before the Senate the bill indicated by the Senator from Ohio.

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

Mr. KEAN and Mr. OWEN. Has morning business closed?

The VICE PRESIDENT. It has not.

Mr. KEAN. Let us have the regular order, then.

The VICE PRESIDENT. The bill is regularly before the Senate, being in a message from the House handed down by the Chair. The Senator from Ohio asks unanimous consent for its present consideration. Is there objection?

Mr. GALLINGER. Let it be read.

Mr. BAILEY. Let us hear what it is, Mr. President.

The VICE PRESIDENT. The Secretary will read the bill.

Mr. BURTON. I was about to state, Mr. President, that the bill is identical with one that passed the Senate at the last session, with a change of just a few words.

Mr. BAILEY. Is the bill purely local? Is it confined to Ohio?

Mr. BURTON. It is to refund certain tonnage dues, aggregating about $4,700, collected under a misapprehension. The bill is recommended by the Department of Commerce and Labor.

Mr. BAILEY. The fact that a similar bill has passed the Senate heretofore is, of course, persuasive, but not conclusive that it is right. Still, I shall not object.

The VICE PRESIDENT. The Secretary will read the bill.

The bill was read the first time by its title, and the second time at length, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized to refund, out of any money in the Treasury not otherwise appropriated, the following amounts to the respective-named companies, assessed and collected under sections 4219 and 4225, Revised Statutes, which amounts are hereby appropriated, to wit: Two thousand four hundred and thirteen dollars in the case of dredge No. 9, scows Nos. 1, 19, and 21, without enrollment, upon the application of C. H. Starke Dredge & Dock Co.; $674 in the case of derrick boats Nos. 7 and 11 and drill boat No. 3, without enrollment, upon the application of the Great Lakes Dredge & Dock Co.; $1,073 in the case of scows Nos. 16 and 17 and drill scow No. 5, without enrollment, upon the application of the Buffalo Dredging Co.; and $577 in the case of dredge No. 3, without enrollment, upon the application of the Duluth Marine Contracting Co.

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

THE FIVE CIVILIZED TRIBES.

Mr. OWEN submitted the following resolution (S. Res. 314), which was considered by unanimous consent and agreed to:

Resolved, That the Secretary of the Interior is hereby directed to furnish to the Senate, at the earliest practicable moment, the total cost of closing the affairs of the Five Civilized Tribes, making up the rolls, and allotting the lands, and conducting schools, with expenses incidental thereto for each year separately, with expenditure of tribal funds separately stated, since the appointment of said commission, together with the number of employees for each year, including teachers, and the present number of employees.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Claims:

H. R. 5963. An act to pay Thomas P. Morgan, jr., amount found due him by Court of Claims;

H. R. 6776. An act for the relief of Oliva J. Baker, widow of Julian G. Baker, late quartermaster, United States Navy;

H. R. 11777. An act for the relief of John T. Glynn;

H. R. 15692. An act for the relief of William B. Murray;

H. R. 16133. An act for the relief of Samuel L. Barnhart;

H. R. 16342. An act for the relief of E. C. Young;

H. R. 18631. An act for the relief of Frederic William Scott;

H. R. 18857. An act for the relief of Laura A. Wagner;

H. R. 19379. An act for the relief of the estate of Jacob A. Henry;

H. R. 20072. An act for the relief of Hans N. Anderson;

H. R. 23533. An act for the relief of the Pennsylvania Engineering Co., of the city of Philadelphia;

H. R. 24123. An act for the relief of the legal representatives of William M. Wightman, deceased.

H. R. 25057. An act for the relief of Willard Call and John M. Wyatt;

H. R. 25074. An act for the relief of the owners of the schooner Walter B. Chester;

H. R. 25081. An act for the relief of Helen S. Hogan;

H. R. 25679. An act for the relief of the Sanitary Water-Still Co.; and

H. R. 26529. An act for the relief of Phoebe Clark.

The following bills were severally read twice by their titles and referred to the Committee on Indian Affairs:

H. R. 18583. An act to correct the title to certain lands in the Creek Nation, Okla., sold under order of the United States court; and

H. R. 21965. An act for the relief of Mary Wind French.

JOHN B. KISSINGER.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 7252) granting an annuity to John R. Kissinger, which were, on page 1, line 9, to strike out "one hundred and twenty-five" and insert "seventy-two," and on page 2, line 1, to strike out all after "Cuba" down to and including "infection" in line 6.

Mr. SHIVELY. I move that the Senate disagree to the amendments of the House of Representatives and request a conference with the House on the disagreeing votes of the two Houses.

The motion was agreed to; and the Vice President appointed Mr. MCCUMBER, Mr. SCOTT, and Mr. TALIAFERRO the conferees on the part of the Senate.

JAMES D. ELLIOTT.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 193) for the relief of James D. Elliott.

Mr. GAMBLE. The bill to which this amendment was made in the House of Representatives passed the Senate during the last session, and of course went to the House. Later in the day the claim was put as an amendment upon the general deficiency bill and became law, and the amount provided for in the bill has been paid. I therefore move that the amendment be ordered to lie on the table.

The motion was agreed to.

MARCELLUS TROXELL.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 115) for the relief of Marcellus Troxell; which were, in line 6, to strike out "two" and insert "one;" and in line 7, after the word "dollars," to insert "and said sum of $1,500 is hereby appropriated."

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Mr. CRAWFORD. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

OCEAN MAIL SERVICE AND PROMOTION OF COMMERCE.

The VICE PRESIDENT. 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 (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. GALLINGER. I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE PRESIDENT. The Senator from New Hampshire asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none.

MONUMENT TO ABRAHAM LINCOLN.

Mr. CULLOM. I ask the indulgence of the Senate to call up the bill (S. 9449) to provide a commission to secure plans and designs for a monument or memorial to the memory of Abraham Lincoln. The bill has come from the Committee on the Library of the Senate, and I think there will be no objection to it whatever.

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 the Library with amendments.

The amendments were, on page 1, line 3, to strike out the word "Honorable;" in lines 3 and 4, to strike out the words "now President of the United States; Honorable;" in lines 4, 5, and 6, to strike out the words "now chairman of the Committee on the Library of the United States Senate; Honorable;" in lines 6, 7, and 8, to strike out the words "now chairman of the Committee on the Library, House of Representatives; Honorable;" in lines 8 and 9, to strike out the words "now a Senator of the United States;" in line 9, to strike out the word "Honorable;" in lines 9 and 10, to strike out the words "now a Representative in Congress;" on page 2, line 3, after the words "Abraham Lincoln," to insert the words "subject to the approval of Congress;" in line 13, after the word "created," to insert "and approved by Congress;" in line 16, after the words "upon and," to insert "approved by Congress, and shall;" on page 3, line 3, to strike out "ten" and insert "eleven;" and in line 4, to strike out "eleven" and insert "twelve," so as to make the bill read:

Be it enacted, etc., That William H. Taft, GEORGE PEABODY WETMORE, SAMUEL WALKER MCCALL, HERNANDO D. MONEY, and CHAMP CLARK are hereby created a commission, to be known as the Lincoln Memorial Commission, to procure and determine upon a location, plan, and design for a monument or memorial in the city of Washington, D. C., to the memory of Abraham Lincoln, subject to the approval of Congress.

SEC. 2. That in the discharge of their duties hereunder said commission is authorized to employ the services of such artists, sculptors, architects, and others as they shall determine to be necessary, and to avail themselves of the services or advice of the Commission of Fine Arts, created by the act approved May 17, 1910.

SEC. 3. That the construction of the monument or memorial, herein and hereby authorized, shall be upon such site as shall be determined by the commission herein created and approved by Congress, and said construction shall be entered upon as speedily as practicable after the plan and design therefor is determined upon and approved by Congress, and shall be prosecuted to completion, under the direction of said commission and the supervision of the Secretary of War, under a contract or contracts hereby authorized to be entered into by said Secretary in a total sum not exceeding $2,000,000.

SEC. 4. That vacancies occurring in the membership of the commission shall be filled by appointment by the President of the United States.

SEC. 5. That to meet all necessary expenses of the Lincoln Memorial Commission, incurred by or under its direction, for the fiscal years 1911 and 1912, and toward the construction of said monument or memorial, to be expended under the supervision of the Secretary of War, there is hereby appropriated the sum of $100,000, to be immediately available.

SEC. 6. That said commission shall annually submit to Congress an estimate of the amount of money necessary to be expended each year to carry on the work herein authorized.

SEC. 7. That all acts or parts of acts inconsistent herewith are hereby repealed.

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.

RULE REGARDING TARIFF LEGISLATION.

Mr. NEWLANDS. Mr. President, I desire to give notice that on Wednesday at the conclusion of the routine morning business I will address the Senate on the resolution of the Senator from Iowa [Mr. CUMMINS] regarding the amendment of the tariff by schedules.

SENATOR FROM ILLINOIS.

Mr. OWEN. Mr. President, on May 21, 1908, I introduced Senate joint resolution 91, for the submission of a constitutional amendment providing for the election of Senators by a direct vote of the people.

On May 23, 1908, I urged the Senate to act, showing that 27 States had at that time sought relief in this matter. Senate resolution 91 was never reported by the Committee on Privileges and Elections.

After the convening of the Sixty-first Congress I introduced another Senate resolution, No. 41, 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.

On May 31, 1910, I again urged this reform on the attention of the Senate, and was prevented the privilege of a vote, and the committee has never reported on Senate joint resolution 41.

The House of Representatives on five different occasions has passed a bill providing for this reform—in 1892; July 21, 1894; May 11, 1898; April 13, 1900; and February 13, 1902, the last vote unanimously, or no one opposing.

On May 31, 1910, I pointed out to the Senate that every State in the Union had acted favorably in this matter, except the New England States, New York, Delaware, and West Virginia (37 States), by passing resolutions addressed to Congress seeking for this reform, or by actually nominating Senators by a popular primary vote.

And that even in the nine States excepted there were many evidences that the people favored the election of Senators by direct vote. The Democratic Party in Connecticut, Massachusetts, New Hampshire, New York, and Rhode Island expressly declared for it in 1910.

The National Democratic Party, the National Prohibition Party, the National People's Party, have all declared in favor of it; the American Federation of Labor, the National Grange, the Society of Equity, the Farmers' Educational Cooperation Union, and other great organizations of the country have declared in favor of it. And I insisted, Mr. President, that this reform was needed for the following reasons, among others:

First. That it would prevent deadlocks in State legislatures.

Second. It would compel candidates to be subjected to the severe scrutiny of a campaign before the people and promote the selection of the best qualified men.

Third. That it would prevent interference with State legislation by violent contests over the Senatorship.

Fourth. That it would prevent improper use of money and the corruption of legislatures.

These matters I now refer to in the light of the report of the Committee on Privileges and Elections on the Senate resolution directing an investigation of certain charges made against Mr. WILLIAM LORIMER, of Illinois, where it is obvious these evils have occurred. (Proceedings, p. 638.)

On June 20, 1910, the Committee on Privileges and Elections was directed by Senate resolution 264 to report to the Senate whether in the election of Mr. WILLIAM LORIMER as a Senator of the United States from the State of Illinois "there were used or employed corrupt methods or practices."

On December 21, 1910, the report of the committee was submitted to the Senate and will be found in the RECORD of that date. (S. Rept. No. 942, 61st Cong., 3d sess.)

The Committee on Privileges and Elections has reached the conclusion that the election of Mr. LORIMER was not invalidated by any sufficient evidence of corrupt practices.

I can not acquiesce in the conclusions of the committee.

In the first place the committee concludes as a principle of law, upon the precedents of cases heretofore before the Senate, that in order to invalidate the election of a Senator on account of bribery it must be made to appear—

First. That the person elected participated in one or more acts of bribery, or attempted bribery, or sanctioned or encouraged the same, or,

Second. That enough votes were obtained for him by bribery or corrupt practices to change the result of the election.

In my judgment the better ethical rule, upon which the Senate should properly stand, is that no election of a Senator clearly shown to have been based in any degree upon bribery or corrupt practices should be allowed to stand. I think that the election of United States Senators should be made and kept above suspicion. In my opinion no elected officer in city, State, or Nation should be allowed to take his seat or to hold it where it was proven he was the beneficiary of any corrupt practice. The Senate is in honor bound to set a high example in this matter, and I refuse emphatically to acquiesce in any lower standard than this. The country is in serious need of a good example. Look at Adams County, Ohio; over a thousand citizens indicted

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for selling their votes. Adopting the doctrine I suggest will tend to put an end to corrupt practices. The need is obvious.

Mr. President, in Great Britain if a single vote is bribed or any money unlawfully spent in electing a member of Parliament, his election is absolutely annulled. Why should the United States Senate, which is regarded by our people as the most distinguished legislative body in the world, adopt a lower ethical and moral standard than the British House of Commons?

In the second place, I think the evidence, even on the very narrow theory of the committee that it must be shown that enough votes were obtained by bribery to change the result, would justify the invalidation of the election of Mr. LORIMER. Mr. LORIMER was compelled to have 103 votes as a constitutional majority. He received 108, and of these at least 10 are already shown not to deserve to be counted on account of corrupt practices, and in my judgment the investigation was by no means as searching and complete as it should have been, no examination having been made into the jackpot conspiracy, a coalition obviously in numbers strong enough to obtain or defeat measures, which was confessed by White to be a consideration moving him to vote for LORIMER, and so forth.

I submit a brief abstract of the evidence filed in the proceedings, referring to pages of the record by number. In considering the evidence of bribe givers and bribe takers and their evasions and falsehoods, I have endeavored to ascertain the actual truth as evidenced by circumstantial evidence, sound reason, and common sense. In spite of all denials the witnesses corroborate each other in the essential facts.

(1) D. W. HOLSTLAW AND (2) JOHN BRODERICK.

D. W. Holstlaw was a senator from the forty-second district in the legislature of Illinois. He appeared before the Senate committee and on his oath declares that Senator John Broderick, another senator (of the forty-sixth district) in the general assembly of Illinois, promised him money if he would vote for Mr. LORIMER (p. 198), and the next morning after this promise, on May 26, 1909, he voted for Mr. LORIMER, and that thereafter, on the 16th day of June, 1909, in Chicago, Ill., John Broderick paid him $2,500 in currency, and he deposited the same with the State Bank of Chicago, Ill., to the credit of the Holstlaw Bank, of Iuka, Ill. (p. 201). He is confirmed by the bank officer who received the money, Mr. Jarvis O. Newton, and by the deposit slip of the State Bank of Chicago, Ill., June 16, 1909, showing that this amount was deposited in currency (p. 411).

John Broderick was twice called before the committee and withdrawn without testifying (pp. 422, 508), and finally was summoned at the instance of Albert S. Austrian, counsel for the Chicago Tribune, who assumed the burden of presenting evidence (p. 547).

Broderick refused to answer questions (p. 557) on the avowed ground that he might incriminate himself, and is under indictment at Springfield, Ill., for bribery in the Lorimer case.

His testimony was obviously insincere and untrue.

D. W. Holstlaw further testified that he received $700 additional from John Broderick, who told him that there was that much coming to him. In my judgment, if it were merely a question of counting votes neither the vote (1) of D. W. Holstlaw nor of (2) John Broderick should be counted; but, in my opinion, it is not a question of counting votes; it is a question of invalidating the election of a United States Senator, where gross corruption and bribery is established in one or more instances.

(3) H. J. C. BECKEMEYER.

H. J. C. Beckemeyer, member of the Forty-sixth General Assembly of Illinois and a member of the Lee O'Neill Browne faction, who voted for Mr. LORIMER, appeared before the Senate committee and made oath that on or about May 25 or 26, 1909, he entered into an arrangement that proved to be corrupt with Lee O'Neill Brown (the leader of the Browne faction of 37 members of the Democratic Party in the lower house); that he voted for Mr. LORIMER on May 26, 1909; and that he received, on June 21, 1909, in St. Louis, Mo., at the Southern Hotel, $1,000 from Lee O'Neill Browne for his vote for Mr. LORIMER (p. 227), and that on July 15, 1909, at the Southern Hotel, St. Louis, Mo., he received $900 from Robert E. Wilson, the intimate friend and representative of Lee O'Neill Browne, on the same account (p. 228). Beckemeyer deposited $500 of this money from Wilson in the Commercial Trust Co., St. Louis (p. 228).

(4) MICHAEL S. LINK.

Michael S. Link, a member of the Forty-sixth General Assembly of Illinois, a member of the Browne faction, under oath, stated in like manner before the Senate committee that he met Lee O'Neill Browne in St. Louis at the Southern Hotel on June 21, 1909, and received $1,000 from him (p. 281); that he met Robert E. Wilson, the intimate friend and representative of Browne, in St. Louis, Mo., on July 15, 1909, and got $900 from Wilson at the same time and place as Beckemeyer (p. 284). Link pretended to think this "campaign money," although it is obvious it was for the same purpose as that confessed by White and Beckemeyer.

(5) CHARLES A. WHITE, (6) LEE O'NEILL BROWNE, (7) R. E. WILSON.

Charles A. White, a member of the house, Forty-sixth General Assembly of the State of Illinois, and a member of the Browne faction, on his oath, appeared before the Senate committee. He stated that he had made an agreement with Lee O'Neill Browne on May 25, 1909, to vote for Mr. LORIMER, for $1,000, and was to have as much more from other sources (p. 49), repeatedly referred to as the "jack pot;" that he was taken in on the money derived from other sources, the "jack pot," as a part of the consideration for voting for Mr. LORIMER; that Browne paid him $1,000—first, $100 at Springfield, Ill.; $50 in Chicago, Ill.; and $850 in Chicago, Ill. (p. 52), on June 17, 1909, and that he received in like manner $900 from Robert E. Wilson (p. 81), a member of the Browne faction, the intimate friend and representative of Lee O'Neill Browne, at the Southern Hotel, St. Louis, Mo., on July 15, 1909, in accordance with Browne's previous promise.

White's testimony is corroborated by Thomas P. Kirkpatrick, who said that White deposited for safe-keeping a package of money marked "Eight hundred ($800.00) dollars" with Mr. Hollender, cashier of the Grand Leader Store in St. Louis, Mo., in the latter part of June, 1909 (p. 223), and White is otherwise corroborated by accounting for the time, place, and amount of his various expenditures of this money received by him from Browne and Wilson. For these reasons, I believe, that if it were merely a matter of counting votes, which, in my judgment, it is not, that the votes of Charles A. White, H. J. C. Beckemeyer, Michael S. Link, Robert E. Wilson, and Lee O'Neill Browne should not be counted in favor of the election of Mr. LORIMER. It is shown in the evidence that Robert E. Wilson wrote letters falsely dated back a year so as to appear to have been written to Beckemeyer on June 26, 1909, and to Link on June 26, 1909, arranging the St. Louis meeting for the purpose of a banquet for Browne, when, as a matter of fact, these letters were falsely dated and falsely conceived and agreed upon between them, having been written in 1910, after the disclosure of this corruption was threatened.

White testified (p. 81) that Lee O'Neill Browne had on a blue cloth belt July 17, 1909, Briggs House, Chicago, the day he paid White, in which he said he had $30,000. Thirty of the Browne faction voted for LORIMER (p. 639).

Lee O'Neill Browne was indicted for bribery of Charles A. White in the Lorimer case (p. 618)—the first jury was a hung jury, and by the second jury he was acquitted, but it should be remembered also that out of the second trial, at which he was acquitted, his attorney, Erbstein, was indicted for bribing the jury that acquitted Browne. Moreover, the venue of the cases above cited in which Browne had corruptly paid money to Beckemeyer and Link et al. was laid in the State of Missouri, and that Wilson's payments were likewise in the State of Missouri, the crafty purpose of which seems obvious, i. e., to prevent any indictment in Illinois. On the floor of the legislature, when the Lorimer vote was up, Browne, in his speech, said, "You can not cash dreams," to which Representative English replied, "He might cash votes" (p. 636).

(8) CHARLES S. LUKE.

Charles S. Luke, a member of the Browne faction of the Forty-sixth General Assembly of Illinois, is now dead. He voted for Mr. LORIMER May 26, 1909. He met Lee O'Neill Browne in St. Louis, Mo., at the Southern Hotel on June 21, 1909, at the same time Browne paid Beckemeyer and Link. It is shown that he exhibited $950 to his wife immediately afterwards without explaining its source (p. 495).

It is shown that he met Robert E. Wilson, Browne's intimate friend and representative, at the Southern Hotel on July 15, 1909, when other bribe takers were paid.

Charles A. White, in his original statement of this case, declares that Charles S. Luke was angry at getting only $900 at St. Louis, and stated to him that he could have gotten $1,500 at the beginning of the session and was sorry that he did not take it; that he intimated to Luke that he, White, had not received anything, but that Luke answered by saying:

Yes; you did. You got $1,000; just what we all got except the leaders, and it is to be expected they got more than we (p. 11).

Under these circumstances, if it were merely a matter of counting votes, I do not think the vote of Charles S. Luke should be counted for Mr. LORIMER.

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(9) JOSEPH B. CLARK.

Joseph B. Clark was also a member of Browne's faction who voted for Mr. LORIMER May 26, 1909.

The evidence shows that Joseph B. Clark was in St. Louis at the Southern Hotel on June 21, 1909, although he denies it, and that also he was present and met Robert E. Wilson in St. Louis on July 15, 1909. He was present when Robert E. Wilson paid Beckemeyer $900; he it was who by agreement received Robert E. Wilson's manufactured false letter of 1910, antedated about a year, and which was prepared with the intention of establishing a false excuse for the meeting held in St. Louis on July 15, 1909.

Beckemeyer testified that Mr. Clark agreed with him that it might be all right for Beckemeyer to deny having been in St. Louis on July 15, 1909, showing that Clark agreed to false evidence in regard to the St. Louis meeting.

D. W. Holtslaw states that Clark had told him that they would get something out of the furniture deal, a grossly corrupt transaction for which Clark is now under indictment. Under all the circumstances, I believe that Joseph B. Clark, as a member of the Browne faction, the "gang" Beckemeyer referred to, in replying that he would go with it wherever it went (p. 258), was also a bribe taker, and that his vote ought not to be counted.

(10) HENRY A. SHEPHARD.

Henry A. Shephard, member of the Forty-sixth General Assembly of Illinois, was a member of the Browne faction, who voted for Mr. LORIMER, May 26, 1909. He also met Lee O'Neill Browne at the Southern Hotel, St. Louis, on June 21, 1909, precisely the same place, and at the same time that the payments were made to those who have confessed, or who have been proven to be bribe takers and bribe givers. Immediately at the time, but before Beckemeyer received his $1,000 from Browne, and as he was going into Browne's room, Henry A. Shephard was just coming out of Browne's room (p. 227).

He was at the meeting with Robert E. Wilson with the bribe takers at the Southern Hotel, St. Louis, Mo., on July 15, 1909, and went into the famous bathroom with Wilson just before Charles A. White went into the same bathroom and got $900, but Shephard attempts the silly explanation that his visit to the bathroom related exclusively to answering a question by R. E. Wilson as to the name of a lady who had taken dinner with Henry A. Shephard months before at Springfield, Ill. All of the evidence will justify the belief that Henry A. Shephard, as a member of the "gang," was paid the same amount as the other members of the "gang." His absurd explanation of his going to St. Louis to meet with this party of men, of his going into the bathroom to tell the name of a lady with whom he had taken dinner at a public hotel months before, is unworthy of belief.

Henry A. Shephard, however, explains his vote for Mr. LORIMER on the ground that Mr. LORIMER made him a personal promise (Proceedings, p. 318) that he would do all in his power to prevent Mr. Richards, the postmaster of Jerseyville, Ill., or his deputy, Mr. Becker, from being appointed as postmaster of that town. Shephard testified that he told Browne that he could not and would not vote for LORIMER; that Browne appealed to him, stating that "we have not got enough without you;" and that Mr. LORIMER would make the promise he wanted. (Proceedings, p. 318.)

That he, Henry A. Shephard, said to Mr. LORIMER, "If you will promise me that neither Mr. Richards nor Mr. Becker shall be made postmaster I will vote for you."

And that he, Mr. LORIMER, said, "I will promise you to do all in my power to prevent them from being appointed."

I am advised that the statutes of Illinois provide that—

whoever corruptly * * * gives any money or other bribe, present, reward, *promise*, contract, obligation, or security * * * to any legislative, executive, or other officer, * * * with intent to influence his act, vote, * * * or judgment * * * on any matter * * * which may be then pending, or may by law come or be brought before him, * * * shall be deemed guilty of bribery. (Sec. 31, chap. 38.)

If it were merely a matter of counting votes, I think that Henry A. Shephard's vote should not be counted.

Beside these cases, it is my judgment that in view of the testimony of White that his right to participate in the "jack pot" was a consideration moving him to vote for Mr. LORIMER, and that White, Holstlaw, Sink, Luke, and Beckemeyer, who voted for Mr. LORIMER, appear to have received a pro rated part of the "jack pot," and to have been "taken in" on the "jack-pot" conspiracy, the committee would have been justified in inquiring into the extent of the "jack pot" and its relation, as an agency, in bringing about the election of Mr. LORIMER.

There were 30 of the Browne faction who followed Browne's leadership and supported Mr. LORIMER.

Albert J. Hopkins had received 165,305 votes at the Republican primary; GEORGE E. FOSS, 121,110 votes; William E. Mason, 86,596 votes; William G. Webster, 17,704 votes.

Lawrence B. Stringer was the only Democratic candidate and received the vote of his party at the primary.

Mr. LORIMER was not before the primary as a candidate. He received the vote of only one member in the legislature on May 13, 18, 19, 20, 25, but on May 26 he suddenly received 108 votes, 5 or 6 in excess of the constitutional majority required.

Every Democratic legislator was under the instruction of the Democratic primary to support Mr. Stringer and knew it meant great political danger to support Mr. LORIMER. There was no mandate from the people to elect Mr. LORIMER. Every sound reason of political expediency forbade it. It seems as if pecuniary consideration alone could accomplish it since this dangerous law-defying method was finally resorted to, and I think that the best evidence obtainable that it was necessary to buy votes in order to elect Mr. LORIMER at all is the expert opinion of those who bought these votes and paid as high as $3,200 for a single vote, as in the Holtslaw case.

The above record of bribery and corruption can not be broken down, in my opinion, on the theory that the men who received the bribes were unworthy of belief on their confession, and that their testimony against the bribe givers is unworthy of credit (because the witnesses are infamous); for the reason that there is such a tissue of substantial and circumstantial evidence surrounding the case that it is impossible to resist the belief that these confessions are substantially true. It does not suffice to say that a bribe taker is unworthy of credit. With the exception of White, all the testimony from the bribe givers and bribe takers came with extreme reluctance and was obtained only by the exercise of the powers of the Government.

In my judgment the attempt to rebut and break down the force of these confessions failed. It is extremely difficult to expose conspiracy where every man concerned has a powerful interest to conceal his own wrongdoing.

Lee O'Neill Browne and his friend and Representative R. E. Wilson, who was indicted for perjury before the grand jury (p. 731), deny making the payments to White, Beckemeyer, Link, and Luke, but they are overwhelmed by both the direct and circumstantial evidence and in my opinion are unworthy of credit (p. 732).

It has been suggested that Lee O'Neill Browne has been vindicated, having been reelected to the legislature.

In my judgment, this is no proof of vindication, in the presence of the evident bipartisan system of corruption in Illinois, where votes can be easily bought under a defective form of corrupt-practices act, which permits of easy evasion. If a man has behind him large capital interested in his vindication, vindication is easy.

Particularly is this true in Illinois, where under the plumping system or accumulative voting one-third of the votes in Mr. Browne's district would suffice to elect and where under the bipartisan system he had both a Republican and Democratic following. In his evidence he stated that he probably got nearly as many Republican votes as he did Democratic (p. 585).

The dangerous extent to which bribery of voters has gone in this Nation is exhibited by the indictment of over a thousand citizens in Adams County, Ohio, a State in which there is a defective corrupt-practices act and machine rule. The Republic can not last if such a system is permitted to continue. The time has come for reform and the establishment of honest government and of the people's rule and the overthrow of machine rule.

I again call attention to the code of the people's rule (S. Doc. No. 603, 61st Cong., 2d sess.), which shows the easy pathway to righteousness in government.

ATTEMPTS TO BRIBE.

(11) George W. Meyers was one of the seven members of the Browne faction who refused to vote for Mr. LORIMER. He made oath before the Senate committee that Lee O'Neill Browne urged him to vote for Mr. LORIMER and suggested that there would be some good State jobs to give away and plenty of the "ready necessary," meaning money; that he refused, however, to vote for Mr. LORIMER (p. 312).

JACOB GROVES.

(12) Jacob Groves, a Democratic member of the house who did not vote for Mr. LORIMER, testified that Douglass Patterson, an ex-member of the house, came to him after he had retired, on May 25, 1909, the night before Mr. LORIMER's election, and requested an interview, stating that he wanted him to keep quiet about the matter; he wanted to know if Groves was an Odd Fellow or a Mason, and referring to the LORIMER matter, said: "It may be a good thing for both of us if you, Groves, were to vote for LORIMER." To this proposal Groves replied that there

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was not money enough in Springfield to hire him to vote for LORIMER. The proposal excited Groves and he talked very loud, and Patterson urged him "to put down the transom," and immediately denied that he intended any bribery (p. 415).

HENRY TERRILL.

Henry Terrill, who was a Republican member of the house, testified that (13) John Griffin, Democratic member of the Browne faction, who voted for LORIMER, asked him [Terrell] to vote for Mr. LORIMER. Terrill testified that he asked him "what there would be in it," and he said "$1,000, anyway." Terrill says this occurrence took place one or two nights before Mr. LORIMER's election (p. 498). Griffin denied the guilty suggestion, but is less credible than Terrill, because Terrill had no reason to conceal the truth or tell a falsehood, while Griffin did have. I think Griffin's vote should not be counted. It should be remembered that 53 of the votes for Mr. LORIMER were Democratic votes, instructed by the unanimous primary vote of the Democrats of Illinois to stand for Mr. Stringer. They abandoned Mr. Stringer, the Democrat, and suddenly at a given moment solidly supported Mr. LORIMER, the Republican. I do not believe this conduct was the simple exercise of honest personal judgment on the fitness of candidates, and I think the members of the jack pot should have been ascertained and examined. They evidently were numerous enough to control or block legislation. Of the 149 Republican members voting, Mr. LORIMER only received 55, about a third, showing that as a candidate of the Republican Party he was not acceptable to the Republican members of the legislature, and, not having been a candidate at all in the primaries, there was no popular mandate whatever to support his candidacy. Under all the circumstances, I do not think he really represents the will of the people of Illinois. If the people of Illinois want him, and will give him popular approval in the primary, I think he might then be entitled to a seat in the Senate; otherwise not. He should seek vindication in his own State.

Mr. President, under the circumstances I believe it my duty to the people of Oklahoma, to the Senate of the United States, and to the American people to move the Senate to declare the so-called election of Mr. LORIMER void, on account of the corrupt practices above set forth, a resolution as to which I have already introduced.

I believe that there was wholesale corruption and bribery used in procuring the election of Mr. LORIMER, and that it has been abundantly proven, and that the effort to break down the corroborating mass of interwoven evidence above cited by rebuttal has failed.

I believe if Mr. LORIMER should retain his seat under these painful circumstances it would lower the United States Senate in the esteem of the American people. I believe the time has come when the American people will approve stern measures in dealing with bribery and with corrupt conduct in public affairs, and I think it better for all the people that there should be an end made to the election of Senators by the sinister commercial forces of the Republic.

Mr. President, I submit to the Senate that the time has come for the adoption of a constitutional amendment for the election of Senators by the direct vote of the people, under the safeguard of an honest and thoroughgoing corrupt-practices act and publicity pamphlet such as Oregon has adopted, which gives an equal chance to the rich man and the poor man, and strictly limits the use of money in the election of Senators.

In view of the fact that many seats in the United States Senate are about to be determined in various legislatures, it is of the highest importance that the Senate of the United States should give the country to understand that the election of Senators shall be absolutely free from bribery or corrupt practice.

In my opinion Mr. LORIMER was not the choice of the legislature of Illinois nor of the people of Illinois, and his election, so called, is entirely vitiated by the corrupt practices of his supporters, was illegal and void ab initio, and does not merit present recognition.

It is no longer WILLIAM LORIMER on trial, but the Senate itself is on trial before the bar of the American people.

I submit the following resolution (S. Res. 316) for the consideration of the Senate:

Resolved, That the so-called election of WILLIAM LORIMER, on May 26, 1909, by the legislature of the State of Illinois, was illegal and void, and that he is not entitled to a seat in the United States Senate.

THE CALENDAR.

Mr. KEAN. I ask unanimous consent that the Senate proceed to the consideration of the calendar under Rule VIII.

The PRESIDING OFFICER (Mr. ROOT in the chair). The Senator from New Jersey asks unanimous consent that the Senate proceed to the consideration of the calendar under Rule VIII. Is there objection? The Chair hears none, and the Secretary will state the first bill on the calendar.

The bill (S. 3528) to reimburse depositors of the Freedman's Savings & Trust Co. was announced as first in order.

Mr. KEAN. Let that bill go over, Mr. President. I should like to have the bill passed, but I know there is objection to it on the part of other Senators.

The PRESIDING OFFICER. The bill will go over.

Mr. GALLINGER. I ask unanimous consent that we commence at the point on the calendar where we left off the last time it was under consideration.

The PRESIDING OFFICER. The Senator from New Hampshire asks unanimous consent that the Senate begin the consideration of the calendar at the point where it left off when the calendar was last under consideration.

Mr. STONE. Can the Chair inform me at what point we left off?

The PRESIDING OFFICER. Will the Senator from New Hampshire indicate the point to which he refers?

Mr. GALLINGER. Mr. President, I ask unanimous consent that we commence at the top of page 5 for the consideration of the calendar to-day.

Mr. KEAN. I have no objection to that, and I will modify my request in that way.

Mr. STONE. Mr. President, there is a bill on page 1 which I should like to have considered.

Mr. KEAN. I will say to the Senator from Missouri that that bill would be objected to, not by me personally, but a number of Senators would like to be present when it is considered.

Mr. GALLINGER. I withdraw my request, and will let the calendar be taken up in order.

The PRESIDING OFFICER. The request is withdrawn. The Secretary will state the next bill in order on the calendar.

BILLS PASSED OVER.

The bill (S. 1130) for preventing the manufacture, sale, or transportation of adulterated or misbranded paint, turpentine, or linseed oil was announced as next in order.

Mr. KEAN. Let that bill go over.

The PRESIDING OFFICER. The bill will go over without prejudice at the request of the Senator from New Jersey.

The concurrent resolution (S. C. Res. 16) authorizing the Secretary of War to return to the State of Louisiana the original ordinance of secession that was adopted by the people of said State in convention assembled, etc., was announced as next in order.

Mr. HEYBURN. I ask that that concurrent resolution go over.

The PRESIDING OFFICER. The concurrent resolution will go over at the request of the Senator from Idaho.

The bill (S. 574) to authorize J. W. Vance, L. L. Allen, C. F. Helwig, and H. V. Worley, of Pierce City, Mo.; A. B. Durnil, D. H. Kemp, Sig Soloman, J. J. Davis, S. A. Chappell, and W. M. West, of Monett, Mo.; M. L. Coleman, M. T. Davis, Jared R. Woodfill, jr., J. H. Jarrett, and William H. Standish, of Aurora, Lawrence County, Mo.; and L. S. Meyer, F. S. Heffernan, Robert A. Moore, William H. Johnson, J. P. McCammon, M. W. Colbaugh, and W. H. Schreiber, of Springfield, Greene County, Mo., to construct a dam across the James River in Stone County, Mo., and to divert a portion of its waters through a tunnel into the said river again to create electric power, was announced as next in order.

Mr. KEAN. Let that bill go over.

The PRESIDING OFFICER. The bill will go over without prejudice at the request of the Senator from New Jersey.

Mr. STONE. I thought the Senator from New Jersey would not object to that bill.

PUBLIC-BUILDINGS BILLS INDEFINITELY POSTPONED.

Mr. SCOTT. I should like to ask the indulgence of the Senate for a moment in order that I may ask unanimous consent for the indefinite postponement of a number of bills on the calendar under Rule IX that have been included in the public-buildings bill that was passed at the last session of Congress. I refer to Senate bills 7010, 5503, 6034, 7427, 578, 7725, 4790, 3198, 984, 8091, and 2195. I ask that those bills, which are now on the calendar under Rule IX, be indefinitely postponed.

Mr. WARREN. May I ask if that request includes all of the public-buildings bills?

Mr. SCOTT. Yes; it includes all of the public-buildings bills that were included in the omnibus public-buildings bill at the last session of Congress.

The PRESIDING OFFICER. The Senator from West Virginia moves that the bills on the calendar under Rule IX the numbers of which he has given be indefinitely postponed. The question is on that motion.

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SENATE.

WEDNESDAY, *January 18, 1911.*

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

The Vice President being absent, the President pro tempore took the chair.

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 amendment of the Senate to the bill (H. R. 18540) for the relief of John H. Willis.

The message also announced that the House insists upon its amendments to the bill (S. 7252) granting an annuity to John R. Kissinger, disagreed to by the Senate; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon; and had appointed Mr. PRINCE, Mr. YOUNG of Michigan, and Mr. HAY managers at the conference on the part of the House.

The message further announced that the House had passed a bill (H. R. 31237) making appropriation for the support of the Army for the fiscal year ending June 30, 1912, 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 President pro tempore:

S. 1997. An act to limit and fix the compensation of the appraiser of merchandise at the port of San Francisco;

S. 7635. An act authorizing the President to drop officers from the rolls of the Army under certain conditions; and

H. R. 18540. An act for the relief of John H. Willis.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a memorial of the American Federation of Catholic Societies, remonstrating against any appropriation being made for the establishment of a national bureau of education, which was referred to the Committee on Education and Labor.

He also presented a petition of the Congress Club of Kings County, N. Y., praying for a continuance of the policy regarding the construction of vessels in the navy yards of the country, which was referred to the Committee on Naval Affairs.

He also presented a petition of the congregation of the Sixth Presbyterian Church, of Cincinnati, Ohio, praying for the enactment of legislation to prohibit the interstate transmission of race-gambling bets, which was referred to the Committee on the Judiciary.

Mr. KEAN presented the memorials of Edward Twaddell, of Woodbury Heights; of William M. Schellinger, of Collingswood; of Edward H. Holmes, of Montclair; of Howard A. Colby, of Plainfield; of F. W. Simpson, of Roselle; of E. P. Staunton, of Orange; of Carl Downs, of Orange; and of Carl H. Pierce, of Crawford, all in the State of New Jersey, remonstrating against 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 Board of Trade of Paterson, N. J., praying that an appropriation be made for the purchase of suitable homes for United States ambassadors in foreign countries, which was referred to the Committee on Foreign Relations.

Mr. SCOTT presented a petition of Local Division No. 190, Brotherhood of Locomotive Engineers, of Huntington, W. Va., 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. GALLINGER presented a memorial of the Mark Flather Planer Co., of Nashua, N. H., remonstrating against the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which was referred to the Committee on Post Offices and Post Roads.

He also presented the memorial of Walter S. Meader, clerk of the New England Yearly Meeting of Friends, of Gonic, N. H., remonstrating against the enactment of legislation providing for the fortification of the Panama Canal, which was referred to the Committee on Interoceanic Canals.

Mr. GAMBLE presented memorials of sundry citizens of Geddes, Summit, Baltic, and Lucas, all in the State of South Dakota, and of sundry citizens of Dunning, Nebr., and Stuttgart, Kans., remonstrating against the passage of the so-called rural parcels-post bill, which were ordered to lie on the table.

Mr. PERKINS presented a petition of the Oakland San Juan Oil Co., of San Francisco, Cal., praying for the enactment of legislation relative to the proper handling of coal lands by the Government, which was referred to the Committee on Public Lands.

He also presented a petition of the Dried Fruit Association of California, praying for the adoption of an amendment to the pure-food law relative to the labeling of foods and drugs, etc., which was referred to the Committee on Manufactures.

Mr. ELKINS presented a petition of Local Camp No. 100, Woodmen of the World, of Pruntytown, W. Va., 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 petition of the Taylor Veteran Association, Grand Army of the Republic, of Grafton, W. Va., praying for the enactment of legislation providing for a change in the grade of the national cemetery at Grafton, W. Va., from that of fourth class to first class, which was referred to the Committee on Military Affairs.

Mr. DICK presented petitions of the Ohio Brass Co., of Mansfield, Ohio; of the Ferro Machine and Foundry Co., of Cleveland, Ohio; and of the Western Gas Construction Co., of Fort Wayne, Ind., praying for the enactment of legislation providing for the establishment of a court of patent appeals, which were referred to the Committee on the Judiciary.

He also presented a memorial of Allen Camp, No. 84, Woodmen of the World, of Lima, Ohio, 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 petition of the farmers' institute of Jersey, Ohio, praying for the passage of the so-called parcels-post bill, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Ohio National Bank, of Columbus, Ohio, praying for the passage of the so-called Stevens bill, relating to bills of lading, which was referred to the Committee on Interstate Commerce.

He also presented a memorial of the Kay & Ess Co., of Dayton, Ohio, remonstrating against the passage of the so-called Heyburn paint bill, which was ordered to lie on the table.

He also presented a memorial of the Lima Locomotive & Machine Co., of Lima, Ohio, remonstrating against the enactment of legislation fixing the maximum width of locomotives for railways at 10 feet 6 inches, which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Trades and Labor Council of Walla Walla, Wash., praying for the enactment of legislation to subdivide the land of the Fort Walla Walla Military Reservation in case of the abandonment of the post, which was referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES.

Mr. OVERMAN, from the Committee on Claims, to which was referred the bill (S. 6550) for the relief of Rittenhouse Moore, reported it with an amendment, and submitted a report (No. 979) thereon.

FUNERAL EXPENSES OF THE LATE STEPHEN B. ELKINS.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 322, submitted by Mr. SCOTT on the 16th instant, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the miscellaneous items of the contingent fund of the Senate the actual and necessary expenses incurred by the committee appointed by the Vice President in arranging for and attending the funeral of the late Senator Stephen B. Elkins, from the State of West Virginia, vouchers for the same to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

CLAYTON-BULWER TREATY.

Mr. SMOOT. I am directed by the Committee on Printing, to which the matter was referred, to report a resolution (S. Res. 324), and I ask for its immediate consideration. It is a very important document (S. Doc. No. 746), and it is desired that it shall be printed to-day.

The resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That A Brief History of the Amendments Proposed and Considered Relative to the Clayton-Bulwer Treaty be printed as a public document.

HANS N. ANDERSON.

Mr. STONE. Mr. President, yesterday the junior Senator from Arkansas [Mr. DAVIS] reported from the Committee on

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Claims adversely the bill (H. R. 20072) for the relief of Hans N. Anderson, and, on motion of the Senator from Arkansas, the bill was indefinitely postponed. I desire to enter a motion to reconsider the action of the Senate I have indicated with reference to that bill.

The PRESIDENT pro tempore. The motion to reconsider will be entered.

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. CLARK of Wyoming:

A bill (S. 10310) authorizing the advance of money to witnesses on behalf of the United States as provided therein;

A bill (S. 10311) to amend an act entitled "An act providing for writs of error in certain instances in criminal cases," approved March 2, 1907; and

A bill (S. 10312) to amend section 21 of an act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes;" to the Committee on the Judiciary.

By Mr. NIXON:

A bill (S. 10313) to provide for an enlarged homestead entry in Nevada, where sufficient water suitable for domestic purposes is not obtainable upon the lands; to the Committee on Public Lands.

By Mr. SUTHERLAND:

A bill (S. 10314) granting a pension to Minerva Keel; to the Committee on Pensions.

By Mr. RICHARDSON:

A bill (S. 10315) granting an increase of pension to Thomas Reed (with accompanying paper); and

A bill (S. 10316) granting an increase of pension to Mary E. Stern (with accompanying papers); to the Committee on Pensions.

By Mr. JONES:

A bill (S. 10317) for the relief of George Wilson, alias Jorgen Well; to the Committee on Military Affairs.

A bill (S. 10318) authorizing the Commissioner of the General Land Office to grant further extensions of time within which to make proof on desert-land entries; to the Committee on Public Lands.

Mr. CLAPP. The senior Senator from Oklahoma is necessarily absent, and I ask leave to introduce the following bill, which I do at his request, for reading and reference to the Committee on Indian Affairs.

Mr. CLAPP (for Mr. OWEN) introduced a bill (S. 10319) to provide for the sale of the surface and mineral deposits of the segregated coal and asphalt lands of the Choctaw and Chickasaw Nations, and for other purposes, which was read twice by its title and referred to the Committee on Indian Affairs.

By Mr. SMITH of Michigan:

A bill (S. 10320) granting an increase of pension to John Hapeman; to the Committee on Pensions.

By Mr. KEAN:

A bill (S. 10321) granting an increase of pension to Mary E. Murphy; to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 10322) granting a pension to Elizabeth V. McKeever; to the Committee on Pensions.

By Mr. FRYE:

A bill (S. 10323) granting an increase of pension to Isaac W. Hodsdon (with accompanying paper); to the Committee on Pensions.

By Mr BANKHEAD:

A bill (S. 10324) extending the provisions of the act approved March 10, 1908 (with accompanying paper); to the Committee on Commerce.

By Mr. FOSTER:

A bill (S. 10325) granting an increase of pension to Andrew G. Scott (with accompanying papers); to the Committee on Pensions.

By Mr. JONES:

A joint resolution (S. J. Res. 135) for the relief of Thomas Hoyne (with accompanying paper); to the Committee on Indian Depredations.

PROPOSED CORRUPT-PRACTICES ACT.

Mr. BEVERIDGE. I introduce a bill and ask that it be referred to the Committee on the Judiciary.

The bill (S. 10309) for the prevention of corrupt practices in elections to any office under the Constitution and laws of the United States was read the first time by its title.

Mr. BROWN. I ask that the bill just introduced by the Senator from Indiana be read at length.

Mr. BEVERIDGE. It is very short.

The bill was read the second time at length and referred to the Committee on the Judiciary, as follows:

Be it enacted, etc., That any person who gives or receives any valuable consideration whatever, or offers or promises or accepts any offer or promise of any valuable consideration whatever to influence any person in voting for or against any person for any office under the Constitution and laws of the United States shall be guilty of a felony and shall be fined not less than $1,000 nor more than $5,000 and imprisoned for not less than six months nor more than five years, or both, in the discretion of the court, and shall be disqualified from holding any office under the Constitution and laws of the United States.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. FLINT submitted an amendment proposing to appropriate $18,000 to meet the costs of the Reclamation Service in the irrigation of the increased allotments of Indian lands, etc., intended to be proposed by him to the Indian appropriation bill, which was ordered to lie on the table and be printed.

Mr. SMITH of Michigan submitted an amendment relative to the survey of White Lake Harbor from the mouth of the channel to White Lake, Mich., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment relative to the improvement of Pentwater Harbor from the mouth of the channel to Pentwater Lake, Mich., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to appropriate $20,000 for improving Arcadia Harbor, Mich., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. BOURNE submitted an amendment proposing to appropriate $300,000 for improving the Columbia and lower Willamette Rivers below Portland, Oreg., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

THE ORGANIZED MILITIA.

Mr. CUMMINS submitted an amendment intended to be proposed by him to the bill (S. 9292) to further increase the efficiency of the Organized Militia, and for other purposes, which was referred to the Committee on Military Affairs and ordered to be printed.

OCEAN MAIL SERVICE AND PROMOTION OF COMMERCE.

Mr. STONE submitted an amendment intended to be proposed by him in the nature of a substitute for the amendment of the Senator from New Hampshire [Mr. GALLINGER] to the bill (S. 6708) to provide for ocean mail service between the United States and foreign ports and to promote commerce, which was ordered to lie on the table and be printed.

WITHDRAWAL OF PAPERS—ISRAEL DOTSON.

On motion of Mr. SCOTT, it was

Ordered, That leave be granted to withdraw from the files of the Senate, without leaving copies, the papers in the case of Senate bill 9826, granting an increase of pension to Israel Dotson, Sixty-first Congress, third session, no adverse report having been made thereon.

SITE OF DISTRICT REFORMATORY.

Mr. GALLINGER. Mr. President, a letter from the president of the Board of Commissioners of the District of Columbia, relative to the selection of a site for the erection of a reformatory, in response to Senate resolution of December 17, 1910, came to the Senate on the 21st day of December last, and was referred to the Committee on the District of Columbia. Certain Senators desire to be heard on this matter, and I refer the matter back from the committee and ask that it lie on the table. That would have been my suggestion had I been in the Senate at the time it was received.

The PRESIDENT pro tempore. The Senator from New Hampshire, from the Committee on the District of Columbia, reports back Senate Document No. 724, and asks that it may lie on the table. The Chair hears no objection.

HOUSE BILL REFERRED.

H. R. 31237. An act making appropriation for the support of the Army for the fiscal year ending June 30, 1912, was read twice by its title and referred to the Committee on Military Affairs.

RULE REGARDING TARIFF LEGISLATION.

Mr. CUMMINS. Mr. President, some days ago I gave notice that at this time I would address the Senate upon the joint resolution (S. J. Res. 127) introduced by me early in the session for a joint

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Mr. COOK's activities were not confined to his editorial and literary work, but he early espoused the cause of the financial and public institutions of the city of Philadelphia, was president of the Board of Trade, and actively identified with all the great movements for the progress and development of the natural resources of the city.

This long apprenticeship in public affairs, this awakened and developed interest and close study of the questions affecting the city of Philadelphia and of the Nation at large, and his sterling honesty and fearless courage, made JOEL COOK at the time of his election to Congress a man of commanding importance in the city of Philadelphia, and his friends and the public at large confidently intrusted to him their important interests, elected him to Congress with practical unanimity, and predicted for him a field of great usefulness and importance upon the floor of the House.

One dominant trait of Mr. COOK's character, and one that had added materially to his usefulness and to the growth of his reputation, was his conservatism. He was never a voluble man; he never put himself to the front until he was entirely sure of his position; he had no ambition for notoriety. He had carved his path to eminence by the slow and certain road of real achievement.

The congressional life was new to him; it was a new chapter in his life's history. No man upon the floor of the House was more broadly acquainted with public affairs or knew more intimately and accurately the public questions which agitated the country; but the field of public congressional debate was outside of the scope of Mr. COOK's past experiences. The rules of procedure were strange to him. He had not yet made himself master of the methods of parliamentary discussions and he was calmly and confidently waiting his time. No Member of this House was more constant in his attendance, none more conscientious in the faithful performance of every public duty, none more efficient in the discharge of his duty to his constituents, and none more resourceful and instructive in the council of committees. But he despised ostentation, he would not talk for the sake of talking, he never arose to his feet in any public assembly to speak unless he was confident that he had something of value to say, and had his life been spared to his constituents and to his country, I confidently assert the prediction that the time would soon have come when his ripe thought, his broad and diversified knowledge, and his forceful speech would have challenged the attention of this House, and it would have gladly listened to his temperate eloquence and would have come to regard him as one of the wise counselors of the Nation.

The community that knew him best, his own home city of Philadelphia, most keenly appreciates his loss. For nearly a half century he was a familiar figure in her social and financial life; he numbered among his tried and trusted friends all of the great men of that great city whose achievements are a part of her proudest records. Genial, sociable, kindly, affectionate, the friends that he gathered to himself in his youth remained his close friends and devoted admirers to the end. No public gathering in that city at which he was not a conspicuous and honored figure; no movement for the improvement of that city, for the development of her trade and commerce, for the shaping and developing of her civic institutions, but was strengthened by his presence and his advice, and he was reverently followed to his last resting place by our great leaders in civic, industrial, and political life, and is unanimously accorded by them the title of a great Philadelphian.

Mr. GREENE. Mr. Speaker, in the death of the late Hon. WILLIAM W. FOULKROD that grim reaper has claimed for the first time during my membership of the Committee on the Merchant Marine and Fisheries, for 12½ years, one of my associates upon the committee. Mr. FOULKROD was assigned to that committee by appointment of Speaker CANNON when he was elected to membership in the Sixtieth Congress. At the same time and by the same authority I was assigned to the position of chairman of the committee. Mr. FOULKROD was a prompt attendant at all meetings of the committee, and displayed an active and earnest interest in all the varied and important matters which were brought before the committee for consideration.

During many of the tedious and exacting hearings of the committee he contributed, by advice, argument, and searching questions to witnesses, in a very substantial way toward obtaining the information necessary to the proper formulation of various laws affecting the maritime interests of the country. His extensive business experience, both as a successful merchant and manufacturer, especially qualified him for the duties which devolved upon him as a Member of the House of Representatives.

He would not have been classed as a politician for the reason that the many years of his life had been absorbed by the activities which a business career demanded. However, he had devoted considerable time to the promotion of commercial organizations in the city of Philadelphia, which he represented in the Halls of Congress.

I am somewhat familiar with many of these organizations to which he belonged, and from my knowledge of his work on the committees of which he was a member in the House I am convinced that he was in the highest degree a public servant. In assisting to carry out the many various projects of a public character with which he was connected in his home city, I realize that much of his time and strength during his later years must have been generously contributed.

He was familiar with the conditions which were detrimental to the upbuilding of the American merchant marine, and he was extremely anxious that provision might be made for the reestablishment of the carrying trade between the United States and other nations.

It is indeed a pleasure to recall associations with a man of the type of our late colleague. Little did I think, when the second session of the Sixty-first Congress adjourned, that I should not again see his cheerful countenance, or that I should be bereft of his counsel and advice. His work was finished, and those who knew him best will contemplate that work with satisfaction and will cherish his memory.

Mr. MOORE of Pennsylvania. Mr. Speaker, I ask unanimous consent that Members of the House have leave to print for 10 days remarks on the life, character, and public services of the Hon. WILLIAM W. FOULKROD and the Hon. JOEL COOK.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent that Members have leave to print remarks on the life, character, and public services of Mr. FOULKROD and Mr. JOEL COOK for 10 days. Is there objection? [After a pause.] The Chair hears none.

In accordance with the resolutions already adopted, and as an additional mark of respect to our deceased colleagues, the House will now stand adjourned.

Accordingly (at 1 o'clock and 30 minutes p. m.) the House adjourned until Monday, January 23, 1911, at 12 o'clock noon.

SENATE.

MONDAY, *January 23, 1911.*

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

The Journal of the proceedings of Saturday last was read and approved.

CREDENTIALS.

Mr. PENROSE presented the credentials of GEORGE T. OLIVER, chosen by the Legislature of the State of Pennsylvania a Senator from that State for the term beginning March 4, 1911, which were read and ordered to be filed.

Mr. STONE presented the credentials of JAMES A. REED, chosen by the Legislature of the State of Missouri a Senator from that State for the term beginning March 4, 1911, which were read and ordered to be filed.

INDIAN SCHOOL AT FORT LEWIS, COLO.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior submitting an estimate of appropriation for the support and education of 200 Indian pupils at the Indian school, Fort Lewis, Colo., and for pay of superintendent and for general repairs and improvements, $40,000, which, with the accompanying paper, was referred to the Committee on Indian Affairs and ordered to be printed.

CLAIM OF WILLIAM M. MORGAN.

The VICE PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting, on motion of defendants, a certified copy of the findings of fact filed by the court in the cause of William M. Morgan, administrator of the estate of Elias Weaver, deceased, *v.* The United States (S. Doc. No. 779), which, with the accompanying paper, was referred to the Committee on Claims 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 and conclusions filed by the court in the following causes:

Henry Antone (or Anthone), Frank Swaris (or Suarez), Pensacola Navy Yard, *v.* The United States (S. Doc. No. 778);

William A. Clements and sundry subnumbered cases, Washington Navy Yard, *v.* The United States (S. Doc. No. 776);

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William L. Buckley and sundry subnumbered cases, Brooklyn Navy Yard, *v.* The United States (S. Doc. No. 777); and Walter H. Evans, Washington Navy Yard, *v.* The United States (S. Doc. No. 775).

The foregoing communications 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, transmitted to the Senate resolutions on the life and public services of Hon. WILLIAM W. FOULKROD, late a Representative from the State of Pennsylvania.

The message further transmitted to the Senate resolutions of the House on the life and public services of Hon. JOEL COOK, late a Representative from the State of Pennsylvania.

PETITIONS AND MEMORIALS.

Mr. CULLOM presented a petition of John Wood Post, No. 96, Department of Illinois, Grand Army of the Republic, of Quincy, Ill., praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

He also presented a memorial of the Catholic Church Extension Society of Chicago, Ill., and a memorial of the Western Catholic Union of Quincy, Ill., remonstrating against any appropriation being made for the National Bureau of Education, which were referred to the Committee on Education and Labor.

Mr. SCOTT presented a petition of Black Diamond Lodge, No. 9, Brotherhood of Railway Carmen of America, of Bluefield, W. Va., praying for the repeal of the present tax on oleomargarine, which was referred to the Committee on Agriculture and Forestry.

He also presented the petition of Dr. C. L. Holland, of Fairmont, W. Va., praying for the passage of the so-called parcels-post bill, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Smith-Race Grocery Co., of Bluefield, W. Va., praying for the enactment of legislation relative to the tax on white phosphorus matches, which was referred to the Committee on Finance.

Mr. DIXON presented memorials of sundry citizens of Ridge and Florence, in the State of Montana, remonstrating against the passage of the so-called rural parcels-post bill, which were ordered to lie on the table.

Mr. GAMBLE presented a petition of the J. B. Lockhart Co. and 30 other business firms of Centerville, S. Dak., remonstrating against the passage of the so-called rural parcels-post bill, which was ordered to lie on the table.

Mr. OWEN. I present a concurrent resolution of the Legislature of Oklahoma, which I ask may be printed in the RECORD and referred to the Committee on Industrial Expositions.

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

Senate concurrent resolution 1.

Whereas the United States Government has undertaken the construction of an oceanic canal across the Isthmus of Panama, an engineering feat daring in its conception, wonderful in its achievement, and worthy of this great Nation, to bring into closer commercial and social relations the countries of South America with this great Republic and provide a short passage to the great undeveloped Orient; and

Whereas the port of New Orleans is the gateway to the Mississippi Valley, of which our own State of Oklahoma, vast in agricultural and other resources, forms a part, and to and through which port our grains, produce, and mineral products will find a natural outlet, and with which port portions of our State now have water communications; and

Whereas our sister State of Louisiana, to whom we have contributed our soil, through the systems of waterways provided by nature for the great and fertile Mississippi Valley, and upon whose lands we have, through the same channels, turned our excess water, and to whom we owe more than ordinary allegiance, from material (as enumerated) as well as sentimental grounds, for her name was once given to what is now proud Oklahoma, through the Louisiana Purchase, culminated in the old Cabildo, now standing in the city of New Orleans; and

Whereas the United States Government has promised to complete the Panama Canal by or before 1915, and our sister State of Louisiana, feeling her responsibility as the keeper of the gateway, and anticipating the vast benefits of the entire Mississippi Valley, has seen fit by constitutional amendment to tax her citizens that an exposition, calling the attention of the world to the feat of engineering in constructing the Panama Canal, and the resources of the Mississippi Valley States, be held in the city of New Orleans, the winter capital of America, during the winter of 1915–16: Therefore be it

Resolved by the senate of the State of Oklahoma (the house of representatives concurring therein), That we heartily concur in the action of the people of Louisiana, and hereby indorse New Orleans as the logical point for the said exposition; and that a copy of this resolution, suitably engrossed, be sent to each of our Senators and Representatives at Washington, and to the World's Panama Exposition at New Orleans.

Adopted by the senate January 5, 1911.

J. ELMER THOMAS,
President pro tempore of the Senate.

Passed by the house of representatives January 12, 1911.

W. A. DURANT,
Speaker of the House of Representatives.

Mr. OWEN presented a petition of the Commercial Club of Minneapolis, Minn., and a petition of the Union Veterans' Union, in convention at Atlantic City, N. J., praying for the establishment of a national department of health, which were referred to the Committee on Public Health and Quarantine.

Mr. BRISTOW presented memorials of the Greater Leavenworth Club and of sundry citizens of Ogallah, Salina, Lincoln, and Delphos, all in the State of Kansas, remonstrating against the passage of the so-called rural parcels-post bill, which were ordered to lie on the table.

He also presented a memorial of sundry representatives of the Religious Society of Friends for Pennsylvania, New Jersey, and Delaware, remonstrating against any appropriation being made for the fortification of the Panama Canal, which was referred to the Committee on Interoceanic Canals.

Mr. PENROSE presented a memorial of the Manufacturers' Club of Philadelphia, Pa., remonstrating against the appointment of a permanent tariff commission, which was referred to the Committee on Finance.

He also presented a petition of the Lumbermen's Exchange of Philadelphia, Pa., praying that an appropriation of $100,000 for the improvement of the dry-dock at the League Island Navy Yard, which was referred to the Committee on Naval Affairs.

He also presented petitions of Local Granges Nos. 1405, of Pleasant Hill; 1432, of Beaver; 1382, of Monongahela; 5, of Lime Ridge; 1120, of Ebensburg; 1404, of Waynesboro; 1183, of Ulysses; 908, of Evans City; 1123, of Wallingford; 121, of West Chester; and 785, of Smithfield, all in the State of Pennsylvania, praying for the repeal of the present oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

Mr. BROWN presented a petition of the Central Labor Union of Omaha, Nebr., praying for the passage of the so-called parcels-post bill, which was referred to the Committee on Post Offices and Post Roads.

He also presented an affidavit in support of the bill (S. 10111) granting an increase of pension to John H. Lennon, which was referred to the Committee on Pensions.

Mr. OLIVER presented a petition of the Trades Union Assembly, American Federation of Labor, of Williamsport, Pa., praying for the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of J. C. Markke Post, No. 623, Grand Army of the Republic, Department of Pennsylvania, of West Newton, Pa., and a petition of Henry Wilson Post, No. 129, Grand Army of the Republic, Department of Pennsylvania, of Milton, Pa., praying for the passage of the so-called old-age pension bill, which were referred to the Committee on Pensions.

He also presented a petition of the Chamber of Commerce of Lancaster, Pa., praying for the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Young Men's Christian Association of Washington, Pa., praying for the enactment of legislation to prohibit the interstate transmission of race-gambling bets, which was referred to the Committee on the Judiciary.

He also presented a petition of the State legislative board, representing 16,000 members of the Brotherhood of Railroad Trainmen of Pennsylvania, 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. FLINT presented a memorial of the Merchants' Association of Honolulu, Territory of Hawaii, remonstrating against the enactment of legislation relative to the irrigation and reclamation of public lands in that Territory and the granting of certain water rights on the military reservation at Waianae Uka, Island of Oahu, Territory of Hawaii, which was referred to the Committee on Pacific Islands and Porto Rico.

Mr. NELSON presented a petition of Mayflower Lodge, No. 629, Modern Brotherhood of America, of St. Cloud, Minn., 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 memorial of sundry citizens of Two Harbors, Minn., remonstrating against the enactment of legislation proposing to change the name of the Public Health and Marine-Hospital Service, etc., which was referred to the Committee on Public Health and National Quarantine.

He also presented a petition of the Monday Club, of Le Sueur, Minn., praying that an investigation be made into the condition of dairy products for the prevention and spread of

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tuberculosis, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Michael Cook Post, No. 123, Department of Minnesota, Grand Army of the Republic, of Faribault, Minn., praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

He also presented a petition of the National Guard Association of Minnesota, praying for the enactment of legislation providing for the detail of additional officers of the Regular Army for the instruction of the National Guard, which was referred to the Committee on Military Affairs.

He also presented a petition of the National Guard Association of Minnesota, praying for the enactment of legislation to provide Federal pay for the Organized Militia, which was referred to the Committee on Military Affairs.

He also presented a petition of the National Guard Association of Minnesota, praying for the enactment of legislation to promote and encourage rifle practice among the youths of the country, which was referred to the Committee on Military Affairs.

Mr. BROWN presented a petition of the American Federation of Labor and a petition of the Retail Butchers' Protective Association of Omaha, Nebr., praying for the repeal of the present oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

He also presented memorials of sundry citizens of Central City, Clearwater, Inland, Lincoln, Pleasanton, Ravenna, Madison, Humboldt, Jelen, Groff, Grand Island, and Nebraska City, all in the State of Nebraska, remonstrating against the passage of the so-called rural parcels-post bill, which were ordered to lie on the table.

REPORT OF COMMITTEE.

Mr. BURKETT, from the Committee on the District of Columbia, to which was referred the bill (S. 9534) to amend an act entitled "An act to regulate the employment of child labor in the District of Columbia," reported it with an amendment and submitted a report (No. 1001) thereon.

BILLS INTRODUCED.

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

By Mr. BROWN:

A bill (S. 10366) to correct the military record of Charles Sutton (with accompanying paper); to the Committee on Military Affairs.

By Mr. LODGE:

A bill (S. 10367) providing for the purchase or erection, within certain limits of cost, of embassy, legation, and consular buildings abroad; and

A bill (S. 10368) for the improvement of the foreign service; to the Committee on Foreign Relations.

By Mr. CULLOM:

A bill (S. 10369) granting an increase of pension to Julia Baldwin; to the Committee on Pensions.

By Mr. DIXON:

A bill (S. 10370) granting an increase of pension to George W. Shaw (with accompanying papers); to the Committee on Pensions.

By Mr. WARREN:

A bill (S. 10371) granting an increase of pension to Annie Jane Saffell (with accompanying papers); to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 10372) granting a pension to Gust Carlson; and

A bill (S. 10373) granting a pension to Mary Butterfield; to the Committee on Pensions.

By Mr. HALE:

A bill (S. 10374) granting an increase of pension to John B. Dean (with accompanying paper); to the Committee on Pensions.

By Mr. BANKHEAD (for Mr. TAYLOR):

A bill (S. 10375) to authorize Hamilton County, Tenn., to construct, maintain, and operate a bridge across the Tennessee River at Chattanooga, Tenn.; and

A bill (S. 10376) to authorize Hamilton County, Tenn., to construct, maintain, and operate a bridge across the Tennessee River at Chattanooga, Tenn.; to the Committee on Commerce.

By Mr. FLINT:

A bill (S. 10377) granting an increase of pension to Timothy Sullivan (with accompanying papers); to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 10378) to grant an honorable discharge to George P. Chandler (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 10379) to promote the efficiency of the Naval Militia, and for other purposes; to the Committee on Naval Affairs.

A bill (S. 10380) for the relief of Mary Loy; and

A bill (S. 10381) for the relief of John E. Frymier (with accompanying paper); to the Committee on Claims.

A bill (S. 10382) granting an increase of pension to David Gosnell;

A bill (S. 10383) granting an increase of pension to Martin Ressler;

A bill (S. 10384) granting an increase of pension to William Cook;

A bill (S. 10385) granting an increase of pension to John M. Kuntz;

A bill (S. 10386) granting a pension to James Mullin (with accompanying paper);

A bill (S. 10387) granting an increase of pension to John C. Whitaker (with accompanying paper);

A bill (S. 10388) granting an increase of pension to Honora Jane Hoffliger (with accompanying paper);

A bill (S. 10389) granting an increase of pension to John S. Rhoads (with accompanying paper);

A bill (S. 10390) granting an increase of pension to Armstrong Miller (with accompanying paper);

A bill (S. 10391) granting an increase of pension to Harriet W. Wilkinson (with accompanying paper);

A bill (S. 10392) granting an increase of pension to Daniel Grow (with accompanying paper);

A bill (S. 10393) granting an increase of pension to William McGlone (with accompanying paper); and

A bill (S. 10394) granting a pension to Harvey Transue (with accompanying paper); to the Committee on Pensions.

By Mr. BURKETT:

A bill (S. 10395) granting a pension to Jennie L. Comstock; to the Committee on Pensions.

By Mr. SIMMONS:

A bill (S. 10396) granting an increase of pension to William Norton (with accompanying papers); to the Committee on Pensions.

(By request.) A bill (S. 10397) for the relief of the Atlantic Coast Line Railroad Co. (with accompanying papers); to the Committee on Claims.

By Mr. BRISTOW:

A bill (S. 10398) granting an increase of pension to Samuel C. Whitwam; to the Committee on Pensions.

By Mr. RAYNER (by request):

A bill (S. 10399) to give the Court of Claims jurisdiction to hear and determine claims for the payment of medical expenses of sick officers and enlisted men of the Army while absent from duty with leave or on furlough; to the Committee on the Judiciary.

By Mr. BEVERIDGE:

A bill (S. 10400) for the relief of Nathan Mendenhall; to the Committee on Military Affairs.

A bill (S. 10401) granting an increase of pension to George R. Howard;

A bill (S. 10402) granting an increase of pension to Francis M. Hanes; and

A bill (S. 10403) granting an increase of pension to George E. Seneff; to the Committee on Pensions.

By Mr. ELKINS:

A bill (S. 10404) to authorize the Secretary of War to grant a right of way through lands of the United States to the Buckhannon & Northern Railroad Co.; to the Committee on Commerce.

By Mr. CLAPP:

A bill (S. 10405) granting an increase of pension to Alonzo J. Mosher (with accompanying papers); to the Committee on Pensions.

By Mr. PAGE:

A bill (S. 10406) granting an increase of pension to Thomas H. Whitman (with accompanying papers); to the Committee on Pensions.

By Mr. CLAPP:

A bill (S. 10407) granting a pension to Anna L. Freeman (with accompanying papers); to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 10408) to establish a department of health, and for other purposes; to the Committee on Public Health and National Quarantine.

By Mr. PILES:

A bill (S. 10409) granting an increase of pension to Simeon Lockwood Coen (with accompanying papers); to the Committee on Pensions.

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By Mr. BANKHEAD:
A bill (S. 10410) to authorize the Pensacola, Mobile & New Orleans Railway Co., a corporation existing under the laws of the State of Alabama, to construct a bridge over and across the Mobile River and its navigable channels on a line opposite the city of Mobile, Ala.; to the Committee on Commerce.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. JONES submitted an amendment proposing to appropriate $50,000 to be expended for improving the road between Seward and Iditarod, Alaska, intended to be proposed by him to the Army appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. ROOT submitted an amendment proposing to appropriate $10,000 to enable the Supreme Court to revise the equity, admiralty, and bankruptcy rules, etc., intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. PENROSE submitted an amendment proposing to appropriate $8,000 to enable the Secretary of Agriculture to select, classify, transport, and exhibit at the international congress for the consideration of questions pertaining to the growing of barley and hops and the manufacture of the products thereof at the city of Chicago, October, 1911, intended to be proposed by him to the agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. WARREN submitted an amendment relative to a proposed increase in the Corps of Engineers, United States Army, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

OCEAN MAIL SERVICE AND PROMOTION OF COMMERCE.

Mr. JONES submitted an amendment intended to be proposed by him to 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," which was ordered to lie on the table and be printed.

THE LIFE-SAVING SERVICE.

On motion of Mr. FRYE, it was

Ordered, That the bill (S. 5677) to promote the efficiency of the Life-Saving Service, and report accompanying the same (No. 718), Sixty-first Congress, second session, be reprinted for the use of the Senate.

MEMORIAL ADDRESSES ON THE LATE SENATORS ELKINS AND HUGHES.

Mr. SCOTT. Mr. President, on behalf of myself and the Senator from Colorado [Mr. GUGGENHEIM] I desire to give notice that on Saturday, February 11, at half past 2 o'clock in the afternoon, I shall ask the Senate to consider resolutions in memory of the late Senator ELKINS, of West Virginia, and the late Senator HUGHES, of Colorado.

PUBLIC HEALTH SERVICE.

Mr. SMITH of Michigan. Mr. President, I desire to ask the Senator from Virginia whether he expects to report what is known as the Senator Martin bill, providing for the establishment of a national health bureau. We are being deluged with telegrams regarding that bill and have no information enabling us to answer anyone definitely. Will the distinguished Senator from Virginia enlighten the Senate upon the present status of that bill?

Mr. MARTIN. Mr. President, I am just as anxious as the Senator from Michigan can possibly be to see some measure for the betterment of the Public Health Service reported to the Senate. The committee of which I am chairman has before it a number of bills, among them one introduced at the last session of Congress by the Senator from Oklahoma [Mr. OWEN], which contemplates a new department with a Cabinet officer at its head. The bill is a very comprehensive one. The committee gave very protracted hearings to all the schools of medicine which seemed to think something deadly was aimed at them in that bill. The time at our disposal was devoted to those hearings, and the committee was entirely unable to give such consideration to the measure as would justify a report to the Senate.

At the present session of Congress a bill not so broad in its purport was introduced in the House by Representative MANN. I introduced the same bill in the Senate. I did not mean by introducing that bill to express myself as satisfied with its provisions in dealing with the subject, but I desired the committee to have all the proposed measures before it in order that they might all be considered and that some measure might be formulated which would give additional efficiency to the Public Health Service. We find in relation to this bill, as we found in relation to the bill introduced at the last session by the Senator from Oklahoma, a very large number of people throughout the country protesting against its provisions on the idea that it interferes with the freedom of medical practice. I desire to state, not only for the information of the Senator from Michigan and the information of other Senators, but for the information of the country everywhere, that neither bill contains one single word, one single sentence, or one single line that interferes with the freedom of medical practice or the art of healing in any shape which the people may desire to have it. I say this because of the great clamor that is going up from one end of the land to the other to the effect that there is a purpose to interfere with the freedom of medical practice, that there is a purpose to have a medical trust through the agency of an act of Congress.

Mr. SMITH of Michigan. If the Senator from Virginia will permit me, I should like to inquire whether there is any immediate prospects of the bill being reported to the Senate.

Mr. MARTIN. It is impossible for me to give a satisfactory answer to that question. I will endeavor to get the consideration of the committee at the earliest possible moment, but with the great demand on the time of each Senator it is impossible for me to foresee the action of the committee. I have talked with different members of the committee with a view of having a meeting, and I find that they are all so much occupied with other measures, the work of other committees, that it is exceedingly difficult to agree upon a day when we can get the attention of the committee to it. I can only say that I shall use every effort in my power——

Mr. SMITH of Michigan. I would not have the Senator from Virginia think that I am pressing for committee conclusion on the bill, but I have hundreds of protests against it, and I felt that the people who are interested in it or against it are entitled to be heard before the matter comes before us for action. Therefore I hope the Senator from Virginia will not press the matter upon the Senate until we have had an ample opportunity to be heard on it.

Mr. MARTIN. I will say that the committee has devoted weeks of time to hearing parties who were opposed to the bill, and if we delay until everybody is heard who wishes to repeat the same old tale that has been many times told us already we will never get a bill before the Senate for its consideration.

Mr. HALE. Mr. President——

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Maine?

Mr. MARTIN. I yield to the Senator.

Mr. HALE. I hope the Senator is quite right in his last expression, that he will never get a bill reported. There is an immense protest from all over the country against this legislation. Whether there is anything in the different propositions that in terms interferes with medical practice, which at present is conducting itself in a very reasonable and proper manner, I do not know; but any attempt at legislation, with the protests from every part of the country, will be resisted. I trust that with the conservative attitude the Senator takes upon this matter with reference to taking ample time for consideration, in view of the other things which occupy the attention of the Senate, that hereafter we shall hear little more during the present session upon the subject.

Mr. MARTIN. Mr. President, the Senator from Maine may rest assured that no bill will be reported to the Senate until adequate hearings have been had and until mature consideration has been given to the measure. But I can not agree with the Senator that it would be unwise ever to report any bill for the improvement of the health service of the United States. I believe that the health of the country is entitled to consideration at the hands of Congress.

The bill which I introduced is so brief that for the enlightenment of those who are protesting against the bill I call attention to its provisions. It continues in force existing laws and then contains the provision I shall read. It is so exceedingly brief that I will read it, and reading it, a wayfaring man though a fool, I think, will see that it in nowise interferes with the freedom of medical practice:

> The Public Health Service may study and investigate the diseases of man and conditions influencing the propagation and spread thereof, including sanitation and sewerage and the pollution, either directly or indirectly, of the navigable streams and lakes of the United States, and it shall from time to time issue information, in the form of bulletins and otherwise, for the use of the public.

That is all the bill contains in reference to increased power and jurisdiction of the health service of the United States—to investigate the causes of disease and the propagation thereof, and the pollution of our streams, and the systems of sewerage most promotive of the health of the country. Is there anything in a provision like that which interferes with the freedom of

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The Chair is of the opinion that in determining the parliamentary question which is raised, it is impossible for him to go back of the act of Congress of 1903 and consider any agreements, awards, or settlements which may have been made prior thereto. The Congress has spoken upon the question, and it is not within the province of the Senate to set aside, nor is it within the province of the Chair to ignore, its deliberate, conclusive action. It is provided in the act as follows:

"In pursuance of the provisions of section 26 of an act to ratify and confirm an agreement with the Muskogee or Creek Tribe of Indians, and for other purposes, approved March 1, 1901, there is hereby awarded, as a final determination thereof on the so-called 'loyal Creek claims' named in said section 26, the sum of $600,000, and the same is hereby appropriated out of any money in the Treasury not otherwise appropriated, and made immediately available."

Congress, in order, apparently, to leave no doubt as to its purpose and the effect of the act, provided:

"That said sum shall be accepted by said Indians in full payment and satisfaction of all claim and demand growing out of said loyal Creek claims, and the payment thereof shall be a full release of the Government from any such claim or claims."

Unless this act has been very materially modified or repealed by a subsequent act it stands as the supreme law, and standing as it does, it negatives the suggestion that the pending amendment is to carry out an existing law or treaty stipulation.

The Chair is clearly of opinion that the amendment can not be entertained under the third paragraph of Rule XVI. It proposes to change a general law. Therefore, it is in the nature of general legislation, and is obnoxious to the rule.

In view of the foregoing considerations, the Chair sustains the point of order made by the Senator from Kansas and the point of order interposed by the Senator from Massachusetts.

Mr. McCUMBER. Mr. President——

The VICE PRESIDENT. Has the Senator from Kansas concluded?

Mr. CURTIS. That is the point of order I make, and that is all I desire to say on the point of order at this time.

The VICE PRESIDENT. The Senator from North Dakota.

Mr. McCUMBER. Mr. President, I had hoped that probably the present occupant of the chair would not attempt to perpetuate any possible error that might previously have been made in passing upon identically the same question.

Mr. OWEN. Mr. President——

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

Mr. McCUMBER. I yield.

Mr. OWEN. This is a matter of very great importance to the people of Oklahoma. It has been pending a good long while, and it will be pending forever, until it is paid. The money is undoubtedly due. Nobody can deny its merits. And since the matter is about to be presented by the Senator from North Dakota on the point of order, I think it very important that the Senate understand it. There is not a quorum present.

Mr. McCUMBER. I will say to the Senator that I intend to make the matter clear.

Mr. OWEN. It would be made clear whenever the Senator speaks, but it would be made clear to so small a number that when it comes to a question of voting on this matter, if it is put to a vote of the Senate, which I think may properly be done under the rule, the Senate will not have heard what the Senator from North Dakota will have said in regard to it; and for that reason I think it would be desirable to have a quorum present.

Mr. CLAPP. Before any such suggestion is made——

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

Mr. McCUMBER. I yield.

Mr. CLAPP. Before any suggestion is made with reference to a quorum I desire to say that to-morrow morning at the conclusion of the reading of the Journal I shall ask the Senate to proceed with the consideration of the bill. I make that statement now, before anything further is done.

Mr. OWEN. I hope it will meet with the approval of the Senator from North Dakota to have a quorum present when he presents this matter. It is a very important matter, and I think the Senate ought to pass on it with the understanding it will receive from the explanation made by the Senator from North Dakota.

Mr. McCUMBER. I concur in the suggestion that has been made by the Senator from Oklahoma not only because I think there should be present all Senators who are compelled to vote on this proposition, but because I also think that it brings up before the Senate a question with respect to the rules upon which Senators themselves evidently disagree, and I should like to see the question settled not alone by the Presiding Officer but also by the Senate as to what that rule shall be.

I simply wanted to call the attention of the Chair to the fact that this is carrying out the stipulations of a treaty, and I am perfectly willing to rest it upon that proposition. This bill is filled with provisions making payments, carrying out the provisions of treaty stipulations duly entered into between this Government and Indian tribes, except that they call them contracts now rather than treaties.

I concur in the suggestion made by the Senator, and I will yield if he desires to have a call of the Senate.

Mr. OWEN. I raise the question that there is no quorum present.

Mr. CLAPP. Before that is done——

The VICE PRESIDENT. Will the Senator from Oklahoma withhold the suggestion?

Mr. OWEN. I withhold the suggestion.

Mr. CLAPP. I suggest that the bill be laid aside, and unless some Senator wishes to bring up some matter I will move——

Mr. HALE. Let us have an executive session.

Mr. CLAPP. Very well; I yield to the Senator from Maine for that motion.

EXECUTIVE SESSION.

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

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, January 24, 1911, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 23, 1911.

POSTMASTERS.

MAINE.

William M. Stuart, Newport.

MICHIGAN.

William J. Morrow, Port Austin.

OHIO.

Augustus M. Barker, Rock Creek.
John W. Bath, Elyria.
Samuel H. Bolton, McComb.
H. C. Drinkle, Lancaster.
James R. Hopley, Bucyrus.
F. G. Hunker, Middleport.
Jacob C. Irwin, Degraff.
Henry M. Jacobs, Gambier.
John A. Lowrie, Seville.
J. S. McKnight, Miamisburg.
Thomas J. McVey, East Youngstown.
David C. Mahon, Dennison.
E. W. Marvin, Ravenna.
Charles A. Moodey, Painesville.
Morgan Neath, Wadsworth.
H. S. Orr, Medina.
J. Warren Prine, Ashtabula.
John J. Roderick, Canal Dover.
George G. Sedgwick, Martins Ferry.
Seth M. Snyder, Coshocton.
Charles J. Thompson, Defiance.
D. L. Webb, Greenwich.
George W. White, Uhrichsville.
Warren W. Williams, Jeffersonville.

HOUSE OF REPRESENTATIVES.

MONDAY, *January 23, 1911.*

The House met at 12 o'clock noon.

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

The Journal of the proceedings of Sunday, January 22, 1911, was read and approved.

ORDER OF BUSINESS.

Mr. WEEKS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the Post Office appropriation bill (H. R. 31539).

Mr. SMITH of Michigan. Mr. Speaker——

The SPEAKER. One moment. The gentleman from Massachusetts moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the Post Office appropriation bill. The gentleman from Michigan——

Mr. SMITH of Michigan. Mr. Speaker, I would like to be heard a moment on this motion.

Mr. SULZER. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. Will the gentleman from Massachusetts [Mr. WEEKS] withhold his motion for a moment?

Mr. WEEKS. I understand that this motion is not debatable, but if the gentleman from Michigan wishes to make a statement I will withhold it.

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The SPEAKER. The gentleman from Massachusetts withholds his motion temporarily.

Mr. SULZER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SULZER. Under the rule is this not District day?

The SPEAKER. Oh, yes; under the rule it is District day, but under the rules it is also a day for the consideration of business presented by other important committees having privileged reports, if the House desires.

Mr. SULZER. Mr. Speaker, I hope the motion of the gentleman from Massachusetts will be voted down.

The SPEAKER. That is not a parliamentary inquiry. It is for the House to determine, as it can do and has done in the whole history of the House for 40 years, to the knowledge of the present occupant of the chair, where privileged business, under the rules, and other privileged business, under the rules, is presented, as to which business it will consider.

Mr. SMITH of Michigan. Mr. Speaker, it is well known that, under the rule, to-day is set apart for the consideration of District of Columbia business. This committee during the last session had frequent meetings, not only in the forenoon, but some in the afternoon and quite a number in the evening, that they might report the bills now upon the calendar affecting the District of Columbia. There are now 28 bills upon the calendar. During the last session the committee was deprived of three of its regular District days; days which are set apart, under the rules of the House, for the consideration of legislation affecting the District of Columbia. The chairman of the District Committee sought at other times to get unanimous consent to dispose of the bills upon the calendar; that was denied. We lost the 26th of December by reason of the fact that it came during the holiday vacation. Since the vacation this committee has had only one day, which was consumed in the passage of the inheritance-tax bill. Two weeks ago the committee was again deprived of time, which was justly its due, by reason of the fact that two privileged motions were introduced, and the day was taken until almost 4 o'clock, at which time District business was considered. The teachers' retirement bill was taken up, and, through the kindness of the Members, the House remained in session until about 6.30 p. m. The following statement, taken from the Evening Star of January 21, will give more in detail how the committee has been deprived of an opportunity to present its business for the consideration of the House and the various unsuccessful efforts that have been made to secure additional time outside of the regular District days:

MAY LOSE DAY AGAIN—DISTRICT BUSINESS LIKELY TO BE PUSHED ASIDE MONDAY—PLAN OF HOUSE LEADERS—TWENTY-EIGHT LOCAL MEASURES ON THE CALENDARS—STEAM ROLLER THREATENED—CHAIRMAN SMITH HOPEFUL THAT CONSIDERATION MAY BE OBTAINED FOR PENDING BILLS.

The House Committee on the District of Columbia will probably be steam-rollered next Monday, which, according to the calendar of the House of Representatives, should be District day and devoted entirely to the consideration of local business. The Republican leaders in the House have pretty nearly decided to take this District day away from the committee. They are oiling up the roller and making certain that it is in good working order.

Of course, the experience of being steam-rollered will not be new to the District Committee, of which Representative SAMUEL W. SMITH of Michigan is chairman. In fact, during the second session of the present Congress, and up to date in the present session, the committee has been denied its rights on many occasions.

Chairman SMITH is particularly concerned that the business of his committee should not be interfered with just now. There are 28 measures of local interest and importance now pending on the several calendars of the House, and Mr. SMITH believes that if the committee is allowed to have, without interruption, the three District days due between now and the 4th of March it will be possible to clean up the slate.

LITTLE TIME GIVEN TO THE DISTRICT.

Here is a little record of happenings on District days from May 9, which was the last District day in the second session of this Congress, up to the present time. May 23, which according to the calendar was a regular District day, the sundry civil bill, by arrangement of the House leaders and by a vote of a majority of the body, was taken up for consideration, local business being displaced.

June 13, the next regular District day, was devoted, as a result of the same steam-rollering process, to consideration of the general deficiency appropriation bill.

Congress adjourned before another District day came around. But in the meantime Chairman SMITH had been trying to get the House to set aside days for District business in lieu of those of which the House had robbed the committee. May 23 he asked that a day—any day—be set aside for the consideration of local measures. Representative JOHNSON of Kentucky, a Democratic member of the committee, objected. After Mr. SMITH had argued with that gentleman and had induced him to withdraw his objection, Representative CHAMP CLARK of Missouri, the minority floor leader, objected. May 31 Mr. SMITH again preferred a similar request. Representative STAFFORD of Wisconsin objected. June 2 Mr. SMITH tried again, but Representative MANN of Illinois objected. June 4 Mr. MANN again objected, and June 20 both Representative MANN and Representative SHEERLEY of Kentucky objected.

PART OF ONE DAY THIS SESSION.

The first District day this session was entirely taken up by consideration of the inheritance-tax bill, which was passed. December 13 the District of Columbia Committee was allowed one hour, and six minor measures went through by unanimous consent.

The next District day, December 26, came during the recess.

January 9, the next regular day, practically all the time of the session was taken up by a fierce row on the rules. The little time left was devoted to consideration of the teachers' retirement bill, which is still pending on the calendar.

Chairman SMITH is hopeful that the leaders of the House can be brought to an appreciation of the injustice that is done to the District of Columbia by these repeated steam-rollering processes and will permit the calendar of 28 local measures, which will die with the present Congress unless affirmative action is taken, to come up for consideration before adjournment.

I hope that the motion of the gentleman from Massachusetts will be voted down and that the Committee on the District of Columbia may be given all the time of this legislative day.

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

Mr. SMITH of Michigan. Certainly.

Mr. MANN. As I understand, it is a question whether we shall make provision for the postal service for the next year or pass the teachers' retirement bill.

Mr. SMITH of Michigan. No; it is not that question at all. It is simply a question of meeting earlier, or having some evening sessions, if necessary, for the consideration of appropriation bills.

Mr. MANN. That may be a question later.

Mr. SMITH of Michigan. If the House would, even at this time in the session, meet at 11 o'clock, it could save one day each week, and we could have evening sessions if necessary.

Mr. MANN. The question now is whether we shall make provision for the postal service or consider—not pass—the teachers' retirement bill.

Mr. SMITH of Michigan. If it was not the Post Office appropriation bill it would be some other appropriation bill of course—anything to crowd out District of Columbia business.

Mr. MANN. The gentleman ought to know it was never intended that the District of Columbia Committee should, in the closing days of a Congress, have Mondays as against appropriation bills which we must pass if we do not have a special session of Congress.

Mr. MADDEN. Mr. Speaker——

Mr. WEEKS. I will yield to the gentleman from Illinois.

Mr. MADDEN. Mr. Speaker, I think the people of the District of Columbia are entitled to some consideration at the hands of this House. They have no other legislative body through which they can transact their business. The rules of the House provide that the District shall be given every other Monday. It does not seem to me that the people of the District of Columbia should be discriminated against any more than the people of any other section of the Union. For some time past the District Committee has been shunted out of its place at every opportunity. No consideration whatever has been given to the business of the District. The session is coming to a close. It is true the Post Office appropriation bill is important, but it is also true that there is no danger of its failure to pass. Important as the Post Office appropriation bill is, it is quite as important to the people of the District that the matters in which they are interested should be given consideration. I think they justly feel that they are not being given the consideration to which they are entitled.

Mr. KENDALL. The gentleman from Illinois assumes that there are 24 legislative days in the month, and provision is made for one-twelfth of that time to be occupied by the District of Columbia. What authority has the gentleman for saying that the District is being discriminated against in comparison with other communities in the country?

Mr. MADDEN. I make the statement, based on the fact that the rules provide that the District shall have certain days. The District has not had those days, and I make the statement simply because I believe personally that we have not been treating the District fairly.

Mr. KENDALL. Is not the gentleman himself more responsible than any other Member on the floor?

Mr. MADDEN. Not at all; I have always been in favor of giving the District its day.

Mr. KENDALL. The gentleman has kept his attitude concealed very carefully.

Mr. MADDEN. Not at all; I have not had anything to do with dispensing with the consideration of District business on these days or dispensing with District days, as provided under the rule. I think now that this House should proceed to the consideration of the business of the District of Columbia, in preference to the consideration of the Post Office appropriation bill, and I hope it will.

Mr. WEEKS. Mr. Speaker, I made this motion not with any purpose of filibustering or sidetracking legislation from any other committee. I am personally in favor of much of the legislation the District Committee has on the calendar, but everybody knows that we have but 35 more legislative days, that there are several large appropriation bills to be considered, that

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When did a legal obligation or a moral obligation, if you have a mind to put it in that way, arise by reason of the action of the Senate? Remember, Mr. President, that it was presented to the Senate as an award or as a submission to an award. Remember that the Senate declared openly that it considered it as an award. When that vote was cast and $1,200.000 allowed, was it not an award? Did the Indians agree that in fixing that award it should go any further than the Senate? Did the other party to the agreement contemplate when it submitted the question to the Senate of the United States that it would be taken from the Senate and go to the House and possibly be stricken out entirely and then be submitted to a conference between the House and the Senate? Mr. President, you can easily see, as any man can see, that no such intention was in the minds of either party to this contract and no such contention could possibly be made.

Mr. BRANDEGEE. Mr. President——

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

Mr. McCUMBER. Certainly.

Mr. BRANDEGEE. Did the House in any way attempt to take any legislative action in contravention of the so-called award of the Senate, or was it simply a failure to appropriate the money?

Mr. McCUMBER. The House, as I remember, disagreed to that part of the Senate amendment, and the matter went to conference, and the conferees fixed up a scheme whereby the Indian would get half of what the Senate awarded. That is what was done.

Mr. HALE. Mr. President——

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

Mr. McCUMBER. Certainly.

Mr. HALE. Let me ask the Senator what his general proposition is upon this matter of the adjudication of Congress previously upon the amount paid on this claim. The orginal proposition was for $1,800,000. After consideration by both Houses some kind of an adjustment was made and $600,000 was awarded.

Mr. McCUMBER. Not in the same bill. That was an entirely different proposition, many years subsequently.

Mr. HALE. But that was the result. Now, it is claimed that, upon the original proposition of $1,800,000, $600,000 more shall be paid.

Mr. McCUMBER. The Senator was not present evidently during the entire discussion of this matter by me, in which I gave the history of the claim, and he seems to be confused as between the two propositions.

Mr. HALE. No; it is an old matter. Some of us have had it before us in the past.

Mr. McCUMBER. Then let me correct the Senator right here upon one proposition. The amount of $1,800,000 was agreed upon between the Senate of the United States, considering the matter as a treaty, and the Indians. At that time it did not go to the House. They simply agreed that in accepting and adopting a treaty with the Indians there was due from the United States to the Indians the sum of $1,800,000, in round numbers.

Mr. HALE. I have so stated. And $600,000 has been already paid.

Mr. McCUMBER. Not on that.

Mr. HALE. But substantially.

Mr. McCUMBER. The Senator must not now leave out the second step. We appropriated $100,000 to carry out that agreement some years ago. Then we failed to make any further appropriations and the whole matter was again submitted to arbitration by the Senate under a law passed by both Houses of Congress that it should be arbitrated by the Senate, and it allowed $1,200,000. The Senator knows the historical part of it.

Mr. HALE. There is no doubt about that. I am getting at the large features of this transaction. First, there was a claim of $1,800,000. Congress acted upon it, and after much contest adjusted it on the basis of $600,000, which has been paid. Now it is proposed to pay $600,000 more, and when that is paid I do not see any reason why at some other time we shall not be called upon to pay $600,000 more, making up the original $1,800,000.

Without going into the details and the obligations which Congress has finally to settle in these matters, what has occurred to me is the likelihood of this claim never ceasing until the original amount is paid, and that is $1,800,000. We discuss it; we hear the pros and cons; and Congress finally adjudicates that $600,000 is due, and it is accepted and paid. Then we are called upon for $600,000 more, and when that is paid we will be called upon for $600,000 additional to that.

The Senator says that we are coequals internationally with every civilized nation—that is not the way of doing business. But I have seen, Mr. President, many controversies internationally waged very earnestly upon the amount of claims; and it has been finally settled that when the matter has been adjudicated and passed upon, and one side is cut down and another side is put up, the first adjudication between nations settles it. We have had controversies with Great Britain where we had to give up and they had to give up, and we settled the basis of payment and it was accepted. Nobody ever thought afterwards of coming in for more. It is like anything else between man and man; between suitors; and the considerations that lead to the first adjudication have never been interfered with afterwards; it has been settled and disposed of.

I supposed this matter had been disposed of. This is an old settler. I had no doubt when we paid the $600,000 that that ended it, and we should not hear of it again. But we hear from it again, and if we pay $600,000 more we will have a claim afterwards for another $600,000, and it will never be settled unless the adjudication of Congress, accepted by the Indians, sometime or other is considered as a settlement.

Mr. McCUMBER. Mr. President, I do not think the Senator needs to worry a great deal about appropriations over and beyond what we agreed to pay to the Indian, unless the Government of the United States has fulfilled its obligation to pay the Indian what we conceded and agreed to be his just rights. Then we may meet the matter of any attempt to get more than what was agreed upon between the parties themselves.

Mr. HALE. I supposed the Senator would say that.

Mr. McCUMBER. It will naturally result.

Mr. HALE. That is the natural ground of the Senator. He gets from Congress what he can, and at the next Congress comes in for more. I think the Senate ought to consider this statement of the Senator, which is characteristic of him. He is entirely frank. Nobody need trouble himself about this matter. When the tribes have received all they claim and these claimants have received all they claim, then nobody will be disturbed.

Mr. McCUMBER. Why should not I, Mr. President? Can the Senator give any good reason why a party to whom the United States has justly engaged to pay an obligation should cease his efforts to secure from the United States action upon that obligation until he has reaped the benefit of it? Is not that the law between private individuals? Do we not govern ourselves by the same rule? I know of no creditor who ceases to dun his debtor until the debtor has either shown that he will pay or that he is unable to pay. When the Government of the United States is placed in the form of a debtor and for years has failed to fulfill its obligation I do not think it good argument to say that the creditor will press his claim until it has been paid and that Congress will be liable to have this question before it again and again.

I candidly believe, Mr. President, that Congress will have this bill before it until the great Government of the United States, the controller of the destiny of the Indian, shall pay its just obligations to the Indian. So I do not believe we may for one moment console ourselves with the idea that even by voting this out at the present time it will not come up in every succeeding Congress until the Government of the United States has purged itself of a dishonorable act with its own wards.

Now, Mr. President, I come directly to the rule itself which is said to be violated by the provisions of this act. Make a comparison of this with other items of the bill for the same purpose. You will observe that if this is obnoxious to the rule, then the other sections are equally obnoxious. The first proposition is that under subdivision 3 of Rule XVI it is general legislation. It is a provision which seeks to award payment of a certain sum of money acknowledged to be due from the Government of the United States to an individual, or to a tribe—general legislation. The very fact that there is attached to it some method of how the disbursement shall be made, some method as to how counsel fees shall be taken care of for service rendered in bringing this matter before Congress, would not affect the general proposition that it is specific legislation dealing with a specific matter. It is not like legislation binding everyone and affecting the interests of all the people of the United States. It is not like general pension legislation; it is not like tariff legislation, which must be general; it is not like the legislation contained in the criminal code of the country; but it is a simple proposition directed to a simple, specific subject, and if that can be construed into general legislation, then I confess I can not comprehend what special legislation does mean.

But, Mr. President, the second objection is that it provides for a private claim. This is not a private claim. It is carrying out the provisions of a treaty that affects a certain tribe of

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Indians. It is not, under what we conceive to be private claims, like a private pension bill that affects only one person. It is a claim against the Government that is settled, and it has become by the action of the Senate of the United States an account stated.

But, Mr. President, even if it might be considered as a private claim the subject matter would be proper under the exception to that rule relating to private claims which reads as follows:

Unless it be to carry out the provisions of an existing law, or a treaty stipulation, which shall be cited on the face of the amendment.

Is this not a law carrying out a stipulation of a treaty or an agreement? The rule uses both terms. Does it not cite upon its face that it is carrying into effect an award made under and by virtue of a treaty stipulation? Therefore, even if it should be considered in the category of a private bill, it clearly falls within the exception.

I know it has been claimed in the discussion of this matter that it is nothing more nor less than ordinary legislation—I refer now to the action of the Senate upon this proposition—that it acted in its capacity as a part of the law-making body of the United States, and that it should be dealt with exactly the same as any other matter of legislation. Mr. President, I can not possibly concur in that view of the case, considering the historical matters which I have brought to the attention of the Senate. This matter is not one of ordinary legislation. How is the Senate to be called into working effectiveness upon a proposition of this kind unless the matter be presented in the shape of a joint resolution, a bill, or a concurrent resolution—either of the three methods? Therefore the only way that we could bring this matter before the Senate was upon a bill. I know of no law that will authorize or empower the President of the Senate to convene the Senate as a board of arbitration. Having no such power, the Senate must have assumed that this matter would come before it in the ordinary channels of a bill presented by one of its committees, and that is the only reasonable or logical or lawful way in which it could be brought before the Senate. The Senate has passed its award upon that. It created the obligation the moment it voted upon that proposition. It bound the Government to the payment, and morally bound it to the payment, of that obligation. Why? Because, Mr. President, the obligation did not alone grow out of the action of the Senate, independently of the other House, but the obligation grew out of a previous law of the United States which imposed upon the United States Senate the duty of acting in its capacity as arbitrator, rather than legislator, in the determination of this question.

Mr. President, I do not know that I have anything further to say upon the proposition. The moral obligation appeals to me very much indeed, and I feel that in a matter of this kind, where the honor of the Government of the United States is at stake in dealing with the wards of the Government, it ought to be settled by a vote of the Senate, and I certainly am inclined to feel that it is dangerous and improper to adopt a policy which will say that a bill originating in the other House may contain provisions for the payment or carrying into effect of some treaty stipulation, but if we attach a like provision in the Senate it is subject to the point of order either that it is new legislation or that it does not conform to the rule which prohibits the consideration of private claims on general appropriation bills.

Mr. OWEN. Mr. President, this is a case in which the loyal Creek Indians, who were then under the treaty protection of the United States, were despoiled of their property during the war, and, because of their loyalty to the United States, were overrun and driven out of the country occupied by them, the peaceable enjoyment of which was a treaty right, and at a time when the protection of the United States was expressly guaranteed to them.

Under the treaty of 1866, article 4, they were expressly guaranteed payment for the property they had lost. They presented claims under that treaty for property declared to be worth over $5,000,000. They were subjected to a rigid and hard rule requiring them to make definite, positive, and conclusive proof before Commissioners Hazen and Field, representing the authorities of the United States. These commissioners found property losses worth $1,836,000 to have been definitely ascertained and proven to be due to those people, and made their award accordingly. Instead of its being paid in accordance with the treaty provisions, it was neglected year after year from 1870 to 1902 until the United States desired some other considerations from the Creek people, to wit, the abandonment of tribal government and allotment of the tribal lands, whereupon it was agreed that this matter of the loyal Creek award of Hazen and Field might be submitted to the Senate of the United States and determined by the Senate sitting as a court of arbitration. It was so submitted; and the Senate of the United States determined as an award that this sum of $1,200,000 should be paid to those people. The Senate first submitted to the Indian Committee.

The report of the Indian Committee of the Senate came before the Senate proposing this finding of $1,200,000 due the loyal Creeks as an award. It was found by the Senate as an award; it was explained on the floor of the Senate that it was to be an award.

The question, therefore, now comes up whether that decision of the Senate, sitting as a court, and having determined this controversy as an award, shall be sustained by the Senate of the United States as a matter of good faith. Will the Senate keep faith with its own decision? That is the question on its merits.

It will not do to say that this adjudicated matter may go, then, for appropriation to the House of Representatives, and because the House of Representatives disagrees generally to all Senate amendments on the bill and thus sending the provision for payment to conference, that the conferees may determine not to pay the full amount of the Senate award or to change the Senate award or that the Senate can thus invalidate its own award by adopting this conference report. The Senate itself has no moral right to set aside the decision of the Senate once made merely because the House of Representatives refuses to appropriate the judgment. The Senate sat as a court. Its judgment was final and can not be set aside under pressure of the House conferees or for any similar reason.

Mr. OVERMAN. Mr. President, I desire to ask the Senator a question merely for information, as I desire to understand this matter.

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from North Carolina?

Mr. OWEN. Certainly.

Mr. OVERMAN. At the time that $600,000 was paid, the Senate being a party to it, why did they not pay the whole amount? Was the $600,000 the settlement of this claim, or how was it? I should like to know.

Mr. OWEN. The way in which that occurred was, after the Senate had awarded $1,200,000, the conferees of the House insisted on cutting the payment of the award down to $600,000, and thus both Houses were led to agree upon $600,000 as a final settlement. The contention of the loyal Creeks is that the Senate itself having made an award in pursuance of a treaty could not thereafter, at the instance of the House of Representatives, disregard the Senate's own judgment in favor of these people. The act of Congress is plain that the $600,000 was paid, and was declared should be paid, as a final settlement, and these people were required to give a receipt in full, notwithstanding they were entitled to twice the amount.

Of course, they come back demanding the full amount due them under the judgment and award of the Senate of the United States, and they will continue to come back until the Congress of the United States and the Senate of the United States discharge their just obligation to these people.

Mr. OVERMAN. Who signed the receipt for that sum?

Mr. OWEN. They signed it for themselves, under protest.

Mr. OVERMAN. Did they have reputable lawyers to represent them when they made the settlement with the Government?

Mr. OWEN. When they made the settlement they made it as individuals, each one signing for himself.

Mr. OVERMAN. Did they have counsel at the time?

Mr. OWEN. They had counsel as a general proposition, but each individual signed the receipt, and they signed it under a general protest.

That is the substance of the matter on its merits. It comes now to a question of whether or not this proposed amendment is relevant to a general appropriation bill. Under Rule XVI, I maintain that it is germane and that it is in order as an amendment to the Indian appropriation bill.

First, because under section 1 of Rule XVI this amendment was moved by a standing committee of the Senate, and is thus expressly authorized under Rule XVI and the general parliamentary law. In the second place, under the third paragraph of Rule XVI, I call attention to the fact that "all questions of relevancy of amendments under this rule, when raised, shall be submitted to the Senate and be decided without debate."

Under the first paragraph of Rule XVI this language, which has heretofore been invoked against this item, occurs:

And no amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law or treaty stipulation or act or resolution previously passed by the Senate during that session.

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It is urged that the act of Congress appropriating the $600,000 is the final expression of the law, and therefore there is no existing law; that the treaty pro tanto is repealed by that act. The treaty stands unbroken unless the appropriation act was intended to repeal the treaty. I do not think that was the intention of the legislative body; but, if it were, there is another section of the first paragraph of Rule XVI which abundantly covers this case, to wit:

Or—

And I expressly call the attention of the President of the Senate to this language—

Or unless the same be moved by direction of a standing or select committee of the Senate.

This amendment is moved by a standing committee of the Senate. Under the third paragraph of Rule XVI all questions of relevancy shall be submitted to the Senate, and, therefore, under the rule itself the President of the Senate is not called upon to rule upon this proposal, but it must, under the rule, be submitted to the Senate.

It has been said heretofore that this was general legislation. The term "general legislation" comes within the scope of the language "general law." A general law is that which relates to the general public, to the people at large. This is a particular, local matter, relating to these particular claimants who came before the Senate seeking a judgment upon their claim, and the Senate decided in their favor as a court. It is a local, particular matter, not a matter of general legislation, and while I will not take the time of the Senate to read from the books as to the definition of the terms "general law" and "local law," the meaning of these words and phrases has been abundantly determined by the courts, and, with the permission of the Senate, I will insert the definitions in my remarks.

The definitions referred to are as follows:

LOCAL LEGISLATION.

"Legislation" to be "local," within the meaning of the Constitution, Article III, section 7, providing that the legislature may confer on the boards of supervisors of the several counties of the State such further powers of "local legislation" and administration as they should from time to time prescribe, must apply to and operate exclusively upon a portion of the territory of the State and upon the people living therein. If it applies to or operates upon persons or property beyond such locality, it is not local. It is not meant to say that the law, to be local, must be restricted in its operation to the persons, property, or rights which belong within the locality within which the law is intended to operate. Such a construction would make all laws relating to municipal corporations general, as they affect all persons within its limits, without regard to their permanent place of residence; but the law is not local that operates upon a subject in which the people at large are interested. (Healey *v.* Dudley, 5 Lans., 115, 120.)

GENERAL LAWS.

The term "general laws" is one which has been employed to designate different classes of laws. Examples of its various signification are given in Bouvier's Law Dictionary, where it is shown that its use is common with reference to the subject matter of statutes, as well as to the extent of territory over which statutes are intended to operate. There it is shown to be in use as the antithesis of "private," also of "local," and also of "special" statutes, and it is said that "in deciding whether or not a given law is general the purpose of the act and the objects on which it operates must be looked to." Legal writings abound with instances where enactments of the general lawmaking department are mentioned as general laws by way of distinguishing them from municipal laws. (Southern Express Co. *v.* City of Tuscaloosa, 31 South., 460, 461; 132 Ala., 326.)

A law may take its general nature either from its territorial comprehensiveness, or from the nature of its subject matter, or from both. A law may be of a general nature, notwithstanding its subject matter is of a local nature; its general nature being alone due to its territorial comprehensiveness. A law which is general by reason of its territorial comprehensiveness only can no more be limited in its operation territorially by a subsequent special law than one which is general in the nature of its subject matter. (Mathis *v.* Jones, 11 S. E., 1018, 1019; 84 Ga., 804.)

Constitution, Article XI, paragraph 6, declaring that cities or towns heretofore or hereafter organized, and all charters thereof framed or adopted by authority of this Constitution, shall be subject to and controlled by general laws, does not mean the general laws the legislature is commanded to pass for the incorporation, organization, and classification in proportion to population of cities and towns, or amendments thereto, because it is by the Constitution left optional with cities and towns in existence when the Constitution was adopted to become organized under such general acts of incorporation or not, as they shall elect. It means such general laws as shall be passed by the legislature other than those for the incorporation, organization, and classification of cities and towns. (Thompson *v.* Ruggles, 11 Pac., 20, 26; 69 Cal., 465.)

AS RELATING TO ALL OF A CLASS.

The word "general" comes from "genus," and relates to a whole genus or kind; or, in other words, to a whole class or order. Hence, a law which affects a class of persons or things less than all may be a general law. (Brooks *v.* Hyde, 37 Cal., 366, 376.)

A statute which relates to persons or things as a class is a general law. (Clark *v.* Finley, 54 S. W., 343, 345; 93 Tex., 171; Ewing *v.* Hoblitzelle, 85 Mo., 64, 78; State ex rel. Maggard *v.* Pond, 93 Mo., 606, 641; 6 S. W., 469, 471 (citing State ex rel. Lionberger *v.* Tolle, 71 Mo., 645); State ex rel. Harris *v.* Herrmann, 75 Mo., 340, 353; Hamman *v.* Central Coal & Coke Co., 56 S. W., 1091, 1092; 156 Mo., 232 (quoting Lynch *v.* Murphy, 119 Mo., 163; 24 S. W., 774); Van Riper *v.* Parsons, 40 N. J. Law (11 Vroom), 1, 8; Sawyer *v.* Dooley, 32 Pac., 437, 440, 21 Nev., 390; Central R. R. Co. *v.* State Board of Assessors, 2 Atl., 789, 798; 48 N. J. Law (19 Vroom), 1, 57 Am. Rep., 516; Cox *v.* State, 7 Tex. App., 254, 289; 34 Am. Rep., 746; in re New York Elevated R. R. Co., 3 Abb. N. C., 401, 417, 422.)

The number of persons upon which the law shall have any direct effect may be very few, by reason of the subject to which it relates, but it must operate equally and uniformly upon all brought within the relations and circumstances for which it provides. A statute, in order to avoid a conflict with the prohibition against special legislation, must be general in its application to the class, and all of the class within like circumstances must come within its operation. (Daily Leader *v.* Cameron, 41 Pac., 635, 639, 3 Okl., 677; Gay *v.* Thomas, 46 Pac., 378, 586, 14 Utah, 383.)

A general act is one which has room within its terms to operate on all of a known class of things, present and prospective, and not merely on one particular thing or on a particular class of things existing at the time of its passage. (City of Topeka *v.* Gillett, 4 Pac., 800, 803, 32 Kan., 431.)

A general law is one framed in general terms, restricted to no locality, and operating equally upon all of a group of objects, which, having regard to the purposes of the legislation, are distinguished by characteristics sufficiently marked and important to make them a class by themselves. (Trenton Iron Co. *v.* Yard, 42 N. J. Law (13 Vroom), 357, 363; Van Riper *v.* Parsons, 40 N. J. Law (11 Vroom), 123, 125, 29 Am. Rep., 210.)

A law is general when it applies equally to all persons embraced in a class founded upon some natural or extrinsic or constitutional distinction. It is not general or constitutional if it confers particular privileges or imposes peculiar disabilities or burdensome condition in the exercise of a common right upon a class of persons arbitrarily selected from the general body of those who stand in precisely the same relation to the subject of the law. (Robinson *v.* Southern Pacific Co., 58 Pac., 94, 98; 105 Cal., 526; 28 L. R. A., 773, citing city of Pasadena *v.* Stimson, 91 Cal., 238; 27 Pac., 604.)

General laws are those which relate to or bind all within the jurisdiction of the law-making power, limited as that power may be in its territorial operation or by constitutional restraints. A law applicable to all the counties of a class as made or authorized by the Constitution is neither a local nor a special law. If it applies to all the counties of a class authorized by the Constitution to be made, it is general law; and whether there may be few or many counties to which its provisions will apply is a matter of no consequence. (Cody *v.* Murphy, 26 Pac., 1081, 1082; 89 Cal., 522.)

While it is true that a law which applies to all of a class in a State is held to be a general law, it is equally true that one which applies to only a part of a class is a special law. Thus, in Dundee Mortgage & Investment Co. *v.* School District No. 1, of Multnomah County (19 Fed., 359), it was said that an act providing for the assessment of mortgages is so far a general act; it comprehends the genus. But an act providing for the assessment of all mortgages for a sum exceeding $500, or not payable within one year from the date of their execution, is special; it comprehends only a species of mortgage. Hence a statute relating to the taxation of railroads, which does not comprehend all, but only two county railroads, is not a general law. (People *v.* Central Pacific Co., 23 Pac., 303, 309; 83 Cal., 393.)

A statute for the assessment and collection of taxes which applies to all incorporated cities and towns in the State is a general, and not a special law within the meaning of the Constitution. (People *v.* Wallace, 70 Ill., 680, 681.)

A law embracing all cities or all townships is a general law within the meaning of the Constitution, because of their marked peculiarities. They are by common consent regarded distinct forms of municipal Government, and so constitute a class by themselves. (State *v.* City of Trenton, 42 N. J. Law (13 Vroom), 487.) But where an act authorizing township trustees to pay for macadamizing streets, etc., excepts from its operation certain townships, it is not a general law. (Dobbins *v.* Northampton Tp., 14 Atl., 587, 589; 50 N. J. Law, 496.)

AS RELATING TO ALL IN LIKE CIRCUMSTANCES.

A law is general and uniform if all persons in the same circumstances are treated alike. (D. H. Davis Coal Co. *v.* Polland, 62 N. E., 492, 496; 158 Ind., 607.)

Laws are general and uniform not because they operate upon every person in the State, for they do not, but because every person that is brought within the relations and circumstances provided for is within the law. They are general and uniform in their operation upon all persons in the like situation, and the fact of their being general and uniform is not affected by the number of those within the scope of their operation. (Arms *v.* Ayer, 61 N. E., 851, 855; 192 Ill., 601; 58 L. R. A., 277; 85 Am. St. Rep., 357; McAnnich *v.* Mississippi & Missouri R. R. Co., 20 Iowa, 338; Iowa R. R. Land Co. *v.* Soper, 39 Iowa, 112, 116.)

A law is to be regarded as general only when its provisions apply to all objects of legislation distinguished alike by qualities and attributes which necessitate the legislation or to which the enactment has manifest relation. Such law must embrace all and exclude none whose conditions and wants render such legislation equally necessary or appropriate to them as a class. (Warner *v.* Hoagland, 51 N. J. Law (22 Vroom), 66, 68, 16 Atl., 166; Randolph *v.* Wood, 7 Atl., 286, 49 N. J. Law (20 Vroom), 85, on error, 15 Atl., 271, 275, 50 N. J. Law (21 Vroom), 175; Helfer *v.* Simon, 53 N. J. Law (24 Vroom), 550, 22 Atl., 120; Dexheimer *v.* City of Orange, 36 Atl., 706, 707, 60 N. J. Law, 111; Hoas *v.* O'Donnell, 37 Atl., 447, 449, 60 N. J. Law, 35.)

CHARACTER OF SUBJECT MATTER.

Without undertaking to discriminate nicely or define with precision it may be said that the character of a law as general or local depends on the character of its subject matter. If that be of a general nature existing throughout the State in every country, a subject matter in which all the citizens have a common interest * * * then the laws which relate to and regulate it are laws of a general nature, and by virtue of the prohibition referred to must have uniform operation throughout the State. (State *v.* Davis, 44 N. E., 511, 512, 55 Ohio St., 15, quoting Kelley *v.* State, 6 Ohio St., 269.)

A law framed in general terms, restricted to no locality and operating equally on all of a group of objects which, having regard to the purposes of legislation, are distinguished by characteristics sufficiently marked and important to make them a class by themselves, is not a special or local law, but a general law. (Van Riper *v.* Parsons, 40 N. J. Law (11 Vroom), 123, 29 Am. Rep., 210.) To justify separate legislation for town or counties there must be something in the subject matter of the enactment to call for and necessitate such legislation. (In re Cleveland, 19 Atl., 17, 19, 52 N. J. Law (23 Vroom), 188, citing Hammer *v.* State, 44 N. J. Law (18 Vroom), 667.)

Mr. HALE. Mr. President——

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The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Maine?

Mr. OWEN. I do.

Mr. HALE. Mr. President, I have heard a great deal of debate and controversy upon the question of general legislation. It has never been accepted in the Senate, or, for that matter, in the other House, that because a provision covered by a proposed amendment applies to one particular subject it is not general legislation. Does any Senator doubt if upon an appropriation bill an amendment should be offered raising the salary of the President of the United States $25,000 or $10,000 or $1,000, that that would be general legislation, although it only applies to one officer of the Government and is distinctive in its application? There is very little legislation that applies to everybody, but where legislation is sought affecting general existing law, if it only applies to one person, it is general legislation. The Senator is wrong in his contention; he is wrong about it under the precedents established in the Senate; he is wrong about it on the logic of the case and upon all the precedents.

Mr. OWEN. Mr. President, these words and phrases have been defined by the courts in innumerable cases. It is hardly necessary for me to enter into a controversy with the large experience of the Senator from Maine as to what his understanding is. I agree with him that the particular instance referred to as to the Presidency would be general legislation, for it would affect an officer of the general public, and it would affect the general public of the United States in determining the compensation of one of their officers, his emoluments.

Mr. McCUMBER. May I ask the Senator a question?

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

Mr. OWEN. Certainly.

Mr. McCUMBER. If the contention of the Senator from Maine [Mr. HALE] is correct, is not every item in this bill general legislation?

Mr. HALE. I do not know, Mr. President; quite likely. But that does not settle any question that actually arises. The fact that a bill is full of infirmities is not in any way an argument against an especial infirmity that is called to the attention of the Senate.

Mr. McCUMBER. I am not saying that the bill is filled with infirmities.

Mr. HALE. My illustration was taken from the presidential salary, but it is equally true about any salary. A change in the salary of the Vice President, the salary of the Secretary of State, or the salary of any subordinate as fixed by law involves general legislation.

Mr. OWEN. I agree with the Senator from Maine in that contention, because his proposal changes a general law covering salaries; but I insist that the payment of this judgment of the Senate in favor of the loyal Creeks is not general legislation in its true sense, but merely the payment of a sum due under a treaty and a compliance with the supreme law of the land.

Mr. McCUMBER. My position was, if the Senator will allow me, that, if the Senator's contention is correct, not that there are simply a number of matters in this bill that are general legislation, but that every item in the bill is equally general legislation, and therefore we could have no Indian appropriation bill.

Mr. HALE. That is all the more unfortunate for the bill.

Mr. CLAPP. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Minnesota?

Mr. OWEN. I yield to the Senator from Minnesota.

Mr. CLAPP. I think the Senator from North Dakota [Mr. McCUMBER] might make the same application to any appropriation bill.

Mr. HALE. Not to this one alone.

Mr. CLAPP. No. If a mere matter of salary would be general legislation, I could not imagine any appropriation bill that would not be more or less general legislation.

Mr. HALE. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield further to the Senator from Maine?

Mr. OWEN. I yield to the Senator from Maine.

Mr. HALE. Mr. President, I find time to read the appropriation bills especially and all the debates in the House. They are very instructive upon this question of general legislation. When in the House a provision is found in an appropriation bill that raises the salary or changes the compensation of any officer, however obscure or small, and the point of order is made that it is general legislation, whoever is the incumbent of the chair at the time rules it out. It is general legislation, although it applies to only one person, possibly a messenger, possibly a janitor, possibly a clerk, possibly an auditor, and so on; but it changes the general law that fixes these salaries. That it should be now invoked in the Senate that, because the subject matter relates to one person or one office or one distinctive proposition, it is not general legislation, is to me—I will not say strange, because I am getting used to everything—but it is new.

Mr. OWEN. Mr. President, I should like to ask the Senator from Maine a question. Would he regard a simple item of appropriation meeting a recognized obligation of the United States as general legislation?

Mr. HALE. Oh, that is a very large question, Mr. President. That depends upon the language of the law and what is the extent of the obligation. I may as well say here and now that we had better have an end of all controversy between the Senate and the House if the result of the controversy as to an amount due that is fixed in conference and accepted by both bodies is not final. If the proposition that is maintained here that after the Senate has adopted a certain proposition and is overruled in the adjustment between the two Houses, it is within the province of the Senate to insist on its original proposition—if that is true, Mr. President, we may as well have an end of all conferences. If a conference between the two Houses on a distinctive proposition is not to be a final settlement, then we may as well have no conferences.

Mr. OWEN. Mr. President, I should like to ask the Senator from Maine if he thinks an award of the Senate of the United States sitting as a court of arbitration can be properly set aside by the House of Representatives.

Mr. HALE. I think it undoubtedly can be set aside by conference between the two Houses. The Senate has no power to decide what amount shall be paid upon a certain claim. It is a coordinate branch, and when it is brought——

Mr. OVERMAN. I should like to know what is meant by the expression "the Senate sitting as a court of arbitration." I never heard of such a proceeding, and I should like to know what it means.

Mr. HALE. I do not know any more than does the Senator. I never heard of the Senate sitting as a court of arbitration. I have represented the Senate in a great many conferences, where I believed the Senate was right and the House was wrong. I have pointed out the force of the position of the Senate and have sat in that committee room in the corner of the Capitol until the morning sun shone in at the windows fighting for a proposition of the Senate; but finally, when the matter was adjusted in conference and the Senate gave way, I never supposed that after that I should say that the Senate as a court of arbitration had settled the matter and awarded that so much money should be paid, and because I was beaten in conference I would bring it up next time. I agree with the Senator from North Carolina [Mr. OVERMAN]. I do not know what the expression means. I never heard of the Senate sitting as a court of arbitration. It is a coordinate branch of the Government, and if conference reports are not to be considered as a finality we may as well have none of them.

Mr. OWEN. Mr. President, the term "the Senate sitting as a court of arbitration," of course, was a mere figure of speech and has no particular value, except to explain the point of view which I had in mind when I considered the contention of these people with the officials of the United States, their prayer to the authorities of the United States to pay them this money, and the authorities of the United States refusing to pay or to advise payment, the final agreement that the Senate should sit upon the controverted matter as a court, as an arbiter, and make an award. Congress agreed to that; both branches agreed to that—the House of Representatives agreed to it; the Senate agreed to it—the President of the United States agreed to it, in the Creek agreement ratified by the act of Congress in 1902, and then the Senate sat and gave the award. I ask the Senator from Maine whether he thinks it is honorable on the part of the Senate to recede from its own judgment and award?

Mr. HALE. Oh, Mr. President, I have already answered the Senator.

Mr. OWEN. I insist, Mr. President, that the amendment under the first section of Rule XVI is properly a part of this bill, because it has been moved by direction of a standing committee of the Senate, and I submit further that the question of relevancy shall be submitted to the Senate and decided.

Mr. HALE. It is not a question of relevancy in the least. That does not come in at all.

Mr. OWEN. Mr. President, I ask permission to have printed as a part of my remarks the report of the Committee on Indian Affairs on the bill (S. 3423) to pay the balance due the

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loyal Creek Indians on the award made them by the Senate on the 16th day of February, 1903.

The VICE PRESIDENT. In the absence of objection, permission is granted.

The report referred to is as follows:

The Committee on Indian Affairs, to whom was referred the bill (S. 3423) to pay the balance due the loyal Creek Indians on the award made them by the Senate on the 16th day of February, 1903, report the same back without amendment and recommend its passage.

By the treaty of 1866 the United States agreed to investigate and determine the losses sustained by the loyal Creek Indians and freedmen during the Civil War and to pay the amount or amounts found due.

Article 4 of said treaty provides as follows:

"Immediately after ratification of this treaty the United States agree to ascertain the amount due the respective soldiers who enlisted in the Federal Army, loyal refugee Indians and freedmen, in proportion to their several losses, and to pay the amount awarded each, in the following manner, to wit: A census of the Creeks shall be taken by the agent of the United States for said nation, under the direction of the Secretary of the Interior, and a roll of the names of all soldiers that enlisted in the Federal Army, loyal refugee Indians and freedmen, be made by him. The superintendent of Indian affairs for the southern superintendency and the agent of the United States for the Creek Nation shall proceed to investigate and determine from said roll the amounts due the respective refugee Indians, and shall transmit to the Commissioner of Indian Affairs for his approval, and that of the Secretary of the Interior, their awards, together with the reasons therefor." (14 Stat., 787.)

In accordance with this treaty agreement, Gen. W. B. Hazen and Capt. F. A. Field, of the Regular Army, the latter having been detailed as union agent for the Five Civilized Tribes, were designated as commissioners to ascertain and determine the amount of such leases. This report was made with exhaustive care and will be found in detail in Exhibit 1 hereto. (S. Doc. No. 420, 57th Cong., 1st sess., p. 18.)

These awards amounted to $1,836,430.41. Prior to this award the Government made advance payment of $100,000 (16 Stats., p. 341), but no further payments were made, and on March 1, 1901, the United States entered into the following agreement with the Creek Indians.

Section 26 of that agreement reads as follows:

"All claims of whatsoever nature, including the 'loyal Creek claim,' under article 4 of the treaty of 1866, and the 'self-emigration claim,' under article 12 of the treaty of 1832, which the tribe or any individual thereof may have against the United States, or any other claim arising under the treaty of 1866, or any claim which the United States may have against said tribe, shall be submitted to the Senate of the United States for determination; and within two years from the ratification of this agreement the Senate shall make final determination thereof; and in the event that any sums are awarded the said tribe, or any citizen thereof, provision shall be made for immediate payment of same.

"Of these claims, the 'loyal Creek claim,' for what they suffered because of their loyalty to the United States Government during the Civil War, long delayed, is so urgent in its character that the parties to this agreement express the hope that it may receive consideration and be determined at the earliest practicable moment. (31 Stats., p. 869.)

Thus, as will be observed, the Senate was authorized to investigate and pass upon said claims, "or, in other words, to act as a board of arbitration."

The Senate of the United States on June 23, 1902 (Exhibit 1, S. Doc. No. 420, 57th Cong., 1st sess.), referred to the Committee on Indian Affairs the memorial of Isparhechar, ex-chief of Muskogee (Creek) Nation, for himself as loyal Creek claimant, and as attorney in fact for others.

Testimony was taken, arguments heard (Exhibit 1) and on February 16, 1903, the Indian Committee made the following report:

"In compliance with the requirements of section 26 of an act entitled 'An act to ratify and confirm an agreement with the Muskogee or Creek Tribe of Indians, and for other purposes,' approved March 1, 1901 (31 Stat. L., 869), and in conformity with the prayer of the memorial of Isparhechar, referred to this committee by the Senate, the Committee on Indian Affairs herewith submits the following report and recommendation."

Then follows the statement of the case, and attention is called to the fact that the agreement of 1901 provides: "That within two years from the ratification of said agreement the Senate shall make full determination of said claims."

In 1902 Isparhechar, ex-chief of the Creek Nation, on behalf of himself and other loyal Creek claimants, had submitted his memorial to the Senate, asking that it should proceed as soon as practicable, as provided by said act, to examine said claims and to award the amount alleged to be due. Said memorial was referred to the subcommittee. The committee recommended to the Senate the payment of $1,200,000 by its report of February 16, 1903, aforesaid, to be passed on by the Senate as an award. (S. Doc. No. 3088, 57th Cong., 2d sess.)

The committee submitted to the Senate an amendment to the Indian appropriation bill, in connection with this report, on page 33, after line 22, as follows:

"In pursuance to the provisions of section 26 of an act to ratify and confirm an agreement with the Muskogee (or Creek) Tribe of Indians, and for other purposes, approved March 1, 1901, there is hereby awarded, as a final determination thereof, on the so-called 'loyal Creek claims' named in said section 25, the sum of $1,200,000, and the same is hereby appropriated, out of any money in the Treasury not otherwise appropriated, and made immediately available, etc., and providing in the proposed item for attorney's fees."

This item will be found on page 2252 of the CONGRESSIONAL RECORD, February 16, 1903. It was quite thoroughly discussed on the floor of the Senate, and it was pointed out by a member of the Indian Committee (Mr. Quarles) that the action of the Senate would be an award of the United States in the following language.

Speaking to the Senate, Mr. Quarles said:

"It has occurred to me, sir, that the Senate ought to be advised as to the nature of this amendment, and that it ought not to be passed, coming as it does solely from the committee, leaving the Senate entirely in ignorance of the fact that in regard to this amendment it is sitting as a court of arbitration and is not engaged in the ordinary method of legislation.

"Now, I rise to lay the facts before the Senate. This is a provision which arises out of the agreement made with the Creek Nation in 1891, whereby it is provided that the Senate shall, within two years, sit in the capacity of a court of arbitration and decide upon this claim, which arises from several treaties made by this Government with the Creek Nation.

"The determination of the Senate upon this proposition will amount to an award, upon which an action will lie quite independent of the fact of this provision in the other House of Congress (p. 2253)."

The Senate thereupon agreed to the item without objection (p. 2254).

Thereafter, when the matter went into conference it was cut down to $600,000, and it was provided that the claimants should execute an acquittance to the Government in full for their claims upon receipt of the $600,000, which, after deducting the attorneys' fees, was distributed among them.

The loyal Creeks' claim was again considered by the Committee on Indian Affairs, and in its report of January 30, 1907 (S. Rept. No. 5689, 59th Cong., 2d sess.), made the following report:

"LOYAL CREEK CLAIM.

"In 1901 Congress enacted into the statute an agreement made by the Dawes Commission with the loyal Creek Indians whereby their claim was to be 'submitted to the Senate of the United States for determination,' the Senate acting as a court of arbitration. The act provided that whatever sum was awarded 'provision shall be made for immediate payment of the same.' (31 Stat. L., 869, sec. 26.)

"In pursuance of that act the claim of the loyal Creeks was duly submitted to the Senate and sent to the Committee on Indian Affairs for investigation. The committee examined treaties and records, heard testimony from the claimants, both oral and by depositions, heard counsel, who submitted briefs, and finally reported its findings to the Senate as an item on the Indian appropriation bill, which read as follows:

"'In pursuance of the provisions of section 26 of an act to ratify and confirm an agreement with the Muskogee or Creek Tribe of Indians, and for other purposes, approved March 1, 1901, there is hereby awarded, as a final determination thereof, on the so-called loyal Creek claims, named in said section 26, the sum of $1,200,000, and the same is hereby appropriated, out of any money in the Treasury not otherwise appropriated, and made immediately available. And the Secretary of the Treasury is hereby authorized to pay, under the direction of the Secretary of the Interior, to the loyal Creek Indians and freedmen named in articles 3 and 4 of the treaty with the Creek Nation of Indians of June 14, 1866, the said sum of $1,200,000, to be paid to such Indians and freedmen only whose names appear on the list of awards made in their behalf by W. B. Hazen and F. A. Field, as commissioners on behalf of the United States to ascertain the losses of said Indians and freedmen, as provided in said articles 3 and 4; and such payments shall be made in proportion of the awards as set out in said lists, and shall be in full settlement and satisfaction of all claims under said articles 3 and 4: *Provided, however,* That if any of said loyal Creek Indians or freedmen whose names are on said list of awards shall have died, then the amount or amounts due such deceased person or persons, respectively, shall be paid to their heirs or legal representatives: *And provided further,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to first withhold from the amount herein appropriated and pay to S. W. Peel, of Bentonville, Ark., the attorney of said loyal Creeks and freedmen, a sum equal to 10 per cent of the amount herein appropriated, as provided by written contracts between the said S. W. Peel and the claimants herein, the same to be payment in full for all legal and other services rendered by him, or those employed by him, and for all disbursements and other expenditures had by him in behalf of said claimants in pursuance of said contract. And further, said Secretary is authorized and directed to pay to David M. Hodge, a Creek Indian, of Tulsa, in the Creek Nation, a sum equal to 5 per cent of the amount herein appropriated, which payment shall be in full for all claims of every kind made by said David M. Hodge, or by those claiming under him, by reason of any engagement, agreement, or understanding had between him and said loyal Creek Indians.' (CONGRESSIONAL RECORD, vol. 36, pt. 3, 57th Cong., 2d sess., p. 252.)

"A discussion followed in which the attention of the Senate was specifically called to the fact that by the adoption of that item the Senate announced its award under the law. In the language of Senator Quarles, who was a member of the Committee on Indian Affairs, and was opposed to the award:

"'The determination of the Senate upon this proposition will amount to an award upon which an action will lie, quite independently of the fate of this provision in the other House of Congress.'

"In a word, the Senate was fully apprised of the whole matter, and then passed the item without any dissenting votes. (See pages 2252, 2253, and 2254 of the RECORD above cited.)

"The House disagreed generally to the amendment made by the Senate to the Indian bill and the measure went to conference. When the conferees made their final report, the item carrying the award had been modified by reducing the amount found by the Senate from $1,200,000 to $600,000, and provided that the Indians should accept the same as full satisfaction of all claim and demand growing out of said loyal Creek claims, and that the payment should be a full release of the Government. (32 Stat. L., 995.)

"The money thus appropriated, being only one-half of the amount awarded, was accordingly paid to the Indians. But in spite of the fact that they accepted, under compulsion, that amount under the terms of the act rather than lose all payment for their losses, yet they feel that the amount awarded them under the conditions of a solemn agreement between themselves and the Government has been only one-half paid, and they are now entitled to the balance. They respectfully submit the following reasons for their present claim:

"I. The losses they sustained were the direct result of their loyalty to the Government. For this loyalty they were not only driven from their homes, but many of them—men, women, and children—in their flight from the Indian Territory to Kansas during the winter of 1861–62, lost their lives by attacks made upon them by other Indians and by organized whites, and all of them suffered untold hardships. More than 1,500 of the men entered the Union Army. The Commissioner of Indian Affairs in his report for the year 1865 says:

"'The Creeks were nearly divided in sentiment at the opening of the war, about 6,500 having gone with the Rebellion, while the remainder, under the lead of the brave old chief, Opothleyoholo, resisted all temptations of the rebel agents and of leading men, like John Ross, among the Indians, and fought their way out of the country northward, in the winter, tracked by their bloody feet upon the frozen ground. They lost everything—houses, homes, stock—everything they possessed. Many joined the United States Army.' (Commissioner's Report, 1865, p. 39.)

"II. The Government promised them that they should be reimbursed for their losses. During the negotiations with the Five Civilized Tribes, preceding the reconstruction treaty of 1865, the commissioners, on the part of the United States, assured the Indians, loyal and disloyal, that 'those who have been loyal, although their nation may have gone over to the enemy, will be liberally provided for and dealt with.' Again the Indians were assured that above all other consider-

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ations it was the determination of the Government 'to recognize in a signal manner the loyalty of those who had fought upon the side of the Government and endured great sufferings on its behalf.' (Commissioner's Report, 1865, pp. 34, 299.)

"And article 4 of the treaty of 1866 (14 Stat. L., 787) undertook to ascertain their losses and see that the same were paid. This ascertainment was subsequently made by two officers of the Army, Gen. W. B. Hazen and Capt. F. A. Field. The Indians filed claims with this commission amounting in the aggregate to $5,090,808.50. The two commissioners, in keeping with their military training, insisted on having every item proven by witnesses presented before them. The impoverished Indians scattered over a territory twice as large as the State of Massachusetts, without property—not even a pony left them—and with many of their witnesses dead or left back in Kansas, could only comply in part. But they did prove the loss, before this exact and exacting court, of property found to be worth $1,836,830.41. This amount was awarded by Gen. Hazen and Capt. Field and approved by the Commissioner of Indian Affairs, and a qualified approval affixed by the Secretary of the Interior.

"III. The accuracy of the findings of Hazen and Field was never challenged by the Government. Using them as a basis, the sum of $100,000 was paid to the claimants. The Indians refused to take any portion of this latter amount until assured by Gen. Williamson, the Government agent authorized to make the payments, that the balance would be paid. Thus, when the matter came before the Senate as arbitrator, the Indians claimed the full amount of their losses as found ($1,836,830.41), less the $100,000 which had been paid, making $1,736,830.41. They also claimed interest for the 36 years that the claims had remained unpaid, this based on the fact that the Government usually paid interest on Indian funds.

"The Indian Committee, representing the Senate in making the investigation, determined, upon some theory unknown to the claimants, to reduce the amount to $1,200,000. The loyal Indians of the Choctaws and Chickasaws had been paid the full amount of their losses as found, and their claims had not been cut by the commissioners who passed upon them.

"The claims of the loyal Seminoles were submitted to the arbitration of the Senate by the same act that provided for the submission of the loyal Creek claims. The Senate reduced by 45 per cent the amount which the commissioners had allowed for losses and then added interest at the rate of 5 per cent for some 33 years. The reduction of the principal was based on the fact that the Indians had been allowed all they claimed; but the reduced principal and the interest brought the award to $186,000, while the original allowance was $213,888.95.

"The Choctaws and Chickasaws were thus paid the full amount of losses as they claimed them, and paid promptly after the date of the reconstruction treaty; and the Seminoles were generously dealt with by the Senate, a large amount of interest having been added to their claim. Yet when the Senate came to deal with the loyal Creek claims, which had been already cut by Commissioners Hazen and Field about 62 per cent, it further reduced the principal something more than 33 per cent (from $1,836,830.41 to $1,200,000), and refused to allow any interest. The claimants would have been glad to have accepted this award and been allowed, after the 36 years of waiting, to go in peace.

"IV. A fourth reason why the balance of the award should now be paid is the fact that the Indians submitted the whole matter to the Senate, trusting, with the simplicity of children, in its honor and justice. They were heard, the award was announced, and they returned to their homes with the feeling of perfect security that at least that much was safe and the $1,200,000 would be paid them and the long controversy ended.

"They had no knowledge of what was transpiring in the conference room. They were neither notified nor heard, yet provision was made for paying only one-half of their judgment, and conditioned that they should receive this as payment in full. The award between private parties would have been final and binding. (Wright *v.* Tebbitts, 1 Otto, 252.)

"V. Congress in its legislative capacity could not legally alter the award. The Senate, in pursuance of an agreement and a law, was the sole arbitrator. It formally announced its award. It never again opened the case. It never again sat as an arbitration board. Its sole connection with the matter thereafter was as a branch of Congress in its political capacity. Its function as a court was terminated. The question of finding what was due these loyal Creeks, who, in the language of the act providing for the arbitration, 'had suffered because of their loyalty to the United States Government during the Civil War,' was fully closed.

"VI. To coerce the Indians to sign receipts in full for a part of their award, and refuse to pay the balance, would, if done by an individual, be immoral. These untutored wards of the Nation who have been trained for generations to depend upon agents and other officers of the Government in all business transactions, and to do whatever they are told to do, are presented with a sum of money and a receipt and told to sign the latter in order to secure the payment. Will such a receipt be held as a bar against the individual Indian? Is there not such a sense of injustice growing from the facts of this case as will compel the payment of the whole award? The Indians depend more upon such considerations than upon legal rights which might be asserted as to the frailty of receipts in general as evidence of payment, and especially as to receipts procured by coercion or duress.

"VII. There must be no misunderstanding as to who these claimants are. They are simply and solely individual Indians. Their names, the property lost, and the amount due each for his particular loss, are all set out in the findings of Commissioners Hazen and Field. The Creek Tribe has no jurisdiction over the matter. On these claims the United States owed nothing to the tribe, and the latter never had any legal relation to them. The relinquishment of the tribe in its capacity as an organization can not have and should not have any effect on the pending claim."

Your committee recommends that the bill (S. 3423) do pass, or that an item be placed upon the Indian appropriation bill to provide for the payment of the balance of this award.

Mr. CURTIS. Mr. President, in view of the fact that there have been so many misstatements in regard to this claim, I should like to take a few minutes' time in explaining it to the Senate. It is a very old claim. In the first place, by the third article of the treaty of 1866 it was stipulated that the Government should sell certain lands and out of the proceeds pay to the loyal Creek Indians $100,000 to reimburse them in proportion to their respective losses. The land was sold and the money was turned into the Treasury. In 1872, act of July 15, $100,000 was appropriated, to be applied pro rata on the several amounts awarded under the treaty of 1866. Afterwards the Indians presented their claims to the Secretary of the Interior. That officer, in a report dated February 18, 1879, held they had no further legal claim. Again, on July 29, 1882, the same claim was presented, and the Secretary of the Interior held that they had no further legal claim. On the 10th of May, 1883, the matter was submitted to the Court of Claims. The Court of Claims, in passing upon the case, held that the Indians had no legal claim and that the $100,000 was in full settlement of all claims of said Creek Nation for damages and losses of every kind growing out of the late rebellion. The opinion of the court will be found in Nineteenth Court of Claims Reports, at page 675. I should like to read just a part of the syllabus of the case:

III. The provision in the treaty of 1866 that "the stipulations of this treaty are to be in full settlement of all claims of said Creek Nation for damages and losses of every kind growing out of the late rebellion" applies to individual and personal as well as to national demands.

IV. By the Creek treaty, 1866, the United States reserved $100,000 from moneys to be paid the nation and stipulated that that amount should be divided among the loyal Creeks "in proportion to their several losses;" but they did not thereby assume the losses which loyal individuals suffered by reason of their having faithfully adhered to the Government during the war.

After that decision nothing more was done in reference to this claim until the agreement was entered into with the Creeks in 1902. In that instrument the Congress of the United States agreed that this loyal Creek claim and another claim should be submitted to the Senate for settlement as a board of arbitration. A resolution or a memorial was presented. It was sent to the Committee on Indian Affairs in the regular order of business. The Committee on Indian Affairs was never selected by the Senate as a board or a court to adjust this claim. The memorial was referred to it in the usual course of business. The committee took jurisdiction, however, and reported the matter back, but not by way of resolution. They selected the Indian appropriation bill, and put the award, so called, in the Indian appropriation bill of March 3, 1903.

Now, my contention is that there was no award of any kind or character until the Indian appropriation bill became a law. Had the committee reported to the Senate a resolution, the Senate might pass it one day and the next day, if the Senate had been convinced that they made a mistake, it could reconsider and reduce the amount from $1,200,000 to $600,000, and no one would contend that the latter action would not stand as the final action of the Senate.

The committee selected an appropriation bill. Under the general procedure of the House and Senate the bill must go to the House. It went to the House. The House disagreed to the amendment. The whole matter went to conference, and in conference the House and Senate agreed to an award of $600,000. It came back to the Senate, was approved, and the only legal award was the award of $600,000 made on the 3d day of March, 1903, and the Presiding Officer of the Senate who passed upon this question two years ago well said that the Senate could not go back of the act of March 3, 1903. That is the law, and that is the award and the only award made by the Senate.

I pointed out yesterday that when the $600,000 was appropriated, the provision of the act was that the Indians should receive this sum in full settlement. It was submitted to the tribe. The tribal council passed a resolution accepting that amount in full settlement. That resolution of the tribal council was sent to the President of the United States, was approved by the President, and was a receipt in full. In addition to that, when the payment was made to each individual, each individual signed a receipt in full, and it refers to this award, the only award made, and that is the award of March 3, 1903.

The truth of the matter is this claim has already been paid in full twice, and I contend now, as I contended on the conference committee, that had the Senate been advised of the true facts in this case they would not have consented to have paid one other cent to the Indians over and above the $100,000 that was paid in the first instance. These Indians have been paid in full.

Then, it is said there is nothing in here that is obnoxious to the rule, and that it is carrying out the provisions of a treaty. There is no treaty, but a mere agreement, an act of Congress, because the policy in dealing with the Indians was changed in 1871, and in that agreement there is no provision for the payment of attorneys' fees, and yet in this item you find provision made for the payment of attorneys' fees which was not contemplated by the act of 1902. There is nothing of that kind provided for in the agreement. This is an attempt to put general legislation on an appropriation bill, and I submit, Mr.

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President, that it is subject to the point of order I made against it last evening.

Mr. OWEN. Mr. President, I wish very briefly to call the attention of the Senate to this language in the treaty of 1866. Article IV of that treaty provides as follows—and I take this from Precedents and Decisions on Points of Order in the United States Senate, by Gilfry:

Immediately after ratification of this treaty the United States agree to ascertain the amount due the respective soldiers who enlisted in the Federal Army, loyal refugee Indians, and freedmen, in proportion to their several losses, and to pay the amount awarded each in the following manner, to wit: A census of the Creeks shall be taken by the agent of the United States for said nation, under the direction of the Secretary of the Interior, and a roll of the names of all soldiers that enlisted in the Federal Army, loyal refugee Indians, and freedmen, be made by him. The superintendent of Indian affairs for the southern superintendency and the agent of the United States for the Creek Nation shall proceed to investigate and determine from said roll the amounts due the respective refugee Indians, and shall transmit to the Commissioner of Indian Affairs, for his approval and that of the Secretary of the Interior, their awards, together with the reasons therefor.

This was done in pursuance of the treaty. Hazen and Field made their report, which will be found, at great length, giving the name of each individual, his age, together with remarks, a great many of them being soldiers, and there being 1,523 persons all together.

This report was submitted by W. B. Hazen, major general, United States Army, superintendent of Indian Affairs for the southern agency, by F. A. Field, of the United States Army, and agent for the Creek Indians, and was submitted by J. D. Cox, Secretary, on the 5th of December, 1870. The matter then lay in abeyance until the United States wanted to open up the Indian lands in the Indian Territory, and they made the agreement in 1902 that the Senate should pass upon this matter, and the Senate, in the Precedents of the Senate (Gilfry, 136), is called a "quasi court of arbitration" in this case. This term is, however, a mere figure of speech. The Senate, passing upon this matter as a court, determined this award, and when it determined it as an award it is immaterial whether it has ever been paid or not. You never can take back the award once made. You may pay it or you may refuse to pay it, but you can not deny it. It is there, an award, and the Congress of the United States, through the House of Representatives, can not in an appropriation act set aside that judgment; it is a final judgment, and the Senate itself, having made that judgment, can not without cause, at the instance of parsimony or repudiation for economy sake, set it aside. It is the law; it stands as a judgment, and the honor of the Senate, in my opinion, requires it to be paid, and under the Rule XVI the item providing payment is germane to this bill, and ought to remain.

The VICE PRESIDENT. This bill provides appropriations "for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations," and so forth, for the fiscal year ending June 30, 1912. In its consideration, when page 28 is reached, on behalf of the committee an amendment is presented, which has been read by the Clerk and which will not be restated by the Chair, and in opposition to that amendment the Senator from Kansas [Mr. CURTIS] invokes the provision found in section 3 of Rule XVI, reading—

No amendment which proposes general legislation shall be received to any general appropriation bill—

contending that under that provision of the rule this amendment is not in order upon this bill.

The Senator from North Dakota [Mr. MCCUMBER] contends that if this provision is not in order various other provisions of the bill are out of order. The Chair knows of no rule of the Senate under which it is possible for any part of the text of the bill as it comes from the House of Representatives to go out on a point of order. The rule invoked by the Senator from Kansas applies only to amendments.

Much has been said as to the merits of this amendment. With the merits or the demerits, as the case may be, the occupant of the chair, of course, has nothing to do. It is within the province of the Senate, if the House concur, to modify any action it may have taken in some former Congress, to pay any charge against the Government by one-half or by twice if it see fit. But it must make that payment, it must take that action in accord with its rules. The question presented here is a question of procedure, not a question of merit. It is manifest to the Chair, though not universally conceded, that this provision has in it very much of general legislation, as that term has been construed heretofore in the Senate.

The Chair has read with interest and with care the decision rendered when a like provision was presented in a like bill two years ago by Vice President Fairbanks (CONGRESSIONAL RECORD, 60th Cong., 2d sess., Feb. 20, 1909, p. 2823), and the Chair believes that the reasoning of that decision is clear and that its conclusion is correct, and the Chair proposes to follow that decision in this instance and sustain the point of order.

Mr. OWEN. Mr. President, the Chair did not apparently pass upon the question of the third paragraph of Rule XVI as to the relevancy——

The VICE PRESIDENT. The Chair did omit that. The question of germaneness or relevancy has not been presented and is not before the Chair. No Senator has raised that question.

Mr. OWEN. I rose for the purpose of asking that the matter be now submitted to the Senate on an appeal from the decision of the Chair, and was only pointing out that matter, supposing the Chair had possibly overlooked it. I appeal to the Senate from the decision of the Chair.

The VICE PRESIDENT. The Senator from Oklahoma appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the Senate? [Putting the question.] The ayes appear to have it. The ayes have it, and the decision of the Chair stands.

The reading of the bill was resumed, beginning with line 18, on page 30.

The next amendment of the Committee on Indian Affairs was, in section 18, under the head "Oregon," on page 31, line 8, after the word "dollars," to insert "for extension of wing of present brick school building, $15,000," and in line 10, before the word "thousand," to strike out "twelve" and insert "twenty-seven," so as to make the clause read:

For support and education of 600 Indian pupils including native pupils brought from Alaska, at the Indian school, Salem, Oreg., and for pay of superintendent, $102,200; for general repairs and improvements, $10,000; for extension of wing of present brick school building, $15,000; in all, $127,200.

The amendment was agreed to.

The next amendment was, on page 31, after line 14, to insert:

For beginning the construction of the Modoc Point irrigation project, $50,000; reimbursable, and to be repaid into the Treasury of the United States from funds derived from the sale of timber on the Klamath Indian Reservation, Oreg.: *Provided*, That the total cost of this project shall not exceed $185,737.15.

The amendment was agreed to.

The next amendment was, in section 19, under the head of "Pennsylvania," on page 31, line 24, after the word "Pennsylvania," to insert "for transportation of pupils to and from said school;" on page 32, line 1, before the word "thousand," to strike out "forty-two" and insert "sixty-four," and in line 3, before the word "thousand," to strike out "forty-seven" and insert "sixty-nine," so as to make the clause read:

For support and education of Indian pupils at the Indian school at Carlisle, Pa., for transportation of pupils to and from said school, and for pay of superintendent, $164,000; for general repairs and improvements, $5,000; in all, $169,000.

The amendment was agreed to.

The next amendment was, in section 20, under the head of "South Dakota," on page 32, line 5, after the number of the section, to strike out:

For support and education of 175 Indian pupils at the Indian school at Flandreau, S. Dak., and for pay of superintendent, $64,425; for general repairs and improvements, $5,000; in all, $69,425.

Mr. CLAPP. I suggest that the amendment of the Senate committee be rejected, which will restore the language of the bill as it came from the House in that respect.

The amendment was rejected.

The next amendment was, on page 32, line 17, before the word "dollars," to strike out "550," so as to make the clause read:

For support and education of 175 Indians pupils at the Indian school at Pierre, S. Dak., and for pay of superintendent, $32,000; to complete irrigation plant, $17,000; to complete new building, $10,000; for general repairs and improvements, $5,000; in all, $64,000.

The amendment was agreed to.

The next amendment was, on page 32, line 19, before the word "Indian," to strike out "two hundred and fifty" and insert "three hundred;" in line 20, after the word "superintendent," to strike out "$43,350" and insert "$51,900, two thousand of which shall be immediately available;" and on page 33, line 3, before the word "dollars," strike out "eighty-one thousand three hundred and fifty" and insert "eighty-nine thousand nine hundred," so as to make the clause read:

For support and education of 300 Indian pupils at the Indian school, Rapid City, S. Dak., and for pay of superintendent, $51,900, two thousand of which shall be immediately available; for new dormitory for girls, $20,000; for installation of a central heating plant, $10,000; for general repairs and improvements, $8,000; in all, $89,900.

The amendment was agreed to.

The next amendment was, on page 34, after line 22, to insert:

That section 8 of an act entitled "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 appropriations to carry the same into effect," approved May 27, 1910, is hereby amended so as to read as follows:

"SEC. 8. That sections 16 and 36 of the land in each township within the tract described in section 1 of this act shall not be subject to entry, but shall be reserved for the use of the common schools and paid for by the United States at $2.50 per acre, and the same are

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hereby granted to the State of South Dakota for such purpose, and in case any of said sections, or parts thereof, are lost to said State by reason of allotments thereof to any Indian or Indians, or otherwise, the governor of said State, with the approval of the Secretary of the Interior, is hereby authorized, within the area described in section 1 of this act or within the said Pine Ridge Indian Reservation, to locate other lands not otherwise appropriated, not exceeding two sections in any one township, which shall be paid for by the United States as herein provided, in quantity equal to the loss, and such selections shall be made prior to the opening of such lands to settlement."

That section 8 of an act entitled "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," approved May 30, 1910, is hereby amended so as to read as follows:

"SEC. 8. That sections 16 and 36 of the land in each township within the tract described in section 1 of this act shall not be subject to entry, but shall be reserved for the use of the common schools and paid for by the United States at $2.50 per acre, and the same are hereby granted to the State of South Dakota for such purpose, and in case any of said sections or parts thereof are lost to said State by reason of allotments thereof to any Indian or Indians, or otherwise, the governor of said State, with the approval of the Secretary of the Interior, is hereby authorized, within the area described in section 1 of this act or within the said Rosebud Indian Reservation, to locate other lands not otherwise appropriated, not exceeding two sections in any one township, which shall be paid for by the United States as herein provided, in quantity equal to the loss, and such selections shall be made prior to the opening of such lands to settlement."

That the time in which the commission appointed to inspect, classify, and appraise the unallotted lands in the counties of Mellette and Washabaugh, in the Rosebud Indian Reservation in the State of South Dakota under an act entitled "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," approved May 30, 1910, be and the same is hereby extended to the 1st day of June, 1911, to complete and return the same.

The amendment was agreed to.

The next amendment was, in section 21, under the head of "Utah," at the top of page 38, to insert:

For the maintenance, purchase of seed, farm implements, and stock for the Indians of Skull Valley, Deep Creek, and other detached Indians in Utah, $10,000, or so much thereof as may be necessary, to be immediately available and expended under the direction of the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, on page 38, after line 6, to insert:

For continuing the construction of lateral distributing systems and the maintenance of existing irrigation systems to irrigate the allotted lands of the Uncompahgre, Uintah, and White River Utes, in Utah, authorized under the act of June 21, 1906, to be expended under the terms thereof and reimbursable as therein provided, $75,000.

The amendment was agreed to.

The next amendment was, on page 38, after line 13, to insert:

There is hereby granted to the State of Utah upon the terms and conditions hereinafter named the following-described property, known as the Indian school, lot 4, block 50, Randlett town site, former Uintah Indian Reservation, including the land, buildings, and fixtures pertaining to said school: *Provided*, That said land and buildings shall be held and maintained by the State of Utah as an institution of learning, and that Indian pupils may at all times be admitted to such school free of charge for tuition and on terms of equality with white pupils: *Provided further*, That this grant shall be effective at any time before July 1, 1911, if before that date the governor of Utah files an acceptance thereof with the Secretary of the Interior accepting for said State said property, upon the terms and conditions herein prescribed.

The amendment was agreed to.

The next amendment was, in section 23, under the head of "Washington," on page 40, line 8, after the word "dollars," to insert: "*Provided*, That the amount hereby appropriated, and all moneys heretofore or hereafter to be appropriated, for this project shall be repaid into the Treasury of the United States in accordance with the provisions of the act of March 1, 1907;" so as to make the clause read:

For extension and maintenance of the irrigation system on lands allotted to Yakima Indians in Washington, $15,000: *Provided*, That the amount hereby appropriated, and all moneys heretofore or hereafter to be appropriated, for this project shall be repaid into the Treasury of the United States in accordance with the provisions of the act of March 1, 1907.

The amendment was agreed to.

The next amendment was, on page 41, after line 2, to insert:

The Secretary of the Interior is authorized to sell and convey the lands, buildings, and other appurtenances of the old Fort Spokane Military Reservation, now used for Indian school purposes, and adjoining the Colville Reservation, in the State of Washington, containing approximately 640 acres, and to use the proceeds thereof in the establishment and maintenance of such new schools and administration of affairs as may be required by the Colville and Spokane Indians in said State: *Provided*, That the Secretary of the Interior is authorized in his discretion to reserve from sale or other disposition any part of said reservation chiefly valuable for power sites and reservoir sites and land valuable for minerals: *Provided further*, That in the case of land reserved on account of minerals, the Secretary of the Interior may sell the surface under such regulations as he may prescribe: *Provided further*, That, in the discretion of the Secretary of the Interior, the surface of the lands may be sold separate from any minerals that may be found thereunder. The Secretary of the Interior shall report to Congress at its next session his action in the premises.

The amendment was agreed to.

Mr. CLAPP. It will be impossible to conclude the bill this evening, and the committee has an amendment to offer in which the senior Senator from Idaho [Mr. HEYBURN] is interested. He can not be here to-morrow. I therefore ask the Senate to return to page 12.

The VICE PRESIDENT. Without objection the Senate will return to page 12.

Mr. CLAPP. On page 12, after line 14, I move to insert what I send to the desk.

The VICE PRESIDENT. The Senator from Minnesota offers an amendment, which will be stated.

The SECRETARY. On page 12, after line 14, it is proposed to insert the following:

That the Secretary of the Interior is hereby authorized to cause allotments to be made of the lands on the Fort Hall Indian Reservation in Idaho in areas as follows: To each head of a family whose consort is dead, 40 acres of irrigable land and 320 acres of grazing land, and to each other Indian belonging on the reservation or having rights thereon, 20 acres of irrigable land and 160 acres of grazing land.

That the Secretary of the Interior is hereby authorized to set aside and reserve so much of the timber land of the Fort Hall Reservation as he may deem necessary to provide timber for the domestic use of the Indians, not exceeding in aggregate two townships of land; and the said Secretary is hereby authorized to set aside and reserve such lands as may be necessary for agency, school, and religious purposes, not exceeding in aggregate 1,280 acres of land for agency and school purposes and 160 acres for any one religious society, to remain reserved so long as agency, school, or religious institutions are maintained thereon; and the said Secretary is hereby authorized to set aside and reserve certain lands chiefly valuable for the stone quarries situated thereon, not to exceed in aggregate 320 acres of land; and authority is hereby granted the said Secretary to lease said stone quarries under the provisions of section 3 of the act of February 28, 1891, Twenty-sixth United States Statutes at Large, page 795, or, in his discretion, to operate said quarries for the benefit of the Indians of the Fort Hall Reservation and to sell the stone quarried therefrom, the proceeds derived from said quarries to be deposited in the Treasury of the United States to the credit of said Indians and expended for their benefit in such manner as the said Secretary may prescribe.

That the Secretary of the Interior is hereby authorized in his discretion to make allotments as herein provided within the "Fort Hall Bottoms" grazing reserve to those Indians who have occupied and erected valuable improvements on tracts therein.

All acts or parts of acts in conflict herewith are hereby repealed.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CLAPP. Unless some Senator desires an executive session, I will move that the Senate adjourn. I make that motion.

The motion was agreed to, and (at 5 o'clock and 2 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, January 25, 1911, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January 24, 1911.*

The House met at 12 o'clock noon.

Prayer by Rabbi Alfred G. Moses, of Mobile, Ala.

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

BANKING AND CURRENCY.

Mr. GILLESPIE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the banking and currency question.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. GILLESPIE. Mr. Speaker, I desire to submit herewith, as a part of my remarks, a communication addressed to me by my friend of many years, Mr. R. C. Milliken. He has given a great amount of study and research to the question of banking and currency, and I feel sure his article will be appreciated by all thoughtful students of the question. I commend it to the careful perusal of all. I am not in accord with all he proposes in his plan, nor with all his criticism of the Aldrich plan. I believe it will be exceedingly unwise for us to undertake to establish one central bank or institution for all our country. But if the United States could be divided into groups of States, according to the community of interests of the respective groups, and such an institution as the Bank of France or that of Germany, modified to suit our conditions, were to be established in each group, with power to establish branches and fix the rate of discount and deal directly with the merchants, farmers, and manufacturers, then I think we would have a banking system that would at the same time serve and protect the commerce of the country and not the banks only. I do not wish now to make any extended remarks.

But I do wish to say that in my opinion this Congress ought to take up this question immediately and settle it. If we do not, it will be held in abeyance until the tariff question and

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the Bureau of Education, which was referred to the Committee on Education and Labor.

He also presented a memorial of the Tenafly Publishing Co., of Tenafly, N. J., and the memorial of Henry F. Schmidt, of Orange, N. J., remonstrating against the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of Protection Lodge, No. 2, of Phillipsburg; Local Lodge of Jersey City, Local Lodge of Newark, and Local Lodge No. 333, of Jersey City, all of the Brotherhood of Railroad Trainmen, in the State of New Jersey, 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 the petition of A. B. Smith, of Salem, N. J., and the petition of J. V. Righter, of Salem, N. J., praying for the enactment of legislation providing for the discontinuance of the grade of post noncommissioned officers and creating the grade of warrant officers in lieu thereof, which were referred to the Committee on Military Affairs.

Mr. ELKINS presented a petition of sundry citizens of Elkins, W. Va., praying for the enactment of legislation making eight hours a day's work for clerks and carriers in the postal service of the Government, which was referred to the Committee on Education and Labor.

He also presented a memorial of Local Council No. 37, United Commercial Travelers of America, of Wheeling, W. Va., remonstrating against the passage of the so-called parcels-post bill, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Black Diamond Lodge, No. 9, Brotherhood of Railway Trainmen of America, of Bluefield, W. Va., and a petition of the American Federation of Labor, praying for the repeal of the present oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

He also presented the petition of John Marshall, of Parkersburg, W. Va., praying for the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Huntington Division, No. 190, Brotherhood of Locomotive Engineers, of Huntington, W. Va., and a petition of the general grievance committee of the Brotherhood of Railroad Trainmen, of Roanoke, W. Va., 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 Office and Post Roads.

He also presented petitions of the Smith-Race Grocery Co., of Fairmont; of Hagen, Ratcliff & Co., of Huntington; and of the Piedmont Grocery Co., of Piedmont, all in the State of West Virginia, praying for the enactment of legislation relative to the tax on white phosphorus matches, which were referred to the Committee on Finance.

He also presented a memorial of the Lowe Bros. Co., of Dayton, Ohio, remonstrating against the passage of the so-called Heyburn paint bill, which was ordered to lie on the table.

He also presented an affidavit in support of the bill (S. 4540) granting a pension to Francis Redmond, which was referred to the Committee on Pensions.

He also presented a memorial of the Niagara Alkali Co., of Niagara Falls, N. Y., remonstrating against the imposition of a duty on muriate of potash and praying that a duty be placed on caustic potash, which was referred to the Committee on Finance.

Mr. DEPEW presented a petition of the Retail Grocers' Association of Rensselaer, N. Y., praying for the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of the Amalgamated Society of Carpenters and Joiners, of New York; of Metropolitan Lodge, No. 598, Brotherhood of Railroad Trainmen, of New York City, N. Y.; and of the legislative board, Brotherhood of Railroad Trainmen, of New York, 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.

REPORTS OF COMMITTEES.

Mr. SMOOT, from the Committee on Claims, to which was referred the bill (H. R. 25679) for the relief of the Sanitary Water-Still Co., reported it without amendment and submitted a report (No. 1004) thereon.

He also, from the Committee on Finance, to which was referred the bill (S. 9970) to provide for the refunding of certain moneys illegally assessed and collected in the district of Utah, reported it without amendment and submitted a report (No. 1005) thereon.

Mr. DAVIS, from the Committee on Claims, to which was referred the bill (H. R. 25074) for the relief of the owners of the schooner *Walter B. Chester*, reported it without amendment and submitted a report (No. 1007) thereon.

Mr. CRAWFORD, from the Committee on Claims, to which was referred the bill (S. 974) for the relief of Albert S. Henderer, reported it with an amendment and submitted a report (No. 1008) thereon.

Mr. BURNHAM. I am directed by the Committee on Claims, to which was referred the bill (H. R. 16133) for the relief of Samuel L. Barnhart, to report it adversely. I ask that the bill be indefinitely postponed, as the subject matter contained therein was included in the general deficiency appropriation act of June 25, 1910.

The VICE PRESIDENT. The bill will be postponed indefinitely.

DESERT-LAND ENTRIES.

Mr. JONES. From the Committee on Public Lands I report back favorably without amendment the bill (S. 10318) authorizing the Commissioner of the General Land Office to grant further extensions of time within which to make proof on desert-land entries, and I submit a report (No. 1006) thereon. The bill simply provides that the Commissioner of the General Land Office may, on a proper showing, grant a further extension of not to exceed three years to make proof on desert-land entries. I ask unanimous consent for its present consideration.

The VICE PRESIDENT. The bill will be read.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that where an extension of time has been granted to entrymen under the desert-land laws, in accordance with section 3 of the act entitled "An act limiting and restricting the right of entry and assignment under the desert-land law and authorizing an extension of time within which to make final proof," approved March 28, 1908, and the entryman shall show to the satisfaction of the Commissioner of the General Land Office that, because of some unavoidable delay in the construction of irrigating works intended to convey water to the lands embraced in his entry, he is, without fault on his part, unable to make proof of the reclamation and cultivation of said lands as required by law within the time of such extension, he shall, upon filing his corroborated affidavit with the land office within the district of which said land is located, setting forth the facts, be allowed a further extension of not to exceed three years, within the discretion of the Commissioner of the General Land Office, within which to furnish the proof as required by the desert-land laws.

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. CLARKE of Arkansas:

A bill (S. 10431) to authorize the Argenta Railway Co. to construct a bridge across the Arkansas River between the cities of Little Rock and Argenta, Ark.; to the Committee on Commerce.

By Mr. JONES:

A bill (S. 10432) for the relief of Thomas Huggins; to the Committee on Military Affairs.

A bill (S. 10433) granting an increase of pension to Robert H. Parker; to the Committee on Pensions.

By Mr. FRYE:

A bill (S. 10434) regulating the appointment of collectors of customs and other officials; to the Committee on Commerce.

By Mr. LODGE:

A bill (S. 10435) providing for the quadrennial election of members of the Philippine Legislature and Resident Commissioners to the United States, and for other purposes; to the Committee on the Philippines.

By Mr. OLIVER:

A bill (S. 10436) to extend the time for the further construction of the Valdez, Marshall Pass & Northern Railroad, and for other purposes; to the Committee on Territories.

A bill (S. 10437) to correct the military record of David C. Stewart (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 10438) to amend an act amendatory of the act approved April 23, 1906, entitled "An act to authorize the

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Fayette Bridge Co. to construct a bridge over the Monongahela River, Pa., 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.

A bill (S. 10439) granting an increase of pension to Anna K. Rhoades; to the Committee on Pensions.

By Mr. DIXON:

A bill (S. 10440) for the relief of John Lynn (with accompanying paper); to the Committee on Military Affairs.

By Mr. WARNER:

A bill (S. 10441) for the relief of Sanger & Moody; to the Committee on Claims.

By Mr. DICK:

A bill (S. 10442) granting an increase of pension to Zenas Funk; to the Committee on Pensions.

By Mr. HALE:

A bill (S. 10443) for the relief of Lewis Myshrall (with accompanying paper); to the Committee on Military Affairs.

By Mr. SMOOT:

A bill (S. 10444) granting an increase of pension to John W. A. Lawson (with accompanying papers); to the Committee on Pensions.

By Mr. FRAZIER:

A bill (S. 10445) granting an increase of pension to Mary V. Webster; to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 10446) granting a pension to Francelia L. King (with accompanying papers); to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 10447) authorizing an investigation with the view to the establishment of a general parcel post; to the Committee on Post Offices and Post Roads.

A bill (S. 10448) granting a pension to Adolph Roeusch (with accompanying paper); to the Committee on Pensions.

By Mr. BRADLEY:

A bill (S. 10449) for the relief of George T. Read; to the Committee on Claims.

A bill (S. 10450) to amend the provisions of the act of March 3, 1885, limiting the compensation of storekeepers, gaugers, and storekeeper-gaugers in certain cases to $2 a day, and for other purposes; to the Committee on Finance.

By Mr. CURTIS:

A bill (S. 10451) to authorize the Manhattan City & Interurban Railway Co. to construct and operate an electric railway line on the Fort Riley Military Reservation, and for other purposes; to the Committee on Military Affairs.

By Mr. NELSON:

A bill (S. 10452) to authorize the Minnesota River Improvement & Power Co. to construct dams across the Minnesota River; to the Committee on Commerce.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. JONES submitted an amendment proposing to increase the salary of one assistant employed in preparing for publication the American Ephemeris and Nautical Almanac, Navy Department, from $1,800 to $2,200, intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. PERKINS submitted an amendment proposing to appropriate $100,000 for transforming the transport *Thomas* from a coal burner into an oil burner, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. LODGE submitted an amendment proposing to appropriate $10,000 to pay the necessary expenses of delegates to the general assembly of the International Institute of Agriculture, Rome, 1911, intended to be proposed by him to the diplomatic and consular appropriation bill, which was referred to the Committee on Foreign Relations and ordered to be printed.

Mr. MARTIN submitted an amendment relative to the improvement of the Potomac River at Colonial Beach, Va., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

ABANDONMENT OF NAVY YARDS AND NAVAL STATIONS.

Mr. TILLMAN. Mr. President, I submit a resolution calling for information. Some time ago the Secretary of the Navy advised the abandonment and sale of several of the naval establishments. When the naval appropriation bill comes up, if I feel physically able, I shall present some reasons showing why this proposed policy of abandoning the entire Gulf and having no naval establishment south of Charleston is unwise; but it is necessary to have information. Therefore I ask that the resolution which I send to the desk may be passed.

The Secretary read the resolution (S. Res. 327), as follows:

Resolved, That the Secretary of the Navy be, and he is hereby, instructed to send to the Senate detailed information concerning the navy yards and naval stations at New Orleans, Pensacola, Port Royal, and New London, as follows:

First. The number and character of buildings.

Second. Their original cost and the amount expended for repairs.

Third. Their present condition and the uses to which they are being put at this time.

Fourth. If there is any machinery, the amount and value thereof.

Mr. KEAN. I suggest that the word "instructed" be changed to "directed."

Mr. TILLMAN. That is agreeable to me. All I want is the information. I ask that the resolution be modified in that respect.

The VICE PRESIDENT. The resolution will be so modified.

The resolution as modified was considered by unanimous consent and agreed to.

HOUSE BILL REFERRED.

H. R. 31539. An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1912, and for other purposes, was read twice by its title and referred to the Committee on Post Offices and Post Roads.

OCEAN MAIL SERVICE AND PROMOTION OF COMMERCE.

The VICE PRESIDENT. The morning business is closed. Without objection, the Chair lays before the Senate the unfinished business, Senate bill 6708, on which the Senator from New York [Mr. ROOT] gave notice he would address the Senate.

There being no objection, the Senate, as in Committee of the Whole, resumed 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. ROOT. Mr. President, I wish to make a few remarks regarding the amendment in the nature of a substitute offered by the Senator from New Hampshire [Mr. GALLINGER] to Senate bill 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."

This bill has been called a subsidy bill. It does not present itself to me in that light. I submit to the Senate that that is not its true character. It seems to me to be, and I submit that it is, merely a provision to enable the Government of the United States to perform its plain duty to the people of the United States under the Constitution.

Our Government undertakes to carry the mails. It makes the carrying of the mails a monopoly in the hands of the Government, and it forbids, under heavy penalties, any interference by private citizens in the performance of that service. The Government, of which we are a part, is bound to make the postal service, which it holds in its own hands and from which it excludes all private enterprise, efficient and competent to accomplish its ends.

For the purpose of doing that, Congress passed, in 1891, the act of March 3 of that year entitled "An act to provide for ocean mail service between the United States and foreign ports and to promote commerce." It provided that the Postmaster General might enter into contracts for a term not less than five nor more than 10 years in duration, with American citizens, for the carrying of mails on American steamships between ports of the United States and ports in certain foreign countries.

It provided that before making any such contracts the Postmaster General should give public notice by advertisement in the daily papers, describing the routes, the time when the contract would be made, the duration, the size of the steamers, the number of trips each year, and various other details.

It provided that the vessels employed in this service should be American vessels; that during the first two years of the contract one-fourth of the crew should be citizens of the United States; that during the next three years one-third of the crew should be citizens of the United States; and that during the remainder of the time of the contract at least one-half should be citizens of the United States.

It provided that the steamers employed might be taken and used by the United States as transports or cruisers upon payment to the owners of the fair actual value at the time of taking, and that if there should be disagreement as to the fair value, that should be fixed by arbitration.

That has been the law for 20 years. It has been executed; the Postmaster General has advertised for contracts; the advertisements have been answered, and contracts have been made. Mails of the United States to foreign countries have been carried under such contracts, carried with speed, with certainty, with safety, and to the satisfaction of the people of the United States. Steamers operating under these statutes are now plying between ports of the United States and ports

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Six Republicans and four Democrats made the majority report wherein they hold that WILLIAM LORIMER was duly elected a Senator from the State of Illinois, and is entitled to retain his seat.

I shall vote to sustain that report.

INDIAN APPROPRIATION BILL.

Mr. CLAPP. I ask the Senate to resume the consideration of the Indian appropriation bill.

By unanimous consent, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 28406) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1912.

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

The SECRETARY. On page 28, after line 11, and the amendment already agreed to at that place, it is proposed to insert the following paragraph:

That the Secretary of the Treasury is authorized and directed to pay to the heirs of John W. West, deceased, or their legal representative, out of any money in the Treasury of the United States standing to the credit of the Cherokee Nation of Indians, the sum of $5,000 and interest thereon at the rate of 5 per cent per annum from September 16, 1884, in full payment for the property of said John W. West taken by the Cherokee National Council October 30, 1843; said $5,000 being the amount found due the heirs of the said John W. West by the commission appointed under the provisions of the seventh article of the treaty of August 6, 1846, and affirmed by the Secretary of the Interior September 16, 1884.

Mr. CURTIS. Mr. President, I notice a provision in the amendment for the payment of interest. I think that provision ought to be stricken out, and if that should be done I should have no objection to the amendment. It was considered by two different subcommittees of the Committee on Indian Affairs and favorably recommended and passed the Senate. It is an obligation, but I do not think the Indians ought to be required to pay interest on the claim.

Mr. McCUMBER. I concede whatever the Senator says in reference to interest. I supposed the amendment was based entirely upon the report made by the Senator from Kansas, and I assumed that it was entirely in accordance with his report. But if it is contrary to his report, I consent, as the one offering the amendment, that it be modified as suggested by the Senator from Kansas.

The VICE PRESIDENT. The Secretary will state the modification.

The SECRETARY. Strike out the words—

And interest thereon at the rate of 5 per cent per annum from September 16, 1884.

The amendment as modified was agreed to.

Mr. OWEN. Mr. President, I have several small amendments I should like to offer on behalf of Oklahoma.

The VICE PRESIDENT. The Senator from Oklahoma offers an amendment, which the Secretary will state.

The SECRETARY. On page 27, after line 5, and after the amendment agreed to at that point, insert the following:

That the Secretary of the Interior be, and he is hereby, authorized to designate an employee or employees of the Department of the Interior to sign, under the direction of the Secretary, in his name and for him, his approval of tribal deeds to allottees, to purchasers of town lots, to purchasers of unallotted lands, to persons, corporations, or organizations for lands reserved to them under the laws for their use and benefit, and to any tribal deeds made and executed according to law for any of the Five Civilized Tribes of Indians in Oklahoma.

The amendment was agreed to.

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

The SECRETARY. On page 23, after line 7, insert:

That all payments heretofore due and extended, and the payments due or to become due during the year 1910 from entrymen who have made entry under an act entitled "An act to open to settlement 505,000 acres of land in Kiowa, Comanche, and Apache Indian Reservations, in Oklahoma Territory," approved June 5, 1906, and the act entitled "An act giving preference right to actual settlers on pasture reservation No. 3 to purchase land leased to them for agricultural purposes in Comanche County, Okla.," approved June 28, 1906, are hereby postponed and extended as follows: One of said payments shall be made in 1912, at the time when a payment would become due under existing law, or one year after such payment became due in 1911, and the other payments shall be made annually thereafter until all payments are made: *Provided*, That all payments postponed and extended by the provisions of this act shall draw interest at 5 per cent per annum from the date of such extension, and the interest when paid shall be credited to the proceeds of the sale of the land as provided in said acts: *And provided further*, That nothing in this act shall extend the time of payments in any case where it shall appear to the satisfaction of the Secretary of the Interior that the law in regard to residence and improvement, as provided by the homestead law, has not been fully performed.

Mr. CURTIS. I make the point of order against the amendment that it changes existing law and is general legislation. The time has been extended.

Mr. OWEN. Mr. President, I think the amendment is subject to the point of order. It was offered because there has been a severe drought down there, and it extends the time of payment one year, at 5 per cent, which I thought would not be objected to by anyone.

Mr. CURTIS. The time has been extended to these people three or four times. At the last meeting of the committee they promised they would not ask it again, and the committee has refused to extend the time for other settlers under similar circumstances. Therefore I think the point of order should be made.

The VICE PRESIDENT. The point of order is sustained.

Mr. OWEN. I submit the amendment I send to the desk.

The SECRETARY. On page 28, after line 11, and after the amendments already agreed to at that point, insert the following:

That the certificates of allotment or trust patents heretofore issued to certain Mexican Kickapoo Indians, now nonresident in the United States and who were by act of Congress of June 21, 1906, given power to lease their lands for a period of five years without restriction, namely, the certificates issued to We-ah-che-kah, allottee No. 47; Kish-ke-nic-quote, allottee No. 243; and Ne-pah-hah, allottee No. 244, upon the rolls of said tribe, for lands allotted them in Oklahoma, be, and the same hereby are, each declared to pass the title in fee simple of the lands described in each of said certificates or trust patents to each of the said several allottees, and all restrictions as to the sale, incumbrance, and taxation of said lands are hereby removed: *Provided*, The selling price be reasonable, be paid to such Indian, and be approved by the Secretary of the Interior.

Mr. CURTIS. I make a point of order on the amendment. If the Senator from Oklahoma desires, I shall be perfectly willing to let the matter go over until to-morrow. I understand the United States district court of Oklahoma has decided that no title passed under that act. If so, then I think the matter should be left as it is. I would like at least until to-morrow to look into the matter.

Mr. CLAPP. Mr. President——

Mr. OWEN. I should be quite content to have the matter go over until to-morrow. In fact, if it be objected to by anyone, I will gladly withdraw the item. It was offered at the request of the attorney of these people, B. M. Fields, and the representation was made that these people had ceased to live in the United States and had moved into Mexico, and I thought it would be a proper thing to allow them to dispose of this property under the safeguard of the Secretary's office. But if anyone objects to it I will withdraw it.

Mr. CLAPP. Do you withdraw the amendment?

Mr. OWEN. I will if it is objected to.

Mr. CLAPP. I do not want to have the bill go over, if that can be avoided. I should like to get it through to-night.

The VICE PRESIDENT. The amendment is withdrawn.

Mr. OWEN. I offer an amendment, that the people of the city of McAlester, Okla., may, under the safeguard of the Interior Department, acquire, at the appraised value, some segregated lands for the purpose of parks, the land to be appraised by the Secretary.

The SECRETARY. On page 28, after line 11, and after the amendments already agreed to at that point, insert:

The city of McAlester, Okla., is authorized to acquire for park purposes, at a value to be appraised under the supervision and with the approval of the Secretary of the Interior, the following land:

(1) Beginning at a point 662.6 feet south and 333.8 feet east of the northeast corner of the southwest quarter of section 32, township 6 north, range 15 east; thence west 2,973.8 feet; thence north 1,654.6 feet; thence east 1,647 feet; thence north 387.9 feet to the south line of the Missouri, Kansas & Texas Railway right of way of the Wilburton branch; thence easterly along said south line of said right of way 1,326.8 feet; thence south 2,067.5 feet to place of beginning, containing approximately 125.04 acres.

(2) A tract of land described as follows: The west half of the southwest quarter; the southeast quarter of the southwest quarter; the west half of the northeast quarter of the southwest quarter; the west half of the east half of the northeast quarter of the southwest quarter; the southwest quarter of the southeast quarter; the west half of the southeast quarter of the southeast quarter; the same all lying and being situate in section 12, township 5 north, range 14 east, and containing approximately 210 acres; also a part of the southeast quarter of the southeast quarter of said section 12, township 5 north, range 14 east, bounded as follows: Beginning at a point 660 feet east of the northwest corner of the southeast quarter of the southeast quarter of said section 12, thence east 252 feet to the west right-of-way line of the Missouri, Kansas & Texas Railway; thence southwesterly along the said west right-of-way line 1,328 feet to a point in the south line of section 12, which is 714 feet east of the southwest corner of the southeast quarter of the southeast quarter of said section 12; thence west 54 feet to the southeast corner of the west half of the southeast quarter of the southeast quarter of said section; thence north 1,321 feet to place of beginning, containing approximately 4.6 acres. Also the following described lands in section 13, township 5 north, range 14 east, to wit, the northwest quarter; the north half of the southwest quarter; the west half of the northeast quarter; the west half of the west half of the east half of the northeast quarter; the northwest quarter of the northeast quarter, all in said section 13; also a part of the east half of the northeast quarter of said section 13, bounded as follows: Beginning at a point 330 feet east of the northwest corner of the northeast quarter of said section 13; thence east 384 feet to a point 381 feet east of the southwest corner of the southeast quarter of the northeast quarter; thence west 51 feet; thence north 2,643 feet to beginning, containing approximately 13.2 acres.

Said first tract containing in all 125.04 acres, and said second tract containing in all 607.8 acres, making a total sought to be acquired for park purposes of 732.84 acres.

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Mr. CURTIS. I dislike to keep making points of order against this kind of legislation, but I think I will make it. I do not see any reason why the city can not secure this right by a general bill, to be considered by the committee and reported and acted upon. Therefore I make the point of order that the amendment is objectionable to paragraph 3 of Rule XVI.

The VICE PRESIDENT. The point of order is sustained.

Mr. OWEN. I offer the amendment I send to the desk, to be inserted after the amendments heretofore inserted at the end of the Oklahoma section.

The SECRETARY. On page 28, after line 11, and after the amendments already agreed to, it is proposed to insert:

That William Brown and Levi B. Gritts, on their own behalf and on behalf of other Cherokee citizens enrolled under the Cherokee allotment act of July 1, 1902, as citizens entitled to enrollment as of date September 1, 1902, are hereby authorized and empowered to institute suit in the Court of Claims against the Secretary of the Interior for the determination of their rights in the lands allotted them, the right to control and the right of alienation of their individual allotments, and of their right to exclusively participate in the unallotted funds or lands or proceeds thereof claimed by them under the act entitled, "An act to provide for the allotment of lands of the Cherokee Nation, for the disposition of town sites therein, and for other purposes," approved July 1, 1902.

The Court of Claims is authorized to render judgment in the premises, which shall be binding on the authorities of the United States, and the right of appeal to the Supreme Court of the United States is hereby granted to either party. No payment of the undistributed Cherokee lands or funds shall be concluded until the determination of the suit hereby authorized. Suits brought hereunder shall be brought on or before May 1, 1911, and shall be defended by the Attorney General of the United States, who shall give preference to such suits and arrange a speedy disposition thereof.

Upon the rendition of final judgment the Court of Claims shall fix a reasonable compensation to be paid to the attorneys employed by the above-named parties for services and expenses, and shall render judgment therefor to be paid out of the funds in the United States Treasury belonging to the beneficiaries of such judgment under said act of July 1, 1902.

Mr. KEAN. Mr. President, that sounds to me very much as if it were out of order. I make a point of order against it.

Mr. OWEN. Before the Senator makes a point of order I should like to have an opportunity to explain it.

Mr. KEAN. I will withhold the point of order for that purpose.

Mr. OWEN. The Supreme Court of the United States has already passed upon this case of Brown and Gritts, in which was to be determined the validity of the act extending the restriction on the land under the Cherokee agreement of 1902. They held it was a moot case, and therefore sent it back to the Court of Claims, directing the petition to be dismissed. The matter now comes by an injunction proceeding in the District of Columbia. It will take a year or two longer to determine the issue, and it is important to the winding up of the affairs of the Five Tribes that it be definitely ascertained and fixed.

I hope, therefore, the Senator will not persist in his objection, because it will go over if he does, and the opportunity of this relief will be denied. I think no one will object to having it go before the Supreme Court. That is all it does. It must go there in any event. The only effect of the amendment is to bring it to a determination from one to two years earlier than otherwise, and save the expense to the Government of continuing the administration that much longer of the affairs of the Five Tribes.

Mr. KEAN. I do not think it ought to be on the appropriation bill, and I must insist on the point of order.

The VICE PRESIDENT. The Chair assumes that the point of order invoked is the provision of clause 3 of Rule XVI, and sustains the point of order.

Mr. OWEN. I think it is subject to the point of order, and if the Senator makes it, that is sufficient to dispose of it.

I offer the following amendment.

The VICE PRESIDENT. The amendment will be read.

The SECRETARY. On page 41, after line 2, insert the following proviso:

Provided, That the Secretary of the Treasury shall first deduct from said amount the sum of $90,000 and pay the same to the attorneys for said Indians to whom awards were made by name in the judgment of the Court of Claims in cause No. 29526 of the general jurisdiction of said court in the proportions that the amounts respectively awarded to each of the said attorneys bear to the total amount awarded them in said judgment, the said sum of $90,000 to be immediately available.

Mr. DAVIS. Mr. President, I make the point of order against that amendment.

The VICE PRESIDENT. The Senator from Arkansas raises a point of order against the amendment, that it is in violation of section 3 of Rule XVI. The Chair sustains the point of order.

Mr. BACON. Mr. President, I desire to submit a consideration with regard to the question whether the amendment is subject to a point of order. I may be mistaken, but according to my understanding of the rule it is not subject to a point of order. It is not general legislation. It is a matter strictly germane to the measure before the Senate.

The VICE PRESIDENT. The question of germaneness was not raised.

Mr. BACON. But I mean to say it is not a matter separate and apart from it.

The VICE PRESIDENT. The Chair thinks that under the construction heretofore put upon the language of section 3 of Rule XVI the point of order is well taken.

Mr. BACON. I would like the Chair to permit me for a moment.

The VICE PRESIDENT. The Chair will certainly hear the Senator from Georgia if he desires to be heard.

Mr. DAVIS. Mr. President, I will withhold the point of order until the Senator from Georgia discusses it upon its merits, if he desires to do so.

The VICE PRESIDENT. If the Senator from Georgia desires to discuss the point of order, the Chair would be glad to hear the Senator. The Chair did not understand that the Senator from Georgia desired to discuss the merits of the amendment.

Mr. DAVIS. I withhold the point of order only for the purpose of giving the Senator from Georgia an opportunity to be heard upon the matter.

The VICE PRESIDENT. What the Senator from Georgia desired to discuss was the point of order, as the Chair understood; not the merits of the proposition.

Mr. BACON. I did, but if the Senator from Arkansas withdraws the point of order I do not desire to discuss it.

The VICE PRESIDENT. The Chair understood the Senator from Arkansas to withdraw the point of order for the purpose of permitting the Senator from Georgia to discuss the proposition. He does not desire to withdraw the point of order, but to withhold it, as the Chair understood. The Chair may have misunderstood the Senator.

Mr. DAVIS. That is what I desire to do.

Mr. BACON. I presume the Senator would have a right to renew it; but I did not desire, if it was withdrawn, to take up the time of the Senate with its discussion. That was the only point I suggested.

Mr. DAVIS. I withhold the point of order for just a moment. I understand the Senator from Vermont [Mr. PAGE] also desires to be heard upon the matter. I wish to make a brief statement as to the reason why I make the point of order.

This is a case which has been before the Committee on Indian Affairs. It is a claim in the interest of Col. Gordon for certain services he claims to have rendered in securing a large appropriation for the Indians who are the beneficiaries of his work. I am advised that not only Col. Gordon is interested in this claim, but that ex-Senator Marion Butler is interested in the claim. I have seen ex-Senator Butler hovering around the Senate Chamber, and I want to say to you, Mr. President, and also to the Senate, that when I see that gentleman interested in a matter of this kind I at once become suspicious that there is something dead in Denmark. I want to say, sir, that ex-Senator Marion Butler has secured the passage of more claims and fees of this kind through the various committees of the Senate than any other man within my knowledge, and merely to state that Senator Butler has an interest in the matter is of itself sufficient to put the Senate on guard.

This claim, Mr. President, was thoroughly thrashed out before the Committee on Indian Affairs. There was an allowance made by the Court of Claims of $60,000 as a fee in this case. Ex-Senator Butler and his associates, I am advised, sold their fee or their claim or their part of the claim to one of the sharks on the street. The money was collected, and to these three lawyers, Mr. Butler, Col. Gordon, and his associate, the amount when divided was, I believe, something like sixteen or eighteen thousand dollars apiece, after having been cut down by the Court of Claims. The original amount, I believe, was $60,000. The amount to be paid to Col. Gordon has been tied up in court by his own counsel and his co-laborers. They claim that there is some amount due them for expenses and other items.

As I said, Mr. President, this item was thoroughly thrashed out before the committee. The Court of Claims has passed upon it and adjudicated the matter definitely, and simply because Col. Gordon has not been able to collect the money on account of its being tied up in court, is no reason why the Senate should, by this method, allow him this additional fee.

I insist, Mr. President, that the point of order should be sustained.

The VICE PRESIDENT. Does the Senator from Georgia desire to discuss the point of order?

Mr. BACON. I do not know whether the Senator from Arkansas withholds it.

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$2,500." That takes it out of one enumeration and transfers it to the other under the class of $2,500.

The SECRETARY. On page 7, line 6, strike out the word "manufacturers," and after the word "dollars," on page 6, line 13, insert "clerk to the Committee on Manufactures, $2,500."

The amendment was agreed to.

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

The SECRETARY. On page 129, line 12, after the word "dollars," insert as follows:

One assistant examiner of trade-marks and designs, at $2,400.

Mr. WARREN. I will ask the Senator if that has been estimated for?

Mr. BROWN. I understand that it has been, and it is very strongly urged by the Committee on Patents.

Mr. WARREN. The committee will not object if it is estimated for. Let it go in and we will investigate it in conference.

The amendment was agreed to.

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

The SECRETARY. On page 10, line 18, after the word "thousand," strike out "six" and insert "eight."

Mr. WARREN. We are traveling pretty fast in that direction, but the committee will make no objection.

The amendment was agreed to.

Mr. BORAH. I offer another amendment, on the same page, line 19, after the word "thousand," to strike out "two" and insert "four."

The amendment was agreed to.

The bill was reported to the Senate as amended.

The VICE PRESIDENT. Is there a separate vote called for on any amendment made as in Committee of the Whole?

Mr. BAILEY. I desire to have the amendment which appears on page 40, increasing the salary of the President's secretary from $6,000 to $10,000, reserved. The others may be concurred in.

The VICE PRESIDENT. Does any Senator desire to have any other amendment reserved? If not, the amendments made as in Committee of the Whole, save that one, will be concurred in. 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 (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. FRYE. I ask that the unfinished business be temporarily laid aside.

The VICE PRESIDENT. Is there objection?

Mr. SHIVELY. I gave notice that I would deliver some observations to-day on the unfinished business. Let me inquire of the Senator in charge of the appropriation bill how long he thinks it will take to dispose of the bill.

Mr. WARREN. As the Senator gave notice, he is entitled to the floor, I think, if he demands it; but I am informed that the disposition of this amendment is a matter of only a very few moments. If the debate should extend any considerable length of time I would feel in duty bound to lay the bill aside, in order to accommodate the Senator from Indiana.

Mr. SHIVELY. On the statement made by the Senator in charge of the bill, I will withhold my remarks until the bill is completed, except in the event that something should arise to unduly prolong its consideration.

The VICE PRESIDENT. If there is no objection, the unfinished business will be temporarily laid aside.

Mr. BAILEY. Mr. President, in view of what has just transpired, I shall do no more than merely protest against this extraordinary item. To pay the Secretary of the President a salary 25 per cent larger than Senators themselves receive, to pay the Secretary of the President more than a circuit judge of the United States receives, is to my mind a most absurd proposition. But I shall not elaborate on that, and I shall say no more at this time than that if the President needs that kind of a secretary the country needs another kind of a President.

Mr. DAVIS. Mr. President, I make a point of order against the amendment that it infringes section 3 of Rule XVI.

The VICE PRESIDENT. It is too late to make the point of order.

Mr. DAVIS. The bill is before the Senate, I understand.

The VICE PRESIDENT. The bill has been considered as in Committee of the Whole and the amendment was agreed to, and it has been recommended by the Committee of the Whole to the Senate. The Senate now has to act upon the amendment.

Mr. DAVIS. I understand that the bill is still subject to amendment in the Senate.

The VICE PRESIDENT. Just this point has not before arisen since the present occupant of the chair has occupied the chair.

Mr. DAVIS. Under the suggestion of the Senator from Maine [Mr. HALE] a few days ago on the floor of the Senate the amendment is certainly new legislation and not germane to the bill.

The VICE PRESIDENT. But it is not new legislation. The Chair would hold against that proposition anyway and overrule the point of order so far as relates to the amendment coming in conflict with that provision of the rule.

Mr. WARREN. Mr. President, it might be subject to amendment, but it is not subject to a point of order.

The VICE PRESIDENT. Certainly not; there is no question about that. The Chair will hold that the point of order is not good anyway, whether raised in time or not. The Chair will not pass upon that at the present moment. The Chair overrules the point of order.

Mr. DAVIS. I appeal from the decision of the Chair and ask for the yeas and nays on the question.

The VICE PRESIDENT. The Senator from Arkansas appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. HALE. Let the appeal be laid on the table. I make that motion.

The VICE PRESIDENT. The Senator from Maine moves that the appeal lie on the table. [Putting the question.] The ayes appear to have it. The ayes have it, and the appeal is tabled. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. BAILEY. I should like to have the yeas and nays on that question.

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

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

Mr. THORNTON (when Mr. FOSTER's name was called). My colleague [Mr. FOSTER] is prevented by sickness from being present in the Chamber to-day. He, however, authorized me to state that he is paired with the senior Senator from North Dakota [Mr. MCCUMBER] and that if present he would vote for the amendment without modification. Therefore, if my colleague had been present, he would have voted "yea."

Mr. BURNHAM (when Mr. GALLINGER's name was called). I desire to announce that my colleague, the senior Senator from New Hampshire [Mr. GALLINGER], is paired with the Senator from Florida [Mr. FLETCHER]. My colleague is unavoidably absent.

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

Mr. TALIAFERRO (when his name was called). I have a general pair with the senior Senator from West Virginia [Mr. SCOTT], who is absent from the Chamber, and I withhold my vote.

The roll call was concluded.

Mr. BAILEY (after having voted in the negative). I voted forgetting at the moment that I was paired with the junior Senator from West Virginia [Mr. ELKINS]. I transfer my pair with that Senator to the Senator from South Carolina [Mr. SMITH] and allow my vote to stand.

Mr. FLINT. I transfer my pair with the senior Senator from Texas [Mr. CULBERSON] to the senior senator from Rhode Island [Mr. ALDRICH] and vote "yea."

The result was announced—yeas 35, nays 22, as follows:

YEAS—35.

Bradley	Cullom	Jones	Richardson
Brandegee	Depew	Kean	Root
Briggs	Dillingham	Lodge	Smoot
Bulkeley	du Pont	Martin	Stephenson
Burkett	Flint	Oliver	Sutherland
Burnham	Frye	Page	Thornton
Burton	Gamble	Penrose	Warren
Carter	Hale	Perkins	Wetmore
Crane	Heyburn	Piles	

NAYS—22.

Bailey	Clarke, Ark.	Overman	Smith, Mich.
Bankhead	Cummins	Percy	Swanson
Bristow	Davis	Purcell	Taylor
Brown	Frazier	Shively	Tillman
Chamberlain	Gore	Simmons	
Clapp	Johnston	Smith, Md.	

NOT VOTING—34.

Aldrich	Curtis	Lorimer	Scott
Bacon	Dick	McCumber	Smith, S. C.
Beveridge	Dixon	Money	Stone
Borah	Elkins	Nelson	Taliaferro
Bourne	Fletcher	Newlands	Terrell
Burrows	Foster	Nixon	Warner
Clark, Wyo.	Gallinger	Owen	Young
Crawford	Guggenheim	Paynter	
Culberson	La Follette	Rayner	

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So the amendment was 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.

OCEAN MAIL SERVICE AND PROMOTION OF COMMERCE.

The VICE PRESIDENT. The Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 6708) to provide for ocean mail service between the United States and foreign ports and to promote commerce.

Mr. SHIVELY. Mr. President, sufficient for the purposes of this discussion and without pretense at technical definition or detailed description, it may be said that the foreign commerce of the United States consists of our exports and imports of merchandise and our outgoing and incoming passenger traffic whether carried by land or sea; that the ocean foreign commerce of the United States is traffic between the ports of the United States and the ports of foreign countries whether carried under the flag of the United States or foreign flags; that our coastwise trade is traffic by sea or lake between the ports or from port to port of our own country as distinguished from the deep-sea trade; that the shipping on our lakes and rivers is commonly called lake or river marine, and that what in many United States statutes is called American merchant marine is shipping operated between the ports of this and foreign countries, or between the ports of foreign countries under the flag of the United States. The last named is the subject of the proposed legislation. The others are important only as over a century of accumulated legislative regulation, separate and peculiar to each, may exhibit in some instances and illustrate in others the difficulties encountered by our merchant marine.

The question of fact as to the decline of our merchant marine is not in dispute. The fact is well-nigh as patent to the native of the interior whose memory of a sail may recall only the white canvas of the old prairie schooner signaling westward the frontier of civilization as to the practiced traveler whom business or pleasure takes to the great seaports of the world. Nor has any man, set of men, or political organization a monopoly of regret, solicitude, hope, or ambition on the subject. The constant decline is the capital humiliating fact in our history, and common interest, patriotism, and pride alike beckon the recovery and restoration.

THE PENDING BILL.

Professedly toward this end the pending bill is proposed as an amendment to the act of March 3, 1891. The act of 1891 is entitled "An act to provide for ocean mail service between the United States and foreign ports and to promote commerce." Section 1 of that act empowers the Postmaster General to enter into contracts with American citizens for the carriage of mails between the ports of the United States and other countries, the Dominion of Canada excepted. Section 3 prescribes the type, construction, and tonnage of ships eligible to such contract service, and separates them into classes capable, respectively, of 20 knots, 16 knots, 14 knots, and 12 knots per hour. Section 5 prescribes payment to the owners of such ships graded on the classification in section 3, fixing it at not to exceed $4, $2, $1, and two-thirds of a dollar per mile per ship outward voyage.

INCREASE OF PAY, NOT IN SPEED OR CAPACITY OR SERVICE.

The bill is in a single section and proposes to amend the act of 1891 by authorizing the Postmaster General to pay to vessels of the second class on routes of 4,000 miles or more outward voyage to ports of South America, south of the Equator, the rate per mile applicable under that act to vessels of the first class and to vessels of the third class on these routes the rate applicable under that act to vessels of the second class. This means that as to these routes the pay prescribed under the act of 1891 for the second-class vessels is to be raised from $2 per mile to $4 per mile and the pay to the third-class vessels from $1 per mile to $2 per mile.

It is plain that the measure contemplates no increase of cargo or speed capacity in vessels carrying ocean commerce. The increase is only in parliamentary capacity and speed in carrying money out of the United States Treasury. Neither the act of 1891 nor the proposed amendment establishes any relation between the service rendered and the pay received. The amendment accentuates the absence of any such relation. To illustrate: For a voyage of 5,000 miles by a vessel of the first class on any route whatever, and of the second class on any route covered by the amendment, the owner draws $20,000 from the Treasury without reference to service. The amount of pay for the voyage is precisely the same whether the vessel carries only a lone picture of "Mary of the Vineclad Cottage" or a hundred tons of mail.

EXPERIMENT AGAINST EXPERIENCE—SPECIAL FAVOR UNDER GENERAL LAW.

So the proposed remedy is an application to our dying merchant marine of the panacea of enlarged gratuities from the Federal Treasury through the medium of the ocean mail service. On this line we experiment against experience. The act of 1891 was one of increased favor to this interest over the special favor long enjoyed under the general law. By section 269 of the act of June 8, 1872, which is section 4009 of the Revised Statutes, a sum not to exceed the "sea and United States inland postage" is allowed for transporting the mail in American vessels, and a sum not to exceed "the sea postage" is allowed for like service in foreign vessels. By the regulation prepared and published to give the statute effect, the department fixes the pay to American steamers at "80 cents per pound for letters and post cards and 8 cents per pound for other articles," and to foreign steamers at "4 francs per kilogram—about 35 cents per pound—for letters and post cards and 50 centimes—about 4½ cents per pound—for other articles."

These are the rates in force to-day. We pay for the conveyance of a ton of letter mail in an American steamer $1,600 as against $700 if carried in a foreign steamer and for a ton of print mail $160 as against $90. This difference is reflected in all the official totals of cost of our noncontract ocean mail service and measures the discrimination in favor of our merchant marine under the general law.

SPECIAL FAVOR UNDER ACT OF 1891.

Now, turning to the contract service, it is too palpable for argument that no one would contract to carry mails under the act of March 3, 1891, except that he receives larger pay for like service under that act than he would under section 4009. In his report for the fiscal year ended June 30, 1910, the Second Assistant Postmaster General says that the $1,114,603.47 paid under that act for the year is a—

net excess of cost over the amount allowable at the present rates to steamers not under contract of $346,677.39.

This is excess over the cost at the 80 and 8 cent rates prescribed under section 4009. The excess over the 35 and 4½ cent rates in that section is approximately $700,000. The excesses of payment over the rates allowed in section 4009 attach in substantially similar proportions to the entire $18,475,179.48 disbursed down to July 1, 1910, under the act of 1891, and exhibit the magnitude of the special aid from the Federal Treasury already extended to our merchant marine under its operation.

It thus appears that in addition to the many millions of dollars paid as mail-ship subsidies under the acts of February 17, 1865, and June 1, 1872, we, at least since 1872, have been paying under the general law for conveyance of our ocean mails in American vessels over 128 per cent more on letter mails and over 88 per cent more on print mails than like service costs us in foreign vessels; and that for nearly 20 years under the special contract act of 1891 we have been paying American steamers for transporting our ocean mail approximately an average of 165 per cent more than for like service in foreign steamers under our general law.

CONTINUED DECLINE—FALSE DIAGNOSIS.

All to what avail? For the fiscal year ended June 30, 1870, the proportion of our foreign commerce carried in American bottoms was 35⅝ per cent. For the fiscal year ended June 30, 1910, this proportion had fallen to 8 1/10 per cent. Whatever occasional slight reaction appears, the general course has been persistently and swiftly downward. Nor is there persuasive evidence that these disbursements from the Federal Treasury over and above the open-market price have even retarded the decline. The evidence is far more convincing that this persistent reliance on a false remedy, based on a false diagnosis, to the exclusion of the true one, has hastened the disease.

COST OF PROPOSED BILL—STRANGE BOOKKEEPING.

The bill before the Senate limits expenditure under its provisions to $4,000,000, and provides that such expenditure shall not—

exceed the amount of revenue received from the foreign mail service over and above the amount otherwise paid for such service.

The report on the bill says that—

for the past four years the apparent profit of the ocean mail service has been upward of $3,000,000 annually.

Ordinarily, profit is excess of receipts over expenses. Not so in subsidy bookkeeping. To attain this profit of $3,000,000 the entire revenue from postage from the place of inland origin of the mails to their foreign points of destination is counted as receipts, while only the sea cost is counted as expense. The cost of preparing and distributing the stamps and gathering, securing, packing, and placing the mail aboard cars at inland points is excluded from the account. The cost of transporting it to the seaport and transferring it to the steamship is excluded from the account. The cost of transferring and transporting it from the vessel abroad to the inland points of foreign delivery

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the words "and that portion of the Standing Rock Indian Reservation lying within South Dakota;" and in line 2, page 54, insert the words "and that portion of the Standing Rock Indian Reservation lying within South Dakota."

Mr. CRAWFORD. I merely desire to say that these amendments were agreed upon to correspond with changes made in the other House.

Mr. HEYBURN. I should like to ask the Senator if that conforms to the amendment agreed upon elsewhere.

Mr. CRAWFORD. Yes; it has been so reported to me.

Mr. HEYBURN. Because of the suggestions that were made there, the section has been redrawn; and if the Senator knows the fact that it will conform to those changes, I will ask that what I send to the desk be substituted for the section as it appears in the printed bill. I will ask that it be submitted to the Senator from South Dakota and that the section go over, so that he may have time to compare it.

Mr. CRAWFORD. That is satisfactory.

The PRESIDING OFFICER. The section will go over.

ADJOURNMENT TO MONDAY.

Mr. CARTER. Mr. President, I desire to inquire of the chairman of the Committee on Appropriations whether or not any appropriation bill is likely to be ready for consideration to-morrow. I make the inquiry because of a number of committee meetings arranged for to-morrow, the pressing character of the work to be disposed of, and the necessity of devoting the day to committee work, if such course is not inconsistent with the program of the Committee on Appropriations. I observe, by reference to the calendar notices, that there is no special work laid out for to-morrow by previous notice.

Mr. HALE. Mr. President, by leave of the Senator from Idaho [Mr. HEYBURN], I will say that the Senate made such dispatch of the legislative appropriation bill that no other bill of appropriations will be before the Senate this week. I do not find on the calendar any notice of the desire of any Senator to address this body to-morrow, and therefore I can answer the Senator that, so far as I know, the dispatch of public business is not likely to be advanced by a session to-morrow.

The junior Senator from Idaho [Mr. BORAH] the other day grumbled because, as he said, while I was urging the Senate to proceed to the consideration of business from day to day, I always moved to adjourn over on Thursday or Friday. I feel that this matter should be left entirely to the action of the Senate. I have stated what the condition is. I do not know of any business to-morrow that will occupy the Senate.

Mr. OVERMAN. Mr. President, if the Senator will allow me, I hope the Senate will adjourn until Monday.

Mr. HEYBURN. Mr. President, if I may interrupt this discussion for a moment, I dislike to have a part of a measure dissociated in the RECORD, and I was going to state just what sections remained for consideration in connection with the bill. It will help out.

Mr. HALE. If the Senator will wait for a moment this matter will be disposed of.

Mr. HEYBURN. Very well, but it has cut off the discussion on the other bill already.

Mr. OVERMAN. Mr. President, I was going to say that the proposition appeals to me, for I have on my desk, and I have no doubt many other Senators have on their desks, a great deal of work that must be gotten rid of in some way. I have a great many matters that have been referred to me that I wish to consider. After committee meetings in the morning we come here and work all day. I myself would like—and I have no doubt other Senators have the same feeling—some time when we can dispose of those pressing matters, so that we can attend to the business before us as individual Senators.

Mr. HALE. Under the conditions, Mr. President, I will move, and leave it to the Senate of course, that when the Senate adjourns to-day it adjourn to meet on Monday next.

The PRESIDING OFFICER. The question is on the motion of the Senator from Maine.

The motion was agreed to.

REVISION OF LAWS—JUDICIARY TITLE.

The Senate, as in Committee of the Whole, resumed consideration of the bill (S. 7031) to codify, revise, and amend the laws relating to the judiciary.

Mr. HEYBURN. Mr. President, before laying it aside I desire to state the status of the code bill as follows: The Senate has had the bill under consideration as in Committee of the Whole and has passed over sections 1, 2, 4, 28, 51, 55, 69, 123, 225, 229, 231, 234, 235, 237, 250, and 251, and has reached the consideration of chapter 12. There remain to be considered, in addition to those sections passed over, only chapter 12 and the repealing clauses of chapter 13. This statement will enable Senators to look up the sections that have been passed over and be prepared for the consideration of them when they are taken up. I now ask that the bill be laid aside.

Mr. MARTIN. Before the bill is laid aside I desire to submit an amendment, following section 251. I ask that it be read, printed, and lie on the table.

The PRESIDING OFFICER. Without objection, the Secretary will read the proposed amendment.

The SECRETARY. After section 251 it is proposed to insert a new section, to be marked section 251a, as follows:

SEC. 251a. That no restraining order or injunction shall be granted by any court of the United States, or a judge or the judges thereof, in any case between an employer and employee, or between employers and employees, or between employees, or between persons employed and persons seeking employment, or involving or growing out of a dispute concerning terms or conditions of employment, unless necessary to prevent irreparable injury to property or to a property right of the party making the application, for which injury there is no adequate remedy at law; and such property and property right must be particularly described in the application, which must be in writing and sworn to by the applicant or by his or her or its agent or attorney. And for the purposes of this act no right to continue the relation of employer and employee, or to assume or create such relation with any particular person or persons, or at all, or to carry on business of any particular kind, or at any particular place, or at all, shall be construed, held, considered, or treated as property or as constituting a property right.

The PRESIDING OFFICER. The proposed amendment will lie on the table and be printed.

TOMBIGBEE RIVER BRIDGE.

Mr. PERCY. I ask unanimous consent for the present consideration of the bill (S. 10304) to authorize the construction, maintenance, and operation of a bridge across the Tombigbee River near Iron Wood Bluff, in Itawamba County, Miss.

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.

YELLOW FEVER COMMISSION.

Mr. OWEN. Mr. President, I submit a resolution, and I ask unanimous consent for its present consideration.

The PRESIDING OFFICER. The resolution will be read for information, subject to objection.

The Secretary read the resolution (S. Res. 330), as follows:

Resolved, That there be printed, with accompanying illustrations, for the use of the Senate 3,000 copies of the compilation relative to the work of Maj. Walter Reed and the Yellow Fever Commission.

Mr. KEAN. I will inquire if the matter has been submitted to the Committee on Printing.

Mr. OWEN. No, sir.

Mr. KEAN. I suggest that the resolution be referred to the Committee on Printing.

Mr. OWEN. I have no objection to that course, if the Senator desires it.

Mr. KEAN. Has the Senator had an estimate made as to the cost of the work?

Mr. OWEN. No.

Mr. KEAN. Then I suggest that the resolution be referred to the Committee on Printing.

The PRESIDING OFFICER. The resolution will be referred to the Committee on Printing.

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 10 minutes spent in executive session the doors were reopened, and (at 4 o'clock and 25 minutes p. m.) the Senate adjourned until Monday, January 30, 1911, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 27, 1911.

COLLECTOR OF CUSTOMS.

Frederick C. Harper, of Washington, to be collector of customs for the district of Puget Sound, in the State of Washington. (Reappointment.)

UNITED STATES MARSHALS.

Sidney E. Hawley, of Connecticut, to be United States marshal for the district of Connecticut, vice Edson S. Bishop, whose term has expired.

George H. Green, of Texas, to be United States marshal, northern district of Texas. (A reappointment, his term expiring March 2, 1911.)

Calvin G. Brewster, of Texas, to be United States marshal, southern district of Texas. (A reappointment, his term having expired.)

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POSTMASTERS.

ALABAMA.

Nelson C. Fuller to be postmaster at Centerville, Ala., in place of Nelson C. Fuller. Incumbent's commission expired January 10, 1911.

George L. Malone to be postmaster at Fort Payne, Ala., in place of Ella G. Nix. Incumbent's commission expired December 12, 1909.

Charles W. Moore to be postmaster at Florence, Ala., in place of Albert G. Negley. Incumbent's commission expired June 29, 1910.

ARKANSAS.

Hiram L. Throgmorton to be postmaster at Pocahontas, Ark., in place of Hiram L. Throgmorton. Incumbent's commission expires January 31, 1911.

CALIFORNIA.

Crispin C. Ortega to be postmaster at Sonora, Cal., in place of Crispin C. Ortega. Incumbent's commission expired January 23, 1911.

Morton E. Simmons to be postmaster at Chino, Cal., in place of Morton E. Simmons. Incumbent's commission expired January 10, 1911.

William N. Speegle to be postmaster at Eureka, Cal., in place of Thomas H. Selvage. Incumbent's commission expired January 29, 1910.

Helen C. Thompson to be postmaster at Stanford University, Cal., in place of Helen C. Thompson. Incumbent's commission expired December 17, 1910.

COLORADO.

John H. Williams to be postmaster at Saguache, Colo. Office became presidential January 1, 1911.

CONNECTICUT.

Harvey S. Abel to be postmaster at Stafford Springs, Conn., in place of Harvey S. Abel. Incumbent's commission expires February 18, 1911.

Charles A. Keyes to be postmaster at Southington, Conn., in place of Charles A. Keyes. Incumbent's commission expires February 18, 1911.

Nathaniel P. Noyes to be postmaster at Stonington, Conn., in place of Nathaniel P. Noyes. Incumbent's commission expires February 20, 1911.

Edwin F. Tomlinson to be postmaster at Plainville, Conn., in place of Edwin F. Tomlinson. Incumbent's commission expires February 28, 1911.

ILLINOIS.

Clarence F. Buck to be postmaster at Monmouth, Ill., in place of Clarence F. Buck. Incumbent's commission expired January 9, 1911.

John B. Candry to be postmaster at Benld, Ill. Office became presidential July 1, 1910.

Albert W. Errett to be postmaster at Kewanee, Ill., in place of Albert W. Errett. Incumbent's commission expires February 4, 1911.

Riley M. Garman to be postmaster at Forreston, Ill., in place of Riley M. Garman. Incumbent's commission expires February 4, 1911.

Edward E. Gott to be postmaster at Norris City, Ill., in place of Edward E. Gott. Incumbent's commission expires February 12, 1911.

Louis Kaul to be postmaster at Tamaroa, Ill., in place of Lewis J. Farmer, deceased.

William S. McConnell to be postmaster at Woodstock, Ill., in place of Charles F. Renich, resigned.

Andrew J. Pickrell to be postmaster at Anna, Ill., in place of Andrew J. Pickrell. Incumbent's commission expires January 29, 1911.

Peter Thomsen to be postmaster at Fulton, Ill., in place of Peter Thomsen. Incumbent's commission expires February 2, 1911.

INDIANA.

James P. Clark to be postmaster at Morocco, Ind., in place of James P. Clark. Incumbent's commission expired January 8, 1911.

IOWA.

George Hardenbrook to be postmaster at Maxwell, Iowa, in place of George Hardenbrook. Incumbent's commission expires February 28, 1911.

Isaac Hossler to be postmaster at Battle Creek, Iowa, in place of Isaac Hossler. Incumbent's commission expires January 31, 1911.

J. M. Lee to be postmaster at Lone Tree, Iowa, in place of James M. Carl. Incumbent's commission expires January 31, 1911.

Simon J. Mak to be postmaster at Inwood, Iowa, in place of Simon J. Mak. Incumbent's commission expired January 9, 1911.

Louis H. Schulte to be postmaster at Remsen, Iowa, in place of Louis H. Schulte. Incumbent's commission expires February 28, 1911.

Eunice A. Underhill to be postmaster at Ocheydan, Iowa, in place of Eunice A. Underhill. Incumbent's commission expires February 28, 1911.

KANSAS.

Austin Brown to be postmaster at Cedar Vale, Kans., in place of Austin Brown. Incumbent's commission expires February 4, 1911.

Sherman C. Cunningham to be postmaster at Fall River, Kans. Office became presidential January 1, 1911.

William P. Heichert to be postmaster at Howard, Kans., in place of William P. Heichert. Incumbent's commission expires February 28, 1911.

Thomas L. Hogue to be postmaster at Olathe, Kans., in place of Thomas L. Hogue. Incumbent's commission expires March 2, 1911.

George E. Ward to be postmaster at Sharon Springs, Kans. Office became presidential January 1, 1911.

KENTUCKY.

Joseph W. Demombron to be postmaster at Horse Cave, Ky., in place of Joseph W. Demombron. Incumbent's commission expires February 7, 1911.

MAINE.

Charles H. Hooper to be postmaster at Castine, Me., in place of Charles H. Hooper. Incumbent's commission expires February 7, 1911.

John M. Jewell to be postmaster at Clinton, Me., in place of John M. Jewell. Incumbent's commission expired January 18, 1911.

Charles H. White to be postmaster at Orono, Me., in place of Charles H. White. Incumbent's commission expires February 7, 1911.

MARYLAND.

James C. Peddicord to be postmaster at Oakland, Md., in place of James C. Peddicord. Incumbent's commission expired January 9, 1911.

MASSACHUSETTS.

Frank E. Briggs to be postmaster at Turners Falls, Mass., in place of Frank E. Briggs. Incumbent's commission expires February 20, 1911.

Stanley B. Dearborn to be postmaster at Wakefield, Mass., in place of Stanley B. Dearborn. Incumbent's commission expires February 13, 1911.

Alexander Grant to be postmaster at Chicopee, Mass., in place of Alexander Grant. Incumbent's commission expires February 20, 1911.

James W. Hunt to be postmaster at Worcester, Mass., in place of James W. Hunt. Incumbent's commission expires February 20, 1911.

Adolphus R. Martin to be postmaster at Chicopee Falls, Mass., in place of Adolphus R. Martin. Incumbent's commission expires February 20, 1911.

Charles L. Scranton to be postmaster at Oak Bluffs, Mass., in place of Charles L. Scranton. Incumbent's commission expires February 28, 1911.

Samuel L. Wheaton to be postmaster at Manchester, Mass., in place of Samuel L. Wheaton. Incumbent's commission expires February 13, 1911.

MICHIGAN.

George Barie to be postmaster at Pinconning, Mich., in place of George Barie. Incumbent's commission expires February 28, 1911.

Martin N. Brady to be postmaster at Saginaw West Side, Mich., in place of Martin N. Brady. Incumbent's commission expires January 31, 1911.

Joshua Braun to be postmaster at Sebewaing, Mich., in place of Joshua Braun. Incumbent's commission expired January 23, 1911.

Sidney E. Lawrence to be postmaster at Hudson, Mich., in place of Sidney E. Lawrence. Incumbent's commission expires February 28, 1911.

Josephus C. Mustard to be postmaster at Scottville, Mich., in place of Josephus C. Mustard. Incumbent's commission expired December 13, 1910.

MINNESOTA.

Isaac R. Bargen to be postmaster at Mountain Lake, Minn., in place of Isaac R. Bargen. Incumbent's commission expires February 7, 1911.

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locks, canals, and other appurtenant structures therein at and near Long Sault, Barnhart, and Sheek Islands; to the Committee on Commerce.

By Mr. TALIAFERRO:

A bill (S. 10559) to designate St. Andrews, Fla., as a subport of entry (with accompanying papers); to the Committee on Commerce.

By Mr. CHAMBERLAIN:

A bill (S. 10560) to amend section 8 of an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906; to the Committee on Manufactures.

By Mr. KEAN:

A bill (S. 10561) for the relief of Richard P. McCullough; to the Committee on Naval Affairs.

A bill (S. 10562) to establish in the Treasury Department the office of auditor of the Treasury, and for other purposes; to the Committee on Finance.

By Mr. YOUNG:

A bill (S. 10563) granting an increase of pension to James Moneyhan (with accompanying papers);

A bill (S. 10564) granting an increase of pension to Christopher C. Liming;

A bill (S. 10565) granting an increase of pension to Howland P. Kneeland;

A bill (S. 10566) granting an increase of pension to James M. McKain;

A bill (S. 10567) granting an increase of pension to George W. Lafferty;

A bill (S. 10568) granting an increase of pension to Martin Ouderkirk (with accompanying papers);

A bill (S. 10569) granting an increase of pension to Sarah Midy (with accompanying paper); and

A bill (S. 10570) granting a pension to John G. Riley (with accompanying papers); to the Committee on Pensions.

By Mr. CRANE:

A bill (S. 10571) granting a pension to Harry Puddefoot; to the Committee on Pensions.

By Mr. BURTON:

A bill (S. 10572) granting an increase of pension to John H. Mumaw (with accompanying papers); to the Committee on Pensions.

By Mr. BRANDEGEE:

A bill (S. 10573) granting an increase of pension to William H. Bogue; to the Committee on Pensions.

By Mr. BAILEY (by request):

A bill (S. 10574) to amend an act entitled "An act providing for the withdrawal from public entry of lands needed for town-site purposes in connection with irrigation projects under the reclamation act of June 17, 1902, and for other purposes," approved April 16, 1906; to the Committee on Irrigation and Reclamation of Arid Lands.

By Mr. OWEN:

A bill (S. 10575) to authorize William Brown and Levi B. Gritts to institute and prosecute suits in the Court of Claims in a certain case; to the Committee on Indian Affairs.

By Mr. BRISTOW (by request):

A joint resolution (S. J. Res. 138) proposing an amendment to the Constitution of the United States respecting the manner of amending the Constitution; to the Committee on the Judiciary.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BULKELEY submitted an amendment proposing to appropriate $2,000 to pay R. W. Thompson for expert services in the compilation and classification of the insurance laws of the several States for the Senate Committee on the District of Columbia, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on the District of Columbia and ordered to be printed.

He also submitted an amendment proposing to appropriate $500 to pay O. B. Kilbourn for services in connection with the compilation and classification of the insurance laws of the several States, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on the District of Columbia and ordered to be printed.

Mr. CARTER submitted an amendment proposing to appropriate $150,000 for improving Sixteenth Street NW. from Kennedy Street to the District line, etc., intended to be proposed by him to the District of Columbia appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. MARTIN submitted an amendment relative to the settlement of certain sums of money advanced by Virginia and Maryland in 1790 and 1791, respectively, used toward the erection of public buildings in the District of Columbia, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Claims and ordered to be printed.

He also submitted an amendment proposing to increase the salary of the superintendent of county roads, engineer commissioner's office, District of Columbia, from $2,000 to $2,300, intended to be proposed by him to the District of Columbia appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. PENROSE submitted an amendment relative to the pay of veterinarians in the Army, intended to be proposed by him to the Army appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. SMITH of Michigan submitted an amendment proposing to appropriate $198,000 for improving South Haven Harbor, Mich., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

REVISION OF LAWS—JUDICIARY TITLE.

Mr. GORE (by request) submitted an amendment intended to be proposed by him to the bill (S. 7031) to codify, revise, and amend the laws relating to the judiciary, which was ordered to lie on the table and be printed.

WITHDRAWAL OF PAPERS—I. N. DE LONG.

On motion of Mr. TALIAFERRO, it was

Ordered, That the papers in the case of I. N. De Long (S. 1727, 59th Cong., 1st sess.) be withdrawn from the files of the Senate, no adverse report having been made thereon.

SURVEY OF WEYMOUTH FORE RIVER, MASS.

Mr. LODGE submitted the following resolution (S. Res. 331), which was considered by unanimous consent and agreed to:

Resolved, That the Chief of Engineers of the Army be instructed to transmit to the Senate the estimates of cost for the improvement of Weymouth Fore River in the State of Massachusetts, the same being now before the board of review.

INDIAN 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. 28406) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1912, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CLAPP. I move that the Senate insist on its amendments disagreed to by the House of Representatives, and agree to the conference asked 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. CLAPP, Mr. MCCUMBER, and Mr. STONE conferees on the part of the Senate.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

H. R. 31724. 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. 32078. 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. 32128. 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.

INCOME-TAX AMENDMENT.

Mr. HEYBURN. Mr. President, I have a joint resolution of the Legislature of Idaho ratifying, if that is a correct term, the proposed sixteenth amendment to the Constitution of the United States with reference to an income tax, which was submitted to the States. I have had no experience in this matter in regard to the reference. I have marked upon it "to be referred to the Committee on Finance," but I doubt if it should go to any committee. Some older Senator can, perhaps, tell me what the practice is.

The VICE PRESIDENT. It is the recollection of the Chair that the practice is to refer the matter to the State Department.

Mr. HEYBURN. I presume there is an established practice, but it has occurred so seldom in the history of the country that

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I send it to the Chair for such action as is proper in the case of the ratification of an amendment of the Constitution.

Mr. CULLOM. I think the State Department is the proper place for it.

The VICE PRESIDENT. If there be no objection, the matter will be referred to the Secretary of State. The Chair thinks that there is where such matters are always sent.

Mr. HALE. Mr. President, the Chair does not suggest, as I understand it, that by order it should be referred to the Secretary of State. I do not think that either House of Congress does that. The matter may lie on the table. A request is made by Congress for information from the departments, but I do not recall any instance where any document coming before the Senate has been in terms referred to a departmental officer. The communications are the other way, from the departments to Congress, when either branch of Congress by resolution or order requests information from a department. I should not want now to consent that any formal reference to a department be made, but I suggest that the matter lie on the table.

The VICE PRESIDENT. Without objection, on the suggestion of the Senator from Maine, the paper will lie on the table for the further disposition of the Senate.

Mr. BROWN. Before that is done, I should like to inquire of the Senator from Idaho, What is the purport of the resolution?

Mr. HEYBURN. The Congress of the United States submitted to the several States a proposed amendment to the Constitution of the United States for their action. The State of Idaho has in formal manner ratified, if that is the proper term, the amendment.

Mr. CULLOM. By its legislature.

Mr. HEYBURN. By its legislature, in a constitutional manner. Perhaps with the exception of one Member of this body this action is not familiar, because the Constitution has not been amended in this way since the fifteenth amendment was adopted.

Mr. BROWN. Will the Senator permit me to inquire if the paper he has offered is a notice from the legislature of that State?

Mr. HEYBURN. It is a certified copy of the action of the legislature. It is the formal manner by which a State acts under its seal and through its legislature to notify Congress that it has adopted or rejected the proposed amendment. I think it should lie upon the table, and, as the Senator from Maine has suggested, we will look up the precedents when the fifteenth amendment was adopted. It seems that we have the honor to be the first State to act upon the proposed amendment to the Constitution.

Mr. HALE. Idaho is a leading State.

Mr. HEYBURN. Mr. President, I will not at this time express my views as to the wisdom of this action. If Idaho sees fit to curtail her field of taxation, that is her responsibility, not mine.

Mr. BROWN. The Senator is mistaken, however, about Idaho being the first State to ratify it.

Mr. HEYBURN. It is the first to come here.

The VICE PRESIDENT. The joint resolution will lie on the table for the further disposition of the Senate.

SENATOR FROM ILLINOIS.

Mr. FRAZIER. Mr. President, on December 21, 1910, the chairman of the Committee on Privileges and Elections [Mr. BURROWS] made a report from the majority of the committee in what is known as the Lorimer case. At that time the following statement was made by the chairman of that committee:

I desire to state in this connection that the Senator from Tennessee [Mr. FRAZIER], a member of the Committee on Privileges and Elections, and also a member of the subcommittee which made the investigation, wires me that—

"I desire you state in your report to Senate that I do not concur, and that I reserve right to file minority report later, if I desire to do so.

"J. B. FRAZIER."

The Senator from Michigan then added:

I make that request on behalf of my colleague, the Senator from Tennessee.

The PRESIDING OFFICER. Without objection, the request of the Senator from Tennessee will be granted.

Before that date, Mr. President, at the time the subcommittee made its report to the full committee, being absent from the city and from that meeting, I filed with the chairman of that committee a brief statement of my views and conclusions on the case. I desire now that those views and conclusions be filed with the Senate, and I ask that they be printed in the RECORD.

It had been my purpose, Mr. President, to file a more elaborate statement in the nature of a minority report, giving in detail the reasons that led me to the conclusions which I have stated in this paper, but since that time the Senator from Indiana [Mr. BEVERIDGE] has filed an elaborate statement, with copious references to the proof and testimony taken. Therefore it is not necessary for me now to add anything to the statement which I filed with the full committee.

I had also intended to present to the Senate a resolution declaring that, in my judgment, under the testimony taken Mr. LORIMER was not legally elected a Senator from the State of Illinois, but such a resolution has been presented by the Senator from Indiana and perhaps by other Senators during my absence. Hence it is not necessary for me now to present such a resolution. I send the statement to which I have referred to the desk, and ask that it may be printed in the RECORD.

The VICE PRESIDENT. Without objection, the statement will be printed in the RECORD.

Mr. BEVERIDGE. Mr. President, I ask that the report or views of the Senator from Tennessee, which he has just sent to the desk, be read to the Senate for its information, and also that it be printed as a public document.

The VICE PRESIDENT. The Chair was about to put the request of the Senator from Tennessee, who presented the paper.

Mr. FRAZIER. I have no objection, of course, to the paper being read, Mr. President.

The VICE PRESIDENT. The Chair assumes not.

Mr. FRAZIER. I merely offered it that it might go into the RECORD, and if it be of any value to the Senate I shall be very glad to have it read.

Mr. BURROWS. I desire to ask the Senator from Tennessee if the views which he now presents are the same as those which he presented to the committee.

Mr. FRAZIER. I have just stated, Mr. President, to the Senate—I am not sure whether or not the Senator from Michigan was present—that the statement which I now offer is the statement which I presented to the chairman of the committee to be filed with the full committee.

The VICE PRESIDENT. The Senator from Tennessee asks unanimous consent that the statement presented by him be printed as a part of the report of the Committee on Privileges and Elections heretofore presented. It would be part 4. Is there objection? The Chair hears none. The Senator from Indiana asks that the statement be now read. Is there objection? The Chair hears none, and the Secretary will read, as requested.

The Secretary read as follows:

[Senate Report No. 942, part 4, Sixty-first Congress, third session.]

It is with great reluctance that I differ with my colleagues on the subcommittee, but feeling impelled to do so, I beg leave to state briefly my views and conclusions in this case.

As I understand the precedents as established by the Senate and the other branch of Congress, and now recognized as the law governing such cases, they are:

First. If the proof establishes the fact that the Member whose seat is in question because of alleged bribery or corrupt practices resorted to in his election has himself been guilty of bribery or corrupt practices, or knew of or sanctioned such corrupt practices, he may be unseated without reference to the number of votes thus corruptly influenced.

Second. If the proof fails to show that the Member knew of or participated in or sanctioned such corrupt practices, then, in order to justify unseating him, the proof must show that enough members of the legislature voting for him were bribed or influenced by corrupt practices that deducting their votes from the total vote received by him would reduce his vote below the constitutional majority required for his election.

While there are some facts and circumstances in this case tending to show that Senator LORIMER may have heard of or known that corrupt practices were being resorted to, and while Senator LORIMER failed to avail himself of the opportunity of going on the stand as a witness and denying any such knowledge or sanction of corrupt practices, if any such were being practiced, still I am of the opinion that the testimony fails to establish the fact that Senator LORIMER was himself guilty of bribery or other corrupt practices, or that he sanctioned or was cognizant of the fact that bribery or other corrupt practices were being used by others to influence votes for him.

This being true, the question then arises, Was bribery or corrupt practices used by others in his behalf to influence votes for him; and, if so, were enough votes thus tainted with fraud and corruptly influenced when excluded to reduce his vote below the legal majority required for his election?

The Legislature of Illinois consisted of 204 members. There were present and voting on the occasion of the election of Senator LORIMER 202 members. A quorum of both houses being present, in my opinion, he must have received a majority of all those present and voting, or 102 votes, to have been elected. Senator LORIMER received 108 votes, or six more than necessary to elect.

The testimony taken by the committee satisfies me that four members of the legislature were paid money for voting for, or in consequence of having voted for, Senator LORIMER. One senator and three representatives admitted under oath before the committee that they were paid money, and their admissions and the facts and circumstances surrounding the transactions satisfy me that they received it as a bribe for or in consequence of their votes for Senator LORIMER.

The four self-confessed bribe takers implicate three other members of the legislature who voted for Senator LORIMER as the persons who bribed them. The testimony satisfies me that the three alleged bribe givers were guilty of that offense. To my mind the man who bribes another is as corrupt as the one who is bribed, and by his corrupt act

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an equal right in this land, who ever finds oil or gas shall be given certain privileges, just as the old miners always gave the discoverer of gold two claims on the gulch where he discovered it. That is the kind of legislation I would like to see.

No prospector appealed for this legislation; it was the owners of great quantities of oil lands. It was the oil men of California who came before the committee and asked for this kind of legislation. The thousands of prospectors or men who were engaged in it were not heard or considered, and section 8 shuts them out entirely from prospecting for that which the Government is desirous to have discovered.

Mr. SMOOT. Mr. President, section 8 simply means that the committee believe the Government of the United States should have but one system of prospecting for oil. If we are going to have a permit system to improve the present unsatisfactory law, section 8 is absolutely necessary.

I do not know that I have anything more to say.

The VICE PRESIDENT. If there are no amendments to be offered as in Committee of the Whole, the bill will be reported to the Senate.

Mr. ROOT. I move to amend section 7 by inserting, in line 20, on page 4, after the word "effect," the words "subject, however, to any existing withdrawal."

Mr. HEYBURN. Then there will be nothing left; it is all withdrawn.

Mr. SMOOT. There is no need of destroying the bill, and that is exactly what the Senator's amendment would do. I hope the Senate will vote it down.

Mr. ROOT. That is to say, the bill is intended to permit the Secretary of the Interior to reverse a withdrawal whenever he shall see fit.

The VICE PRESIDENT. The amendment proposed by the Senator from New York will be stated.

The SECRETARY. On page 4, line 20, after the word "effect," insert "subject, however, to any existing withdrawal," so as to make section 7 read:

SEC. 7. That upon the discovery of oil or gas in any lands covered by any such permit, the holder thereof may proceed, under and pursuant to any law which may then be in force and effect, subject, however, to any existing withdrawal, to acquire title to, or the right to extract oil or gas from, the lands therein described to the quantity or area permitted by law.

Mr. SMOOT. I hope the Senator——

The VICE PRESIDENT. The Senator from New York has the floor.

Mr. ROOT. If the Senator from Utah means the opposite of that, then he ought to put in "notwithstanding any existing withdrawal," so that we will know what the bill means.

Mr. SMOOT. The first section of the bill provides for a permit to explore lands withdrawn pending legislation. In the title of the bill we find the words "unappropriated and withdrawn lands." Most of the oil lands of the country are withdrawn. We want to have them developed, and the bill is for the purpose of securing their development. If the Senator's amendment is adopted it simply means that the bill will amount to very little, indeed.

I ask the Senate to vote down the amendment.

Mr. ROOT. I will withdraw the amendment, but I think the opposite ought to be put in the bill.

The VICE PRESIDENT. The Senator from New York withdraws the amendment.

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

The VICE PRESIDENT. Shall the bill pass?

Mr. HEYBURN. I ask for the yeas and nays on the passage of the bill.

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

Mr. CULLOM. I should like very much to have an executive session to-night. There are important nominations to be disposed of.

The VICE PRESIDENT. The roll call can not be interrupted. It has been begun.

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. WARREN (when his name was called). I have a general pair with the Senator from Mississippi [Mr. MONEY]. I am not certain how that Senator would vote if present. I suggest to the Senator from Missouri [Mr. STONE] that if he wishes to vote I will transfer my pair to my colleague [Mr. CLARK of Wyoming], with whom the Senator from Missouri has a general pair.

Mr. STONE (after having voted in the negative). I am glad the Senator called my attention to my pair. It was an oversight on my part.

Mr. WARREN. Then I will transfer my pair, so that the Senator from Mississippi [Mr. MONEY] will stand paired with the Senator from Wyoming [Mr. CLARK], and I will vote. I vote "yea."

The roll call was concluded.

Mr. BRADLEY. I am paired with the junior Senator from Tennessee [Mr. TAYLOR]. Has he voted?

The VICE PRESIDENT. He has not voted.

Mr. BRADLEY. I withhold my vote.

The result was announced—yeas 19, nays 17, as follows:

YEAS—19.

Bacon	Cullom	Penrose	Thornton
Briggs	Gamble	Perkins	Warner
Burnham	Jones	Piles	Warren
Carter	McCumber	Richardson	Young
Crane	Nelson	Smoot	

NAYS—17.

Brandegee	Burton	Lodge	Stone
Bristow	Crawford	Overman	Terrell
Brown	Cummins	Page	
Bulkeley	Heyburn	Purcell	
Burkett	Kean	Root	

NOT VOTING—55.

Aldrich	Davis	Guggenheim	Scott
Bailey	Depew	Hale	Shively
Bankhead	Dick	Johnston	Simmons
Beveridge	Dillingham	La Follette	Smith, Md.
Borah	Dixon	Lorimer	Smith, Mich.
Bourne	du Pont	Martin	Smith, S. C.
Bradley	Elkins	Money	Stephenson
Burrows	Fletcher	Newlands	Sutherland
Chamberlain	Flint	Nixon	Swanson
Clapp	Foster	Oliver	Taliaferro
Clark, Wyo.	Frazier	Owen	Taylor
Clarke, Ark.	Frye	Paynter	Tillman
Culberson	Gallinger	Percy	Wetmore
Curtis	Gore	Rayner	

The VICE PRESIDENT. No quorum has voted.

Mr. CULLOM. I move that the Senate adjourn.

The motion was agreed to, and (at 5 o'clock and 18 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, January 31, 1911, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *January 30, 1911.*

The House met at 12 o'clock noon.

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

The Journal of the proceedings of yesterday, Sunday, January 29, 1911, was read and approved.

BALTIMORE & WASHINGTON TRANSIT CO. OF MARYLAND.

The SPEAKER. The Chair lays before the House the following Senate bill from the Speaker's table, substantially the same as a House bill on the House Calendar, which the Clerk will report.

The Clerk read as follows:

A bill (S. 10053) to extend the time within which the Baltimore & Washington Transit Co. of Maryland shall be required to put in operation its railway in the District of Columbia, under the provisions of an act of Congress approved June 8, 1896, as amended by an act of Congress approved May 29, 1908.

Be it enacted, etc., That the time within which the Baltimore & Washington Transit Co. of Maryland is required to put in operation its railway in the District of Columbia, under the provisions of an act of Congress approved June 8, 1896, as amended by an act approved May 29, 1908, be, and the same is hereby, extended for a term of 18 months from the 28th day of May, 1910, and that all the franchises, rights, privileges, and powers conferred by said acts, or either of them, may be enjoyed and exercised by said railway, or its successors in interest, as fully and completely as if said railway had been completed and put in operation prior to May 29, 1910.

Mr. MANN. Mr. Speaker, may I ask who is in charge of this bill?

The SPEAKER. The gentleman from Virginia.

Mr. CARLIN. I am.

Mr. MANN. What does it do?

Mr. CARLIN. This is simply to extend the time for the operation of the railroad that is already constructed. Under its original charter it had to begin operations within a given time. The road has been built and tracks are down, but by delay in the procurement of cars it was impossible to begin operations in the time provided for, and this is simply to extend the time.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be read a third time, was read the third time and passed, and a similar House bill (H. R. 29166) on the House Calendar was ordered to lie on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following

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titles, in which the concurrence of the House of Representatives was requested:

S. 9094. An act to authorize the Secretary of War to sell to the Nahant & Lynn Street Railway Co. a portion of the United States coast defense military reservation at Nahant, Mass.;

S. 3662. An act for the erection of a monument over the grave of President John Tyler;

S. 10304. An act to authorize the construction, maintenance, and operation of a bridge across the Tombigbee River near Iron Wood Bluff, in Itawamba County, Miss.; and

S. 9957. An act to authorize the sale of burnt timber on the public lands, and for other purposes.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 9094. An act to authorize the Secretary of War to sell to the Nahant & Lynn Street Railway Co. a portion of the United States coast defense military reservation at Nahant, Mass.; to the Committee on Military Affairs.

S. 3662. An act for the erection of a monument over the grave of President John Tyler; to the Committee on the Library.

S. 9957. An act to authorize the sale of burnt timber on the public lands, and for other purposes; to the Committee on the Public Lands.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GARDNER of Michigan. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 31856, the District of Columbia appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 31856, the District of Columbia appropriation bill, with Mr. TILSON in the chair.

Mr. GARDNER of Michigan. Mr. Chairman, it will be remembered that when the House adjourned on Saturday night it was with the understanding that when the bill was again taken up we should go back to page 93 of the bill, line 13, "Reformatory and workhouse," as the only remaining point to be considered in the bill.

The CHAIRMAN. When the committee rose on Saturday afternoon an amendment offered by the gentleman from Virginia [Mr. CARLIN] was pending. Without objection, the Clerk will again report the amendment.

The Clerk read as follows:

Insert after line 12, page 93:
"*Provided*, That no part of any appropriation contained in this act shall be expended for any purpose whatsoever for a reformatory or asylum or workhouse in the State of Virginia within a radius of 10 miles from Mount Vernon, except the one now located at Occoquan, Va."

Mr. DOUGLAS. Mr. Chairman, I want to say a few words in support of this amendment. I have read with a good deal of care the report of the committee and the hearings before the committee and the arguments made by the Commissioners of the District in favor of the establishment of a reformatory within 3 miles of the revered home of George Washington. I am perfectly well aware that the money has already been expended for this site, but, in spite of that fact, I believe that this House should, by adopting this amendment, set its face against any appropriation that will lead to the establishment of this institution upon the next beautiful point of land on the Potomac to the one about which so many of the tenderest sentiments of the people of this country cluster.

I do not intend to indulge in any mock sentiment or heroics about the site of Mount Vernon. I believe that the sentiment that makes Mount Vernon sacred to lovers of liberty throughout the world is a noble sentiment and worth preserving. I believe that everyone appreciates the fact that it is the most sacred homestead in all this land. It is the home from which Washington went to take command of the Army; the one to which he returned when he gave up that command; the one from which he went to become the first President of the Republic, and to which he returned with joy and gladness to end his days; and there he lies buried.

It has been rendered sacred by a thousand associations. It is now in the hands of a patriotic association of ladies, who keep it in order and keep it open to the public.

I believe that every man on the floor of this House, if the proposition were an original one as to whether or not this reformatory ought to be established so near to Mount Vernon, would vote against it. There may be many of the Members of the House who will feel that because the Government has appropriated a considerable sum and has acquired the site that therefore the projected building should go forward and the site become a permanent one.

Now, comparing small things with great, and a rather humorous case to this serious one, I want to call the attention of the House to the fact that last winter when a so-called "rest house" had been established at Du Pont Circle and substantially built, this House, not believing that it had been wisely located, threw away the money that had been used to erect it and determined that it should not be located at that point. I believe that the House acted wisely then. If it were true that the money which has been spent for the Belvoir site would be lost to the Government, there might be some hesitation on the part of the Members of the House voting to refuse to permit this appropriation to be expended there. And it is for that reason that I call the attention of the members of the committee to the language of the commissioner who laid this matter before the Committee on Appropriations. He says:

The Belvoir tract was purchased very cheaply. There were many heirs holding undivided interests in the tract. Six-sevenths of the heirs wished an immediate partition, which could only be secured if the land was obtained in condemnation by the Government. This being the case, we were able to enter into an agreement with the six-sevenths interest that the land should cost the Government not more than $22 an acre, provided we would agree to proceed to take the tract by condemnation proceedings. In condemnation the award was $28 per acre, but the Government obtains the site for $22 by reason of the circumstances and agreement above described.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. DOUGLAS] has expired.

Mr. DOUGLAS. I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection?

Mr. GARDNER of Michigan. I would like to say to the gentleman from Ohio that we are here by courtesy this morning. Other important matters are to follow. If the gentleman will conclude at the end of five minutes, I shall be glad.

Mr. DOUGLAS. I will do so, and probably in less time.

Mr. MANN. Would it be possible to arrive at any agreement as to time?

Mr. CARLIN. I have charge of the amendment, and I am willing to agree as to time.

Mr. DOUGLAS. I hope, Mr. Chairman, this will not be taken out of my time.

Mr. MANN. The gentleman's time is not extended yet. I think the gentleman will get his time.

Mr. CARLIN. I have no desire to delay, but I want a vote.

The CHAIRMAN. Is there objection?

Mr. MANN. Reserving the right to object——

Mr. CARLIN. I will agree to an hour on each side.

Mr. MANN. Ask unanimous consent for an hour on each side.

Mr. GARDNER of Michigan. Mr. Chairman, in view of the interest on this subject, I ask unanimous consent that debate be limited to one hour on a side, upon the amendment and all amendments thereto.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that debate on the paragraph and all amendments thereto be closed in two hours; one hour to be controlled by the gentleman from Michigan and one hour by the gentleman from Virginia. Is there objection?

Mr. STAFFORD. Reserving the right to object, do I understand that the gentleman's request extends to the following paragraph that refers to the workhouse?

Mr. GARDNER of Michigan. To the pending amendment and all amendments thereto.

The CHAIRMAN. Does the Chair understand that unanimous consent extends to all parts of the bill that have not been passed on?

Mr. GARDNER of Michigan. To the amendment now before the House and to all amendments that may be offered to it.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that debate on the pending amendment and all amendments thereto shall be limited to two hours—one hour to be controlled by the gentleman from Michigan [Mr. GARDNER] and one hour to be controlled by the gentleman from Virginia [Mr. CARLIN]. Is there objection? [After a pause.] The Chair hears none. The Chair will recognize the gentleman from Virginia.

Mr. CARLIN. Now, Mr. Chairman, I yield to the gentleman from Ohio five minutes of my time.

Mr. DOUGLAS. Now, Mr. Chairman, the only other reasons that are urged in the hearings as to why it would be unadvisable that this site be abandoned is also found in the testimony of Commissioner Judson before the committee, and is as follows: First, that there would be delay of a year probably in the building of this institution; and second, that some other site would have to be obtained, which would render transpor-

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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. ELKINS presented sundry papers to accompany the bill (S. 6712) granting an increase of pension to James K. Barnett, which were referred to the Committee on Pensions.

He also presented a petition of Local Council, Junior Order United American Mechanics, of Stewartstown, W. Va., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

He also presented a petition of sundry citizens of Fairmont, W. Va., praying for the passage of the so-called parcels-post bill, which was referred to the Committee on Post Offices and Post Roads.

He also presented the petition of T. H. Marka, post department commander, Grand Army of the Republic, Department of West Virginia, of Wellsburg, W. Va., and a petition of Dan Frost Post, No. 16, Grand Army of the Republic, Department of West Virginia, of Ravenswood, W. Va., praying for the passage of the so-called old-age pension bill, which were referred to the Committee on Pensions.

He also presented the memorial of Harriet C. Comegys, regent of the Mount Vernon Ladies' Association for Washington, remonstrating against the establishment of a criminal reformatory on the Belvoir tract, near Mount Vernon, Va., which was referred to the Committee on the District of Columbia.

He also presented a petition of the North Carolina Society of New York, praying for the enactment of legislation providing for the establishment of forest reservations at the headwaters of navigable streams, which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. LODGE. From the Committee on Foreign Relations I report an amendment proposing to appropriate $10,000 for the payment of the necessary expenses of delegates to the General Assembly of the International Institute of Agriculture, to be held at Rome in 1911, intended to be proposed to the diplomatic and consular appropriation bill. The amendment was misprinted, it appearing as an amendment intended to be proposed to the District of Columbia appropriation bill. I report it favorably and move that it be referred to the Committee on Appropriations and printed.

The motion was agreed to.

Mr. McCUMBER, from the Committee on Pensions, to which were referred certain bills granting pensions and increase of pensions, submitted a report (No. 1033), accompanied by a bill (S. 10595) 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 the committee:

S. 276. Horace Perry.
S. 721. John W. Riffe.
S. 1047. Algernon Luse.
S. 1512. Francis M. Uhler.
S. 1791. James A. Rutherford.
S. 2095. Isaac R. Jameson.
S. 2267. Cassius W. Andrew.
S. 2932. Ezra W. Robinson.
S. 3228. Obed W. Barnard.
S. 3229. Richard Evans.
S. 3235. John Dannerberger.
S. 3408. Edward Stetson.
S. 3879. Samuel Magers.
S. 3975. Hector C. Northington.
S. 3976. Patrick Rigney.
S. 3986. Aaron A. Doty.
S. 4165. Nathan Rouch.
S. 4211. Wellington K. Eggleston.
S. 4486. Perry E. Davis.
S. 4529. John L. Morrison.
S. 4909. Julia M. Rhodes.
S. 5028. Francis M. Choat.
S. 5210. Jesse Mather.
S. 5217. Zelates Hill.
S. 5218. Harvey R. Currier.
S. 5219. John Smith.
S. 5223. John Rose.
S. 6128. Catharine M. Cunningham.
S. 6246. Daniel W. Graham.
S. 6678. Caleb Reynolds.
S. 6696. Joseph Cook.
S. 6698. Franklin Jerome.
S. 6700. William Taylor.
S. 6798. David Dickson.
S. 6955. Cyrenius J. Laughlin.
S. 7082. John W. Springsteen.
S. 7089. Asbury F. Haynes.
S. 7234. Mary M. McLean.
S. 7329. Milton M. Adamson.
S. 7403. Thomas J. McLaughlin.
S. 7433. Henry A. Castle.
S. 7436. Francis M. Massey.
S. 7442. William E. Mitchell.
S. 7545. Robert Thomas (alias Franklin).
S. 7577. Frank Sackett.
S. 7595. David Rine.
S. 7596. Calvin Miller.
S. 7664. Alfred Williams.
S. 7693. Edward Dill.
S. 7695. Jennie S. McKenney.
S. 7709. David H. Janes.
S. 7710. George W. Amick.
S. 7736. Jesse Gray.
S. 7815. Abel Markwell.
S. 7819. John Augsburger.
S. 7874. James H. Fontaine.
S. 7879. William F. Drew.
S. 7882. Joseph C. Tousley.
S. 7924. Frederick Folger.
S. 7940. Spencer Walker.
S. 7952. Henry N. Bradbury.
S. 7993. Nelson R. Brown.
S. 8020. Robert D. Damren.
S. 8150. Ellen Sargent.
S. 8214. Lawrence Payne, jr.
S. 8215. Thomas Gunning.
S. 8225. Hudson Sherwood.
S. 8226. Melville J. Lane.
S. 8230. James Armstrong.
S. 8240. Gunner Larsan.
S. 8266. Winfield S. Webster.
S. 8275. Enos Allman.
S. 8328. Sidney J. Hazelbaker.
S. 8393. Nannie R. Dudley.
S. 8469. Stephen G. Bowles.
S. 8514. William Criswell.
S. 8601. Walter Dickinson.
S. 8634. John O. Sutherland.
S. 8658. George W. Morgan.
S. 8669. Daniel Riley.
S. 8791. William E. Stewart.
S. 8816. George Clark.
S. 8824. Clark H. Butterfield.
S. 8849. Mary Jane Norton.
S. 8850. Ralph Kent, jr.
S. 8851. Sylvester O. Lord.
S. 8888. Charles C. Lyon.
S. 8901. Eli B. Clark.
S. 8991. Charles W. Taylor.
S. 8992. Peter S. Chenoweth.
S. 8994. Andrew J. Snow.
S. 9051. Catharine Manion.
S. 9059. Asbury B. Castle.
S. 9078. Mary J. Oliver.
S. 9079. Sidney W. Park.
S. 9116. William Woodward.
S. 9154. Whipple M. Brayton.
S. 9173. John B. Lucian.
S. 9233. George Kelley.
S. 9235. William F. Hanaford.
S. 9237. Annie A. Sanborn.
S. 9281. Walter E. Pingree.
S. 9285. Dennis Griffin.
S. 9288. Nazaire Bodett.
S. 9312. Darwin R. Streeter.
S. 9315. William B. Scace.
S. 9316. Nelson Washburn.
S. 9344. Calvin Burrows.
S. 9346. Franklin F. Bolton.
S. 9467. David Marquette.
S. 9478. William C. Shaffer.
S. 9479. Charles L. Hoyt.
S. 9486. Herman C. Eversz.
S. 9487. Seth W. Ewings.
S. 9489. Charles G. Rising.
S. 9490. William V. Sheets.
S. 9491. Thomas Driscoll.

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S. 9535. May C. Knight.
S. 9549. Adelbert Bywater.
S. 9563. John M. Harvel.
S. 9569. Maria Jones.
S. 9604. Ira W. Dill.
S. 9610. Jessie F. Loughridge.
S. 9619. Crawford S. Barclay.
S. 9623. Joseph F. Kassner, alias Frank Weber.
S. 9640. David Wilson.
S. 9661. Leonora M. Talbot.
S. 9744. William Henderson.
S. 9810. Thomas Thessia.
S. 9811. George F. French.
S. 9812. Albert Littlefield.
S. 9835. Thomas Burgess.
S. 9870. Clarence E. Bullard.
S. 9885. Melinda E. Chase.
S. 9945. Clara M. Murray.
S. 9946. Adams T. Murphy.
S. 9953. Nelson Beach.
S. 10002. Adelbert Whitney.
S. 10044. Levi B. Wallace.
S. 10045. John Murdie.
S. 10048. Sadie O. Purcell.
S. 10096. Marcus P. Wheeler.
S. 10130. Royal S. Childs.
S. 10166. Henry F Tilton.
S. 10254. Levi T. Pond.
S. 10262. Patrick Culhan.
S. 10291. Malachi Cordero.
S. 10292. Martha Vangilder.
S. 10315. Thomas Reed.
S. 10316. Mary E. Stern.
S. 10322. Elizabeth V. McKeever.
S. 10338. Edward Kightlinger.
S. 10339. Alfred H. Miller.
S. 10517. Barney A. Cooper.

Mr. BOURNE, from the Committee on Post Offices and Post Roads, to which was referred the bill (H. R. 23314) to authorize the employment of letter carriers at certain post offices, reported it without amendment.

Mr. SMOOT, from the Committee on Public Lands, to which was referred the bill (S. 10313) to provide for an enlarged homestead entry in Nevada where sufficient water suitable for domestic purposes is not obtainable upon the lands, reported it without amendment.

Mr. BRISTOW, from the Committee on Claims, to which was referred the bill (H. R. 18342) for the relief of E. C. Young, reported it without amendment and submitted a report (No. 1035) thereon.

Mr. OVERMAN, from the Committee on Claims, to which was referred the bill (S. 5981) authorizing the Secretary of the Treasury to make an examination of certain claims of the State of Missouri, reported it without amendment and submitted a report (No. 1036) thereon.

REPORT ON HOOKWORM IN PORTO RICO.

Mr. FLETCHER, from the Committee on Printing, reported the following resolution (S. Res. 332), which was considered by unanimous consent and agreed to:

Resolved, That the report entitled "Uncinariasis (hookworm) in Porto Rico; a medical and economic problem; prepared, under the direction of the Secretary of War, in the Surgeon General's Office, by Maj. Bailey K. Ashford, Medical Corps, United States Army, and Pedro Gutierrez, Igaravidez, director of tropical and transmissible diseases, service of Porto Rico, members of the former Porto Rico-American Commission," be printed as a Senate document.

CHARLES K. DARLING.

Mr. KEAN. From the Committee on Claims I report back favorably without amendment the bill (H. R. 15342) to reimburse Charles K. Darling for moneys necessarily expended by him as clerk of the court of appeals for the first circuit, and I submit a report (No. 1034) thereon. The bill is a very short one, and I ask unanimous consent for its present consideration. It involves the payment of only three hundred and odd dollars.

The PRESIDENT pro tempore. The bill will be read to the Senate for its information.

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 Charles K. Darling, clerk of the court of appeals for the first circuit, $379.17, and the sum of $379.17 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, being moneys necessarily expended by him and personal compensation in his official capacity as said clerk from May 4, 1908, to June 30, 1908.

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

ARKANSAS RIVER BRIDGE.

Mr. CLARKE of Arkansas. I ask unanimous consent for the present consideration of the bill (S. 10431) to authorize the Argenta Railway Co. to construct a bridge across the Arkansas River between the cities of Little Rock and Argenta, Ark. I would have called up the bill when it was reported yesterday morning, but I was necessarily absent from the Senate.

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, in line 8, after the word "Arkansas," to strike out the words "to be approved by the Secretary of War" and insert "suitable to the interests of navigation," and on page 2, line 11, after the word "section," to strike out "four" and insert "three," so as to make the bill read:

Be it enacted, etc., That the Argenta Railway Co., a corporation organized under the laws of the State of Arkansas, its successors and assigns, be, and it is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Arkansas River from a point in the city of Little Rock, Ark., suitable to the interests of navigation, to some point in the city of Argenta, on the north bank of said river, in the county of Pulaski, State of Arkansas, said bridge to be for the purpose of the passage of the street-car traffic carried on by said company or under its authority, and also, at the option of said company, its successors and assigns, to be used for the passage of wagons, vehicles, interurban cars, animals, and persons on foot and in vehicles, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, except as to section 3 of said act.

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.

BILLS INTRODUCED.

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

By Mr. NELSON:

A bill (S. 10596) to authorize the Rainy River Improvement Co. to construct a dam across the outlet of Namakan Lake at Kettle Falls, in St. Louis County, Minn.; to the Committee on Commerce.

By Mr. HEYBURN:

A bill (S. 10597) to reimburse J. M. Connors and George D. Wright for amount expended in building wagon roads and bridges in the United States forest reserve on the North Fork of the Boise River, Idaho; to the Committee on Claims.

By Mr. BRIGGS:

A bill (S. 10598) for the relief of William F. Norris; to the Committee on Claims.

A bill (S. 10599) to remedy in the line of the Army the inequalities in rank due to the past system of regimental promotion; to the Committee on Military Affairs.

A bill (S. 10600) granting an increase of pension to John Conroy (with accompanying papers); to the Committee on Pensions.

By Mr. OLIVER:

A bill (S. 10601) to repay the Lehigh Valley Railroad Co. for expenses incurred by it under quarantine and disinfection orders of the Department of Agriculture; to the Committee on Claims.

By Mr. CARTER:

A bill (S. 10602) providing for the manner of making payment for water rights under the reclamation act of June 17, 1902, and for other purposes; to the Committee on Irrigation and Reclamation of Arid Lands.

By Mr. YOUNG:

A bill (S. 10603) for the relief of Frank E. Lyman, jr. (with accompanying papers); to the Committee on Military Affairs.

By Mr. BANKHEAD:

A bill (S. 10604) for the relief of James D. Evans (with accompanying papers); to the Committee on Claims.

By Mr. PERCY:

A bill (S. 10605) for the relief of Mrs. P. A. Eskridge; to the Committee on Claims.

By Mr. OWEN:

A bill (S. 10606) supplementary to and amendatory of the act entitled "An act for the division of the lands and funds of the Osage Nation of Indians in Oklahoma," approved June 28, 1906, and for other purposes (with accompanying paper); to the Committee on Indian Affairs.

By Mr. DICK:

A bill (S. 10607) to correct the inequalities of promotion lineally in the United States Army under the limited application given section 1204, United States Revised Statutes;

A bill (S. 10608) for the relief of Amos Vanfossen; and

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erate a precipitate or hasty betrayal of the people's instructions to the legislature. That crime must be perpetrated after the public has become discouraged by the delay and lapse of time. On the theory that adjournment was at hand and it was necessary to choose somebody in order that Illinois might have a junior Senator the public would accept the election of LORIMER. It would have been better for the good name of the State of Illinois if she had elected no junior Senator on the 26th day of May, 1909.

Mr. President, the first agent and the first representative of Mr. LORIMER to speak to the witness Browne as a solicitor for votes for LORIMER was the speaker of the house of representatives, Mr. Shurtleff, as shown by the testimony of the witness, Browne, found on page 592.

It is shown that a man by the name of Shannahan had made a passing remark before that time to Browne about LORIMER for Senator, but it was only a passing remark. Under the testimony of Browne the speaker was the first man to engage Browne's services in support of LORIMER. Browne's faction had voted for Shurtleff. LORIMER himself did not speak to Browne in the first place soliciting his support, but Shurtleff, his friend and agent and roommate, did. Browne did not at once agree to support Mr. LORIMER. He told Shurtleff that he would have to think it over and discuss it with himself and with his friends; and, according to Browne's testimony, on page 594 of the record, it took him almost a week to finish the discussion with himself and with his friends about whether he would support LORIMER or not. Finally he concluded to support LORIMER. But he did not go to LORIMER with his conclusion. He reported his conclusion to LORIMER's agent in the field, Mr. Shurtleff. Now, this testimony of Browne I want to read. It is very short:

Q. What was the name of the man with whom you had the conversation?

I am not quoting what is above it, because it is given at great length, but it was his first conversation with reference to electing LORIMER to the Senate.

Q. What was the name of the man with whom you had the conversation?—A. Edward Shurtleff.
Q. He was speaker of the house, was he not?—A. Yes.
Q. Now, after this conversation with Mr. Shurtleff did you consider the question which he had made or suggested?—A. I did.
Q. You gave it very serious thought?—A. Yes, sir.
Q. And you talked it over, did you, with your constituency, or your fellows, as you call them?—A. Well, first before I tried to influence any member, or before, rather, I discussed it with any member, I discussed it with myself and some of the members and some of my friends outside of the legislature to see what I would do myself.
Q. And then when did you make up your mind as to what you would do for yourself?—A. Well, I can't tell you that, but I think possibly in the neighborhood of two weeks before election.
Q. That is, within a week after your talk?—A. Yes, sir.
Q. Who did you notify first?—A. My recollection is that I gave Mr. Shurtleff an answer.

This testimony shows two things—first, that the speaker was the agent of LORIMER to solicit Browne's support; second, it shows that Browne recognized the speaker as such agent, because he reported his answer to the speaker and not to LORIMER after a week's consideration. According to the testimony of Browne he did not speak to Mr. LORIMER upon the subject until a few days after he had told Shurtleff that he would support him, but after that Browne himself became an agent for LORIMER in the fight for the office of Senator.

He not only became his agent, but he became his trusted agent. That is to say, Mr. LORIMER, the principal, had confidence in him and sent him out to do the work in the field and get the necessary votes to make his election certain.

Mr. LORIMER is not a man, as you and I know from association here, who would select an agent whom he could not trust. Mr. LORIMER did just what every one of us would do had we been in a campaign. We would have had somebody out to help us whom we could trust. I do not know whether LORIMER had any more confidence than the committee had in Mr. Browne, because a good many pages of the CONGRESSIONAL RECORD is already occupied by complimentary things said of Mr. Browne by some of the members of the committee. At any rate, this record shows that he was sufficiently in the confidence of Mr. LORIMER and sufficiently active in the work of promoting the candidacy of Mr. LORIMER that during the two weeks prior to the 26th day of May, when Mr. LORIMER was elected, he consulted with him day and night. Let me read you a line from page 597, from the testimony of Mr. Browne:

Q. And then you conferred with him (LORIMER) frequently, did you not?—A. Oh, yes.
Q. Every day?—A. I presume every night; the conferences were at night mostly; every night during the stay in Springfield.
Q. Yes; and those conferences lasted some hours, didn't they?—A. Sometimes they did and sometimes there were a dozen of them in an evening.

This demonstrates the close and constant association of Mr. LORIMER and his agent Browne during the days immediately preceding his election.

What was going on in Springfield during these days immediately preceding the election of May 26? This record tells us operations with Link and White and Beckemeyer and Holstlaw were active. Browne was the chief man in the activities of the campaign at this time. Browne, the agent and friend of Mr. LORIMER, was reporting to him and conferring with him every day and night and sometimes a dozen times a night. What were those conferences about? There were only 30 men in Browne's little army. They were certainly not discussing governmental policies nor the temperature. They were discussing the things that had been or should be done in the work which was then before them—the election of LORIMER.

Senators, you know that to be true. There is not a man here who does not know that Browne was telling LORIMER and reporting to LORIMER not a part of what he did but all that he did. How long do you think Browne would have stayed in the confidence of Senator LORIMER if LORIMER did not compel him to unfold his operations to promote his candidacy? What would you do if you had a man in the field managing your campaign and you met him a dozen times a night and every day to confer about that campaign? What would you do? You would require him to report to you the difficulties in the way, what it was necessary to do to remove difficulties, and what he had done in that direction.

Do you suppose that any agent acting for you could deceive you one moment about whether he was making a full disclosure or only a partial one of his doings? It is contrary to all reason; it is repugnant to the simple truth. You can not harmonize it.

If Browne's leadership was alone necessary to lead them into the Lorimer camp, no repeated conferences were necessary, because in that event the followers would have followed Browne independent of anything LORIMER might have said to him or he to LORIMER. We must conclude from the fact that these conferences were held, first, that they were necessary; second, they were necessary because Browne was having trouble to lead his followers, and LORIMER was the only man to whom Browne was responsible for the failure of the 30 followers to vote as he directed. On no rational theory can anybody conclude that LORIMER was unadvised by Browne of anything that Browne did for him, and whatever Browne did and whatever difficulties Browne encountered in his canvass for support among his followers for Mr. LORIMER must have been made known to him at these conferences, and independent of any direct testimony on that question it must be concluded in all good reason and conscience that Browne concealed nothing from LORIMER and that Browne did nothing to further the election of LORIMER that LORIMER did not know about at the time. This conclusion is supported by every undisputed circumstance surrounding the transaction.

But, Mr. President, we do not need to rely on the logic of circumstantial evidence and we do not need to rely on the fact of these continued and repeated associations and conferences between the beneficiary and the agent to reach a conclusion in this matter. I direct your attention to the positive, undisputed, direct testimony in this record on this point. This testimony did not come from the mouth of Mr. White, who is a bad man and not worthy of belief, nor does it come from the mouth of Mr. Link, or Mr. Holstlaw, or Mr. Beckemeyer. This direct testimony that LORIMER knew all that Browne did comes from the lips of a witness who is vouched for here, not alone by the committee, but by LORIMER himself. I read from the testimony of Browne on page 597:

Q. And you kept Senator LORIMER posted as to your movements with reference to his candidacy, did you?—

I wish Senators would observe this testimony—

A. We all kept each other posted, just as any other campaign committee would do.
Q. Well, I am asking you whether you kept him posted as to your movements with reference to his candidacy?—A. I have answered that.
Q. Well, did you keep him posted?—A. We all kept each other posted.
Q. What I want to know is, Did you tell Mr. LORIMER, the candidate for United States Senator, as to what you were doing toward furthering his candidacy?—A. I presume I did.

Mr. President, this admission was reluctantly drawn from the witness. It was the truth. Can you explain why this witness, when that simple question was asked, hesitated and quibbled about the answer? I will tell you why. It is an inference that is justified from this record. Browne knew what he had done. That knowledge was with him in his own heart, and when the question was asked, "Did you tell LORIMER what you did?" he hesitated and evaded it, but finally there came from him the admission that he did.

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Who disputes this testimony? Show me the witness in this record who says or intimates that Browne did not tell the truth when he said, "I told LORIMER what I was doing to further his candidacy."

It is an undisputed fact here. When you concede that the testimony shows that these seven votes were corrupted by bribery, and that Browne helped to do it, this direct and undisputed testimony of Mr. Browne fixes guilty knowledge in the heart of the man who was the beneficiary of the transaction.

Senator LORIMER is bound by the testimony of this witness; the Senate is bound by it. It has a compelling force that can not be resisted in the light of this record; and, Mr. President, when it is established in the proof that LORIMER knew what Browne was doing it is established that the bribery of at least four members of that legislature was committed with the knowledge and with the consent of Mr. LORIMER, and when that fact is established all disputed questions of law are taken out of this case. It will not be necessary to grow profound and eloquent over the constitutional rights of men, to be determined by a question of legal mathematics, whether a man can purchase a full vote or only half a vote, because everybody concedes that bribery of a single vote with the knowledge and consent of the candidate destroys his title to the office.

The only theory on which the election of Mr. LORIMER can be sustained is that no one was bribed by Browne to vote for him. If Browne bribed nobody, LORIMER knew it. If Browne bribed anybody, LORIMER knew it and consented to it, and thereby forfeited all title to the office. And when the committee agrees that with four votes bribed by Browne LORIMER'S election is still valid, the conclusion must fail, because under the direct and undisputed evidence of Browne as well as under all the other convincing circumstances and proof, it is obvious that LORIMER knew all that Browne did.

Mr. President, there is no escape from this conclusion. A legislature composed of men chosen by their neighbors to act for them as legislators, under oath to discharge a public trust with honor, forgot and betrayed that trust. The betrayal was on a wholesale scale, and after the legislature had been deadlocked for nearly five months it was out of reason, if not impossible, for an honest election of anybody to result. The silent and iron figure behind the scenes, knowing all that was being done for him by his agents and consenting to, if not directing, their every act, was Mr. LORIMER himself. Such is the story of this record and such should be the verdict of the Senate.

ELECTION OF SENATORS BY DIRECT VOTE.

The PRESIDENT pro tempore. The calendar under Rule VIII is in order.

Mr. BORAH. Mr. President, I ask unanimous consent to take up Senate joint resolution 134.

The PRESIDENT pro tempore. The Senator from Idaho asks unanimous consent for the present consideration of a joint resolution, the title of which will be read to the Senate for its information.

The SECRETARY. A joint resolution (S. J. Res. 134) proposing an amendment to the Constitution, providing that Senators shall be elected by the people of the several States.

The PRESIDENT pro tempore. If there be no objection the joint resolution is before the Senate as in Committee of the Whole. The pending question is on the amendment offered by the Senator from Utah [Mr. SUTHERLAND], on which the yeas and nays have been ordered.

Mr. BORAH. Do I understand that the joint resolution is now taken up?

The PRESIDENT pro tempore. Without objection, the joint resolution is before the Senate as in Committee of the Whole.

Mr. HEYBURN. Mr. President, I understand that the Chair has not as yet asked whether unanimous consent for the consideration of the joint resolution would be granted. I understood that such a request was made. If the Senator from Idaho is intending to discuss this question to-day I will not object, but if the joint resolution is called up without any further discussion for action, then I shall object. I would ask my colleague what is his object.

Mr. BORAH. Mr. President, of course it is my purpose, if I get the joint resolution up, to have it disposed of, if we can do so.

Mr. HEYBURN. I do not know whether there are any Senators present who are prepared to speak at length upon the subject.

Mr. KEAN. I understand that the Senator from Massachusetts [Mr. LODGE] has given notice that he would speak on the subject next week.

Mr. HEYBURN. Yes; notice has been given of speeches intended to be made next week.

I desire to discuss this question, but I am not feeling physically able to do so to-day. I suppose, if the joint resolution is taken up, I might have to do it in order to prevent a vote, but I want a candid understanding in regard to it.

Mr. ROOT. Mr. President, if the Senator from Idaho will permit me, I wish to say that I intend to make some remarks regarding this joint resolution. I had not anticipated its being brought on to-day and am not prepared to speak this morning.

Mr. HEYBURN. Then I shall object to the request for unanimous consent, in order to protect Senators who desire to speak upon the question.

The PRESIDENT pro tempore. The senior Senator from Idaho objects to the request made by the junior Senator from Idaho.

Mr. BORAH. Mr. President, I ask unanimous consent that we may take up this joint resolution on Thursday, February 9, and that all amendments which have been offered or which may be offered be voted upon and the joint resolution itself be disposed of upon that legislative day before adjournment.

The PRESIDENT pro tempore. The Senator from Idaho asks unanimous consent——

Mr. KEAN. I think I shall have to object to that at the present time, because I am very anxious to hear the Senator from New York [Mr. ROOT] and the Senator from Massachusetts [Mr. LODGE] on the joint resolution.

The PRESIDENT pro tempore. The Senator from New Jersey objects.

Mr. BORAH. I am quite sure that the Senator from New York and the Senator from Massachusetts will not want to speak later than the 9th of February. If that is the objection, I think the Senator can be informed that that is not necessary. Of course the Senator has a right to object, but I think he ought to be candid and state the real reason of the objection.

Mr. HEYBURN. I might supplement the reason.

Mr. President, my colleague suggests that he is quite certain that the Senator from New York or the Senator from Massachusetts will not desire to speak later than the 9th of February. I think I shall desire to speak as late as about the 4th day of March upon this question. [Laughter.]

Mr. ROOT. Mr. President, for myself I can say what I have to say before the time mentioned by the Senator from Idaho.

Mr. BORAH. I only desired to reveal the real purpose of the objection. That was all. At a later hour I shall undertake to get up the joint resolution in a way that will give an opportunity to speak until the 4th of March.

THE CALENDAR—MEASURES PASSED OVER.

The PRESIDENT pro tempore. The calendar, under Rule VIII, is in order. The Secretary will state the first bill on the calendar.

The bill (S. 3528) to reimburse depositors of the Freedman's Savings & Trust Co. was announced as first in order.

Mr. KEAN. Let that bill go over, Mr. President, unless the Senate is ready to pass it. I have no objection to the bill, and should be glad to see it passed, but numerous other Senators have objected to it. I suggest that the bill be read.

Mr. JOHNSTON. Let the bill go over, Mr. President.

The PRESIDENT pro tempore. The Senator from Alabama makes objection. The bill goes over.

The concurrent resolution (S. C. Res. 16) authorizing the Secretary of War to return to the State of Louisiana the original ordinance of secession that was adopted by the people of said State in convention assembled, etc., was announced as next in order.

Mr. HEYBURN. I ask that that resolution go over.

The PRESIDENT pro tempore. The resolution goes 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. Mr. President, I think the Senator from Oklahoma should explain that bill. I do not see the Senator from Kansas [Mr. CURTIS] present. I think the bill needs some explanation, as it seems to me to be chiefly in the interest of certain attorneys.

Mr. OWEN. Mr. President, this is a bill which has been considered by the Committee on Indian Affairs and by the Interior Department. The letter of the Secretary of the Interior explains the attitude of the department favorable to it. It provides that the Creek Indians may go into the Court of Claims to determine whether or not certain certificates, amounting to a thousand and forty dollars, given to each of them are valid. It also provides for the equalization of the allotment of moneys or proceeds to each of the individual citizens of that nation. It

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is a very simple matter. There is nothing about it that needs any further explanation that I can understand.

Mr. KEAN. What about the attorneys' fees, may I ask the Senator?

Mr. OWEN. The bill follows the usual custom of allowing the court to determine on the basis of a quantum meruit what should be allowed.

Mr. KEAN. The Senator from Kansas is now here.

Mr. CURTIS. I hope the Senator from Oklahoma will let that bill go over.

Mr. OWEN. I am very much surprised at the Senator from Kansas asking me to let it go over. It has been on the calendar now for a long time and has been reported by the Committee on Indian Affairs.

Mr. CURTIS. Yes; that is true. I wanted to secure some information, which I had hoped to have before the bill was reached on the calendar. If the Senator insists, I shall not object to the bill being taken up at this time; but if he will let it go over until the next day when the calendar is taken up, if I do not have the information by that time, I will promise, so far as I am concerned, that there shall be no objection whatsoever.

Mr. OWEN. This bill has been on the calendar since April 28, 1910, nearly a year.

Mr. CURTIS. That is true.

Mr. OWEN. I do not think I have pressed it unduly, and I hope the Senator will not insist on its going over.

Mr. CURTIS. I will state that certain information in regard to this matter came to my knowledge a few days ago. I should have asked the department to verify the information which came to me, but I have neglected to do so. With that statement, if the Senator desires to insist, I shall not object to the bill being considered now, but I wish he would let it go over.

Mr. OWEN. I should be very much obliged if the Senator would allow it to be disposed of, because otherwise it will be too late to be passed by the other House at this Congress.

Mr. HALE. Mr. President, I think on the statement of the Senator from Kansas the bill had better go over.

The PRESIDENT pro tempore. The Senator from Maine objects. The bill will go over.

Mr. OWEN. I agree to the bill going over, Mr. President.

SENATOR FROM ILLINOIS.

Mr. ROOT. I desire to give notice that on Friday next, immediately upon the conclusion of the routine morning business, if it accords with the views of the Senate, I shall make some observations regarding the resolution relating to the seat of the junior Senator from Illinois [Mr. LORIMER].

EXECUTIVE SESSION.

Mr. CARTER. 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 23 minutes spent in executive session the doors were reopened, and (at 1 o'clock and 58 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 2, 1911, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 1, 1911.

NAVAL OFFICER OF CUSTOMS.

Charles F. Borah, of Louisiana, to be naval officer of customs in the district of New Orleans, in the State of Louisiana, in place of Elmer E. Wood, resigned.

ASSOCIATE JUDGE, COURT OF CUSTOMS APPEALS.

George E. Martin, of Ohio, to be associate judge of the Court of Customs Appeals, vice William H. Hunt, nominated as additional circuit judge.

PROMOTIONS IN THE NAVY.

Asst. Surg. Alexander B. Hayward to be a passed assistant surgeon in the Navy from the 21st day of September, 1910, upon the completion of three years' service as an assistant surgeon.

Paymaster Edmund W. Bonnaffon to be a pay inspector in the Navy from the 2d day of January, 1911, vice Pay Inspector Samuel L. Heap, promoted.

Naval Constructor Guy A. Bisset, with the rank of lieutenant, to be a naval constructor in the Navy, with the rank of lieutenant commander, from the 29th day of January, 1911.

Second Lieut. Littleton W. T. Waller, jr., to be a first lieutenant in the United States Marine Corps from the 11th day of October, 1910, vice First Lieut. Frederic Kensel, promoted.

Second Lieut. Franklin H. Drees to be a first lieutenant in the United States Marine Corps from the 6th day of November, 1910, vice First Lieut. Elias R. Beadle, promoted.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 1, 1911.

ASSISTANT SECRETARY OF THE INTERIOR.

Carmi A. Thompson to be Assistant Secretary of the Interior.

ASSISTANT TREASURER.

George Puchta to be assistant treasurer at Cincinnati, Ohio.

UNITED STATES MARSHAL.

Nicholas J. Whalen to be United States marshal, western district of Michigan.

PROMOTIONS IN THE NAVY.

The following-named assistant naval constructors to be naval constructors:

Julius A. Furer,
William B. Fogarty,
Sidney M. Henry, and
Lewis B. McBride.

The following-named midshipmen to be ensigns:

John C. Latham,
Schamyl Cochran,
Philip Seymour,
Stuart O. Greig,
Carl C. Clark,
John F. Shafroth, jr.,
Karl F. Smith,
Ernest W. McKee,
John F. McClain,
Willis A. Lee, jr.,
William H. Stiles, jr.,
Frederick T. Van Auken,
Marshall Collins,
Kinchen L. Hill,
Thomas C. Kinkaid,
Selah M. La Bounty,
Abner M. Steckel,
Guy C. Barnes,
Paul J. Peyton,
Cleveland McCauley,
Edward H. Connor,
Leslie C. Davis,
Thomas M. Tipton,
Raymond G. Thomas, and
Eugene D. McCormick.

Pay Inspector Samuel L. Heap to be a pay director.

COLLECTOR OF INTERNAL REVENUE.

Charles A. Cottrill to be collector of internal revenue for the district of Hawaii.

POSTMASTERS.

ALABAMA.

Nelson C. Fuller, Centerville.
Madison D. Majors, Georgiana.
Charles W. Moore, Florence.

ARKANSAS.

Andrew J. Tabor, Green Forest.
Hiram L. Throgmorton, Pocahontas.

CALIFORNIA.

Nora Buchanan, Black Diamond.
Frank L. Caughey, Ukiah.
Fred E. Cornell, Sunnyvale.
Crispin C. Ortega, Sonora.
Charles B. Randall, Kerman.
Morton E. Simmons, Chino.
William N. Speegle, Eureka.
Helen C. Thompson, Stanford University.

COLORADO.

John H. Williams, Saguache.

CONNECTICUT.

Harvey S. Abel, Stafford Springs.
Charles A. Keyes, Southington.
Nathaniel P. Noyes, Stonington.
Edwin F. Tomlinson, Plainville.

FLORIDA.

Noah Barefoot, Graceville.

ILLINOIS.

Clarence F. Buck, Monmouth.
John B. Candry, Benld.
Albert W. Errett, Kewanee.
Riley M. Garman, Forreston.
Edward E. Gott, Norris City.
Louis Kaul, Tamaroa.

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William S. McConnell, Woodstock.
Andrew J. Pickrell, Anna.
Peter Thomsen, Fulton.

IOWA.

Harry E. Beach, Carroll.
George W. Cook, Guthrie Center.
J. W. Hadley, North English.
J. W. Halden, Moravia.
George Hardenbrook, Maxwell.
Isaac Hossler, Battle Creek.
Grace Kennedy, Peterson.
J. M. Lee, Lone Tree.
Simon J. Mak, Inwood.
Louis H. Schulte, Remsen.
Eunice A. Underhill, Ocheyedan.

KANSAS.

Austin Brown, Cedar Vale.
Jacob B. Callen, Junction City.
Sherman C. Cunningham, Fall River.
William P. Heichert, Howard.
George E. Ward, Sharon Springs.

KENTUCKY.

Joseph W. Demombron, Horse Cave.

MAINE.

Charles H. Hooper, Castine.
John M. Jewell, Clinton.
Charles H. White, Orono.

MARYLAND.

John McFarland, Lonaconing.
James C. Peddicord, Oakland.

MASSACHUSETTS.

Frank E. Briggs, Turners Falls.
Stanley B. Dearborn, Wakefield.
Alexander Grant, Chicopee.
James W. Hunt, Worcester.
Adolphus R. Martin, Chicopee Falls.
Samuel R. Moseley, Hyde Park.
Charles L. Scranton, Oak Bluffs.
Samuel L. Wheaton, Manchester.

MICHIGAN.

George Barie, Pinconning.
Martin N. Brady, Saginaw West Side.
Joshua Braun, Sebewaing.
Oren B. Brown, Addison.
H. H. Curtis, Vermontville.
Margaret Duncan, Au Sable.
Charles H. Heath, Richmond.
Sidney E. Lawrence, Hudson.
Josephus C. Mustard, Scottville.
Theodore Schmidt, Reed City.
Luther E. Sherman, Bessemer.

MINNESOTA.

Alfred Anderson, Twin Valley.
Isaac R. Bargen, Mountain Lake.
John Y. Breckenridge, Pine City.
Jesse E. Dade, Blackduck.
Andrew J. Davis, South St. Paul.
Carl S. Eastwood, Heron Lake.
Eva Frances Fay, Raymond.
Charles R. Frazee, Pelican Rapids.
Anders Glimme, Kenyon.
Clinton D. Grinols, St. Cloud.
Emma F. Marshall, Red Lake Falls.
Dwight C. Pierce, Goodhue.
Christian A. Rasmussen, Red Wing.
George W. Rowell, North Branch.
Frederick T. Schlegel, Arlington.
Osman J. Simmons, Austin.

MISSISSIPPI.

Jasper Warren Collins, Ellisville.
Emma Mikell, Silver Creek.

MISSOURI.

Otto K. Benecke, Brunswick.
Judson M. Boyd, Tipton.
Moses Elvins, Leadwood.
John C. Lark, Steelville.
Thomas B. Morris, Hannibal.
Edward J. Schmidt, Centralia.
George H. Traylor, New Madrid.
Wesley W. Wehrli, Mound City.
Eugene E. Wyatt, Oak Grove.

NEBRASKA.

William T. Mauck, Wahoo.
Matie C. Priest, Walthill.
George W. Schreck, York.

NEW JERSEY.

Thomas E. Hunt, Penn Grove.
Adam Kandle, Elmer.
Frank D. Pedrick, Woodbury.
Charles E. Stults, Hightstown.

NEW YORK.

Howard G. Britting, Williamsville.
Horace L. Burrill, Weedsport.
Charles H. Deitz, Schoharie.
Jay Farrier, Oneida.
James H. Hitt, Margaretville.
Lasuvious H. King, Port Byron.
Louis Lafferrander, Sayville.
William J. H. Parker, Moravia.

OHIO.

Alfred H. Breese, Mount Gilead.
Reginald Curtis, Monroeville.
Frank B. Gee, Grafton.
William H. Hallam, National Military Home.
Bruce E. McClure, Grover Hill.
C. F. Morvilius, Coldwater.
Senate A. Pugh, New Washington.
Elmer Sagle, Roseville.
Emory Sibley, Pioneer.
Charles Wilson, Plain City.

OREGON.

William J. Lachner, Baker (late Baker City).
Fletcher E. Wilcox, Milton.

PENNSYLVANIA.

William E. Champaign, Wellsboro.
William W. Kemble, Tidioute.
James S. Kennedy, Grove City.
John H. Martin, Greenville.

SOUTH DAKOTA.

George H. Carr, Bison.
William W. Smithson, Oelrichs.

TEXAS.

Charles J. Lewis, Clarendon.
David M. Willson, Bridgeport.

VERMONT.

Ezra H. Allen, Fowler.
John E. Sullivan, Hardwick.

VIRGINIA.

Charles Q. Edwards, Alta Vista.
Luther G. Funkhouser, Roanoke.
Charles A. McKinney, Cape Charles.
McClung Patton, Lexington.
Franklin Stearns, Glenallen.

WASHINGTON.

John M. Benedict, Centralia.
Dan W. Bush, Chehalis.
E. E. Fisher, Port Angeles.
Edgar L. Gale, Bremerton.
W. D. Smith, Ritzville.
S. D. Steininger, Clarkston.

WEST VIRGINIA.

William H. Latham, Ravenswood.
J. E. Overton, Cairo.

INJUNCTION OF SECRECY REMOVED.

The injunction of secrecy was removed from a convention providing for the submission of pecuniary claims to arbitration, signed on August 11, 1910. (Ex. D, 61st Cong., 3d sess.)

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Mr. SMITH of South Carolina presented telegrams, in the nature of memorials, from sundry citizens, business firms, and corporations of Georgetown, Charleston, Camden, and Columbia, all in the State of South Carolina, remonstrating against the ratification of the proposed reciprocity treaty with Canada, which were referred to the Committee on Foreign Relations.

Mr. GAMBLE presented a petition of Robert Anderson Post, No. 19, Grand Army of the Republic, Department of South Dakota, of Aberdeen, S. Dak., praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

Mr. BRANDEGEE presented a petition of the Trades Council of New Haven, Conn., praying for the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Ben Miller Council, Junior Order of United American Mechanics, of Danbury, Conn., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

REPORTS OF COMMITTEES.

Mr. McCUMBER, from the Committee on Pensions, to which was referred the bill (H. R. 30886) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soliders and sailors, reported it with amendments and submitted a report (No. 1042) thereon.

Mr. PERKINS, from the Committee on Commerce, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 10025) for a fog signal and keeper's quarters at the Trinidad Headlight Station, Cal. (Rept. No. 1043);

A bill (S. 10023) for establishing a light and fog-signal station on Richardsons Rock, in the Santa Barbara Islands, Cal. (Rept. No. 1044);

A bill (S. 10022) for establishing aids to navigation on the Yukon River, Alaska (Rept. No. 1045);

A bill (S. 10284) to authorize the Secretary of Commerce and Labor to transfer the lighthouse tender *Wistaria* to the Secretary of the Treasury (Rept. No. 1046);

A bill (S. 10008) for a flashing light to replace the fixed light now at the Point Fermin Light Station, Cal. (Rept. No. 1047);

A bill (S. 10017) for a flashing light, a fog signal, and a keeper's dwelling at the Santa Barbara Light Station, Cal. (Rept. No. 1048);

A bill (S. 10010) for the substitution of a first-class fog signal to replace the present Daboll trumpet at the Fort Point Light Station, Cal. (Rept. No. 1049); and

A bill (S. 10012) for the establishment of acetylene-gas beacon lights, lighted buoys, and fog signals at or near Point Herron, Point Glover, Apple Cove Point, Bush Point, Point Partridge, and the improvement of the lights and fog signals at Marrowstone Point and Slip Point, Puget Sound, Wash. (Rept. No. 1050).

Mr. PILES, from the Committee on Commerce, to which was referred the bill (S. 10404) to authorize the Secretary of War to grant a right of way through lands of the United States to the Buckhannon & Northern Railroad Co., reported it with amendments and submitted a report (No. 1051) thereon.

Mr. BANKHEAD, from the Committee on Post Offices and Post Roads, to which was referred the bill (S. 6754) for the relief of the Alabama Great Southern Railroad Co., reported it without amendment and submitted a report (No. 1053) thereon.

Mr. MARTIN, from the Committee on Commerce, to which was referred the bill (S. 10586) to authorize the Chicago Great Western Railroad Co., a corporation, to construct a bridge across the Mississippi River at St. Paul, Minn., reported it with an amendment and submitted a report (No. 1052) thereon.

Mr. BRADLEY, from the Committee on Claims, to which was referred the bill (S. 730) for the relief of the several States under the act of July 8, 1898, and acts amendatory thereto, reported it with an amendment and submitted a report (No. 1054) thereon.

He also, from the same committee, to which was referred the bill (S. 9954) for the relief of Lincoln C. Andrews, reported it without amendment and submitted a report (No. 1055) thereon.

ST. JOSEPH RIVER (MICH.) DAM.

Mr. SMITH of Michigan. From the Committee on Commerce I report back favorably, without amendment, the bill (S. 10288) granting to Herman L. Hartenstein a right to construct a dam across the St. Joseph River near Mottville, St. Joseph County, Mich., and I submit a report (No. 1038) thereon. I ask unanimous consent for the present consideration of the bill.

The Secretary read the bill and, there being no objection, it was considered as in Committee of the Whole.

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

BENJAMIN S. HANCHETT.

Mr. SMOOT. From the Committee on Claims I report back favorably, without amendment, the bill (S. 8021) providing for refund of expenses incurred in attending the meetings of the Assay Commission, held at Philadelphia in 1905, to Benjamin S. Hanchett, Grand Rapids, Mich., and I submit a report (No. 1041) thereon.

Mr. KEAN. That is a very short bill and it might just as well be passed now. I ask unanimous consent that it be put upon its passage.

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 Benjamin S. Hanchett, of Grand Rapids, Mich., out of any money in the Treasury not otherwise appropriated, $77.68, to reimburse him for money expended for necessary expenses while attending the meetings of the Assay Commission in March, 1905, held at Philadelphia, Pa.

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

AIDS TO NAVIGATION IN ALASKA.

Mr. PILES. From the Committee on Commerce I report back favorably without amendment the bill (S. 9721) to authorize additional aids to navigation in the Lighthouse Establishment, and for other purposes, and I submit a report (No. 1039) thereon. I ask 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. It proposes to appropriate for establishing a light and fog-signal station at or near Cape Spencer, Alaska, $80,000; for establishing a light and fog-signal station at Resurrection Bay entrance, Alaska, $100,000; for establishing a light and fog-signal station on Cape St. Elias, Alaska, $100,000; for establishing aids to navigation on the Yukon River, Alaska, $11,400; and for rebuilding and improving the present light and fog signal at Lincoln Rock, Alaska, or for building another light and fog-signal station upon a different site near by, $25,000.

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

CHOCTAWHATCHEE RIVER (ALA.) DAM.

Mr. BANKHEAD. From the Committee on Commerce I report back favorably with an amendment to the title the bill (S. 10324) extending the provisions of the act approved March 10, 1908, and I submit a report (No. 1040) thereon. 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.

The title was amended so as to read: "A bill extending the provisions of the act approved March 10, 1908, entitled 'An act to authorize A. J. Smith and his associates to erect a dam across the Choctawhatchee River, in Dale County, Ala.'"

ST. JOSEPH BAY HARBOR.

Mr. STONE. I am directed by the Committee on Commerce, to which was referred the bill (H. R. 20366) to transfer St. Joseph Bay, of the Pensacola collection district, in the State of Florida, to the Apalachicola collection district, to report it favorably without amendment, and to submit a report (No. 1037) thereon. 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.

LAWS AND CODES OF PORTO RICO.

Mr. SMOOT, from the Committee on Printing, to which was referred Senate resolution 320, submitted by Mr. DEPEW on the 13th ultimo, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows (S. Doc. No. 813):

Resolved, That the compilation of the Laws and Codes of Porto Rico, with indices, be printed as a public document.

PAPER ON IMMIGRATION.

Mr. SMOOT. From the Committee on Printing I report back favorably a paper on the subject of immigration, which was presented to the Senate on the 24th ultimo by the Senator from

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North Carolina [Mr. OVERMAN]. I move that the paper be printed as a public document (S. Doc. No. 804).

The motion was agreed to.

HEARINGS BEFORE COMMITTEE ON FINANCE.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 333, submitted by Mr. BURROWS on the 1st instant, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Finance, or a subcommittee thereof, be, and the same is hereby, authorized to employ a stenographer from time to time as may be necessary to report such hearings as may be had on bills and matters pending before said committee, and have the same printed for the use of said committee, and that such stenographer be paid out of the contingent fund of the Senate.

BILLS INTRODUCED.

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

By Mr. GALLINGER:

A bill (S. 10611) to provide for the appointment and compensation of professors and instructors at the Naval Academy; to the Committee on Naval Affairs.

By Mr. LODGE:

A bill (S. 10612) to amend the act to amend and consolidate the acts respecting copyright; to the Committee on Patents.

By Mr. BEVERIDGE:

A bill (S. 10613) for the relief of Nimrod Headington (with accompanying paper); to the Committee on Claims.

By Mr. BROWN:

A bill (S. 10614) for the relief of William F. Norris; to the Committee on Claims.

By Mr. FRYE:

A bill (S. 10615) granting an increase of pension to Benjamin F. B. Holmes (with accompanying papers); and

A bill (S. 10616) granting a pension to Catherine N. Boothby (with accompanying papers); to the Committee on Pensions.

By Mr. THORNTON:

A bill (S. 10617) for the relief of heirs or estate of Francis Jean, deceased (with accompanying paper);

A bill (S. 10618) for the relief of heirs or estate of Silas Talbert, deceased (with accompanying paper);

A bill (S. 10619) for the relief of heirs or estate of Owen Conlan, deceased (with accompanying paper); and

A bill (S. 10620) for the relief of Eleanore Neven (with accompanying paper); to the Committee on Claims.

By Mr. DICK:

A bill (S. 10621) to purchase the McLean property and other property at Appomattox, in the State of Virginia; to the Committee on Military Affairs.

By Mr. TERRELL:

A bill (S. 10622) for the relief of the Catholic Church at Dalton, Ga.; to the Committee on Claims.

By Mr. BACON:

A bill (S. 10623) to amend section 11, act of May 28, 1896; to the Committee on the Judiciary.

By Mr. CARTER:

A bill (S. 10624) to authorize the Secretary of the Interior to settle controversies arising under contracts for the performance of work under the reclamation act; to the Committee on Irrigation and Reclamation of Arid Lands.

By Mr. HALE:

A bill (S. 10625) granting an increase of pension to Thomas B. Pulsifer; to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 10626) granting a pension to Edward S. Lane; to the Committee on Pensions.

A bill (S. 10627) for the relief of the estate of Allen J. Mann, deceased (with accompanying paper); to the Committee on Claims.

By Mr. SMITH of Michigan:

A bill (S. 10628) to pay the claim of the late Harrison S. Weeks; to the Committee on Claims.

By Mr. BEVERIDGE:

A bill (S. 10629) granting an increase of pension to Jenima Williams; to the Committee on Pensions.

By Mr. BRANDEGEE:

A bill (S. 10630) granting an increase of pension to William F. Jones; to the Committee on Pensions.

By Mr. WETMORE:

A bill (S. 10631) granting an increase of pension to Lucretia A. Low (with accompanying papers); to the Committee on Pensions.

AMENDMENT TO NAVIGATION BILL.

Mr. STONE submitted an amendment intended to be proposed by him to the bill (H. R. 11798) 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, which was ordered to lie on the table and to be printed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. GALLINGER submitted an amendment authorizing the Commissioners of the District of Columbia to make a new highway plan for that portion of the District of Columbia in the vicinity of and along the Piney Branch parkway, etc., intended to be proposed by him to the District of Columbia appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. DICK submitted an amendment authorizing the Secretary of War to prepare a list of the officers of the Army with Civil War records who have been retired on account of wounds, age, disability, or after 30 years' service, etc., intended to be proposed by him to the Army appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. McCUMBER submitted an amendment proposing to appropriate $150,000 for filling in camp site at Queen Emma Point for camping purposes, and filling in ponds at Fort De Russy for garrison purposes, Honolulu, Hawaii, etc., intended to be proposed by him to the sundry civil appropriation bill, which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. OWEN submitted an amendment intended to be proposed by him to the bill (S. 6049) establishing a department of health, and for other purposes, which was referred to the Committee on Public Health and National Quarantine and ordered to be printed.

MILK INSPECTION IN THE DISTRICT OF COLUMBIA.

Mr. GALLINGER. I present the report of a special committee appointed by the Chamber of Commerce of the District of Columbia to investigate the milk situation in the District. I move that the report be referred to the Committee on Printing for action.

The motion was agreed to.

PENSIONS TO SURVIVORS OF THE CIVIL AND MEXICAN WARS.

Mr. McCUMBER. On the 31st ultimo I introduced the bill (S. 10582) to amend an act entitled "An act granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico, which was read twice by its title and referred to the Committee on Pensions. Upon looking at the bill I find there are several mistakes in the print, and I ask that a reprint of the bill, with corrections, be made.

The VICE PRESIDENT. Without objection, the bill will be reprinted.

NORTH ATLANTIC COAST FISHERIES ARBITRATION.

The VICE PRESIDENT laid before the Senate the following message from the President of the United States (S. Doc. No. 806), which was read and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed.

To the Senate and the House of Representatives:

I transmit a communication from the Secretary of State, submitting a report made by Chandler P. Anderson, Esq., the agent of the United States in the North Atlantic coast fisheries arbitration before the permanent court at The Hague, and invite the attention of Congress to the request made by the Secretary of State that Congress may authorize the printing of the report and appendices at the cost of the appropriation for printing and binding for Congress.

WM. H. TAFT.

THE WHITE HOUSE,
Washington, February 2, 1911.

Mr. ROOT. Mr. President, I wish to introduce a joint resolution in reference to the printing of the message which has just been read and referred, and I ask that the joint resolution be read twice by its title and referred to the Committee on Printing.

The joint resolution (S. J. Res. 139) authorizing the printing of the message of the President, together with the report of the agent of the United States in the North Atlantic coast fisheries arbitration at The Hague, was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the President's message of February 1, 1911, together with the report of the agent of the United States in the North Atlantic coast fisheries arbitration at The Hague, transmitted therewith, and the appendices to the report, be printed as a public document, together with an additional 500 copies for the Department of State, the cost thereof to be defrayed out of the appropriation for printing and binding for Congress.

The VICE PRESIDENT. The joint resolution will be referred to the Committee on Printing.

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RIVER AND HARBOR 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. 28632) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. FRYE. I move that the Senate insist on its amendments disagreed to by the House of Representatives, 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. NELSON, Mr. SMITH of Michigan, and Mr. MARTIN conferees on the part of the Senate.

SENATOR FROM ILLINOIS.

Mr. BURTON. I desire to give notice that on Monday next, immediately following the address by the Senator from Massachusetts [Mr. LODGE], already announced, I shall seek to address the Senate on the Illinois senatorial case.

CHAPEL ON MILITARY RESERVATION, YELLOWSTONE NATIONAL PARK.

Mr. WARREN. I ask unanimous consent for the present consideration of the bill (S. 9902) for the construction of a chapel in or near the military reservation within Yellowstone National Yark.

The VICE PRESIDENT. Is there objection to the request of the Senator from Wyoming?

Mr. KEAN. Let the bill be read, Mr. President.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to cause a suitable chapel to be erected in or near the military reservation within Yellowstone National Park, at a cost for building and furnishing not to exceed $25,000, which is hereby appropriated out of any money in the Treasury not otherwise appropriated.

By unanimous consent, 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.

ENLARGED HOMESTEAD ENTRY IN NEVADA.

Mr. NIXON. I ask unanimous consent for the present consideration of the bill (S. 10313) to provide for an enlarged homestead entry in Nevada where sufficient water suitable for domestic purposes is not obtainable upon the land. It is a bill which relates entirely to the State of Nevada.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that whenever the Secretary of the Interior shall find that any tracts of land in the State of Nevada subject to entry under the act "to provide for an enlarged homestead," approved February 19, 1909, do not have upon them such a sufficient supply of water suitable for domestic purposes as would make continuous residence upon the lands possible, he may, in his discretion, designate such tracts of land, not to exceed in the aggregate 2,000,000 acres, and thereafter they shall be subject to entry under this act without the necessity of residence, but in such event the entryman on any such entry shall in good faith cultivate not less than one-eighth of the entire area of the entry during the second year, one-fourth during the third year, and one-half during the fourth and fifth years after the date of the entry, and after entry and until final proof the entryman shall reside within such distance of the land as will enable him successfully to farm it.

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

EQUALIZATION OF CREEK ALLOTMENTS.

Mr. OWEN. Mr. President, I should like at this time to call up calendar No. 570, being the bill (S. 7364) providing for the equalization of Creek allotments, which went over yesterday.

The VICE PRESIDENT. The Secretary will read the bill for information, subject to objection.

The Secretary read the bill, as follows:

Be it enacted, etc., That to carry into effect the agreement between the United States and the Muskogee (Creek) Nation of Indians ratified by act of Congress approved March 1, 1901 (31 Stats., p. 861), and subsequent agreements and laws, jurisdiction be, and is hereby, conferred upon the Court of Claims, with right of appeal as in other cases, to hear, determine, and render final judgment in the matter of the claim of such citizens of said Muskogee (Creek) Nation who have received allotments of less than the standard value of $1,040 for a sum of money sufficient to equalize the allotments of each, who shall be found to be so entitled, up to the standard amount of $1,040, and that the action herein authorized shall be brought in the name of the Muskogee (Creek) Nation against the United States by petition to be filed within 90 days after the passage of this act, which petition shall be verified by the attorney or firm of attorneys first named in a resolution passed by the council of the said Muskogee (Creek) Nation in annual session assembled November 5, 1908, and approved by the chief of said nation on said date, and the Attorney General shall appear and defend said action, and in rendering judgment in said cause the court shall fix the compensation to be paid to the attorneys named in said resolution of said Creek council upon a quantum meruit for all services rendered in behalf of said Indians in this matter, said compensation to be based upon a per cent of said judgment, less the money now in the Treasury to the credit of said nation, not to exceed the per cent named in said resolution, and to be distributed in accordance with agreements among themselves, and the Secretary of the Treasury is hereby directed to pay said compensation to said attorneys out of any funds of the Muskogee (Creek) Nation now in the Treasury, and all the funds of said nation now in the Treasury not otherwise appropriated by the council and approved by the President of the United States, excepting $50,000, shall be utilized and applied upon any judgment that may be rendered under this act.

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

Mr. OWEN. I wish to offer an amendment to the bill, by agreement with the Senator from Kansas [Mr. CURTIS].

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

Mr. HALE. Mr. President, let the amendment first be read.

The VICE PRESIDENT. The question is, Shall the bill now be considered by unanimous consent?

Mr. OWEN. I wish to say, Mr. President, that on yesterday the Senator from Kansas desired the bill to go over because of an amendment which he wished to offer. We have agreed upon the amendment, which I now submit.

The VICE PRESIDENT. The Senator from Maine [Mr. HALE], reserving the right to object, desires that the amendment be read. The Secretary will read the proposed amendment.

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

Provided, That the equalization certificates heretofore issued to citizens of the Creek Nation shall be nontransferable and shall not be pledged as collateral security by such citizens.

Mr. HALE. Mr. President, listening to the reading of the bill it appeared pretty plainly to me that it is a bill for the purpose mainly of caring for and paying attorneys' fees. The language of the bill, the general provisions, as Senators will observe if they have listened to it, all are directed to that end. I did not discover in listening to the reading of the bill any provision anywhere that showed any solicitude for the rights of any Indians, but I did discover, and would have been blind if I had not discovered, that pretty much the entire phraseology of the bill is devoted to provisions relating to the payment of attorneys' fees and to authority being given to pay out of the funds, in accordance with agreements made, attorneys' fees. I do not know what sums or how large, but evidently setting them up with rights which they have not to-day, but will have under this bill.

Mr. President, I feel a kind of infirmity in dealing with subjects of this kind, because they are out of the range of the investigation of any committee of which I am a member, and I do not feel that by giving this warning and calling the attention of Senators to what I think is the danger of passing such a bill I can speak with the authority of Senators who are on committees which have considered these matters and who ought to present them.

I should be glad to have the Senator who is so desirous of passing this bill state to the Senate just what is the entire scope of this matter, and how far it goes in validating attorneys' fees on these great claims.

Mr. OWEN. Mr. President, this bill speaks for itself. It has been on the calendar since June last. The urgency with which I have pressed it is obvious, since it has remained on the calendar for nearly a year. The merit of the matter is this: The United States issued certificates of equalization, so called, for $1,040 to each of the regular citizens of the Creek Nation on the roll established under the agreement of 1902. Thereafter the United States put upon the roll several thousand new-born children, so called, who were born after the roll of 1902 and previous to March 4, 1906, thereby utilizing a portion of the undistributed domain and leaving a sum insufficient to pay in full each one of the citizens who had received a certificate of allotment of $1,040. They refused to receive a lesser sum than $1,040, although Congress passed an act appropriating it. They asked to be allowed to go into the Court of Claims to determine whether they should be paid the amount of this certificate given to each one of these citizens.

The Committee on Indian Affairs considered it. The Interior Department considered it. The Committee on Indian Affairs made a report favorable to their contention, that they should be permitted to be heard in the Court of Claims, and in connection therewith provided that the court, on the basis of quantum meruit, should provide for the compensation of their attorneys.

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I think it nothing extraordinary, nothing unreasonable, that the court should, on a basis of quantum meruit, fix the compensation of the attorneys. That is the bill. It speaks for itself. The Senator from Kansas [Mr. CURTIS] yesterday suggested he would like to have it go over because he had heard some persons had been buying some of the certificates of equalization. I agreed with him that that should not be permitted, and proposed this amendment to the bill, providing that such transfers should be void. That is all there is in the bill.

Mr. HALE. Mr. President, it is an every-day thing with the Senate to refer contested claims to the Court of Claims, and ordinarily citizens, corporations, everybody under this authority, go to the Court of Claims and employ counsel. Congress does not interpolate in every bill of that kind a provision that the court shall take into account the services of the attorneys. Parties are left to the common fortune of lawsuits.

Mr. OWEN. These people are wards, according to the contention of the Government, and the Government must act for them or not at all.

Mr. HALE. I am talking about these Indian claims. Their reference to the Court of Claims is somehow connected with the provision that the attorneys shall be paid.

Mr. OWEN. The attorneys can not be paid without the consent of the United States.

Mr. HALE. One would suppose that the claims of parties, whether they applied as citizens, Indians, or whoever they may be, that are sent to the Court of Claims, would take their chances there without the Government interposing and providing for attorneys. But it is undoubtedly the fact, as suggested by the inquiry of the Senator from Indiana, that whatever this fund is and whatever is its outcome, by the judgment of the Court of Claims, it is by the action of Congress tied up for the benefit of the attorney. I do not find anywhere any provision that in any way limits the amount that shall be paid to the attorneys. But it is a curious thing that not one of these Indian claims coming out of the Indian tribes' fund——

Mr. OWEN. It is obvious, if the Senator from Maine will permit me, that he has not read the bill.

Mr. HALE. I just heard it read.

Mr. OWEN. Then the Senator did not hear it accurately, because it does prescribe and limit it. It is based upon the quantum meruit and the agreement theretofore made between the parties and by their counsel.

Mr. HALE. The Senator has a different understanding of the reach and scope of the English language if he thinks that is a limitation. That is precisely not a limitation. It leaves the whole thing open. There is no limitation. It does not say that it shall not be more than 10 per cent or 20 per cent or 30 per cent, but leaves it just as vague as vague language can leave it. And I for one——

Mr. OWEN. I have no objection whatever to having the Senator put in any limitation he sees fit.

Mr. HALE. I am not competent to make a suggestion. I am sorry the Senator from Kansas is not here.

Mr. OWEN. The Senator from Kansas is here.

Mr. HALE. I wish the Senator from Kansas, who does give careful study to such matters, as does the Senator from Oklahoma, would, in the interest of limitation here, suggest some limitation in this matter with reference to attorneys' fees.

Mr. CURTIS. Mr. President, the Senator from Montana [Mr. DIXON] and I opposed this measure in the committee, and after considerable contest in the committee a majority determined to make a favorable report. At that time, having opposed it in the committee, I concluded that I would take no part in preparing the report or the bill for the Senate. Yesterday when the measure was called up I asked to have it go over, hoping to gather certain information which had been brought to my attention, and after the bill was passed over I called the attention of the Senator from Oklahoma to the point which had been raised, and he agreed to draw an amendment, which I suppose has been prepared, covering that point. Not being familiar with the provision in regard to attorneys' fees, I do not desire to draw an amendment in reference to them.

My own judgment is that this bill should not pass. The Government of the United States undertook to divide the lands belonging to the Creek Indians equally among them at their request, giving to each Indian placed on the rolls his proportionate share of the tribal real estate.

Without any direction whatever from Congress, the allotting agents issued a certificate to each Indian showing the amount of property that that Indian would be entitled to. Under the agreement with the Creek Indians each person on the roll was to receive lands or money up to the standard, which was fixed at $1,040. Afterwards Congress amended the law, at the request of the Indians, and added to the rolls certain new-born children. This increase of enrollment took so much land that it was impossible for each Indian to receive land of the value fixed in the agreement.

These additional allotments were made at the request of the tribe and to the children of members of the tribe. Now, the Creeks come before the committee and ask that Congress make up the difference between what they really received and what was agreed to be given them under the agreement as evidenced by the certificates issued to them by the officers of the Government.

As I said to the Senate a few moments ago, I opposed this proposition before the committee, as did the Senator from Montana [Mr. DIXON] and the Senator from Vermont [Mr. PAGE], and I do not think it should become a law. But I made up my mind that, after I had so contested it before the committee, if a majority of the committee was going to report that kind of a measure I did not feel like making any further suggestions in regard to it. I think some members did not oppose the measure because officers of the Government had issued the certificates. If it is desired that I prepare an amendment and the matter can go over until I may have the time to examine the provision and draw an amendment, I shall gladly do so.

Mr. OWEN. I should be quite willing to have that done.

Mr. HALE. That is entirely fair.

Mr. OWEN. Before concluding the matter, however——

Mr. HEYBURN. Before it goes over I desire to say that during the recess, since the last session of Congress, I have been waited upon by bands of Indians, who requested me to look into and guard their rights in reference to the question of attorneys' fees. I have had within a week a letter from a chief reminding me of my promise to be vigilant in their interest in this question of attorneys' fees. I have in my desk also another letter in to-day's mail. I do not know and neither do they understand why, in dealing with their guardians, they should have attorneys forced upon them to receive fees in such large sums. It is getting to be a sore question with them. I think I have asked perhaps a dozen times that this bill go over, when it has been reached on the calendar, and my reason has been that I desired that when this question did come up some attention should be given to this question of attorneys' fees in Indian cases.

If the Government can compel these poor, helpless people to expend hundreds of thousands of dollars in order that they may have the rights that the Government should give them, if they are entitled to them without any attorneys to represent them, the Government should furnish these wards with their attorneys and not compel them to divide what the Government is found by its own courts to owe them with a lot of attorneys. We have divided hundreds of thousands of dollars here in the last few years, and there has been some scandal about it, with attorneys who have interposed themselves between the father and the child in order that the father might do justice to the child. I hope the bill will go over unless we are going to give it that consideration which will put a stop to this kind of jobs.

Mr. OWEN obtained the floor.

Mr. DIXON. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Montana?

Mr. OWEN. In just a moment I will yield. I want to dispose of this matter. I desire to call the attention of the Senate to the report of the Secretary of the Interior in regard to it. The Secretary's letter, written to the Hon. MOSES E. CLAPP, chairman of the Committee on Indian Affairs, under date of April 20, 1910, says:

> Inasmuch as the original contract of the Creek Nation with the attorneys, referred to in the resolution of the Creek council of November 5, 1908, provided for a contingent fee dependent upon their success in prosecuting the claim of the Creek Nation, I am also of opinion that the provisions in this bill authorizing the court to fix the compensation of said attorneys upon a quantum meruit for all services rendered the Indians in the matter should be clearly to the effect that they are to receive nothing except in the event of their success.

I do not care to discuss the question of attorneys with the Senator from Idaho, and will not take the time of the Senate to do it. It is well known, however, that the Indian people are not represented by the Interior Department in such a way as to press the claims which they have. On the contrary, the Indian Office represents the United States first and the Indians second, and therefore the Interior Department has allowed the claims of Indians to linger and to pass along, and finally to be eliminated by the process of time. That is the reason why the attorneys have been representing them in various cases.

I do not care to discuss the matter further, and agree to let the bill go over.

Mr. DIXON. Mr. President, while this matter is now before the Senate I want to say that I did not know, until the Senator

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from Maine called attention to the fact, that the bill in this shape was on the calendar. I remember distinctly when the Committee on Indian Affairs discussed it for two or three days and that three or four members of the committee were decidedly in opposition to the whole measure. If it was referred to the Court of Claims to make findings, it was done at some meeting of the committee when I was not present.

I think the Senate ought to know that in this case, instead of being entitled "A bill providing for the equalization of Creek allotments," the bill ought to be entitled "A bill to appropriate nearly $4,000,000 out of the Federal Treasury for payment to the Creek Indians," where the Government has merely acted as administrator for the distribution of their estates. The truth was that the Creek lands were distributed and administered by the Government, and divided equally among all the members of the Creek Tribe, numbering about 18,000. As I remember, the portion to be distributed to each individual was $1,040. After the certificates had been issued, then on the petition of the Creek Nation themselves, after the rolls had been closed, Congress added, at their request, the names of about 4,000 Creek Indian children who had been born since the old agreement was made, making the total number about 22,000.

Of course, when you added 4,000 additional names—their own children, not outsiders—the portion to be distributed to each individual was proportionately diminished. You could not take a great property and divide it among 22,000 people and get the same portion that you did when you divided it among 18,000.

The original bill that these attorneys presented to the committee contemplated the appropriation of nearly $4,000,000 out of the Federal Treasury to make up these allotments which had been depreciated by their act and at their own request.

I understood that the bill was defeated in the committee. This bill merely transfers the whole matter to the Court of Claims. Of course a finding will be had, and one year or two years from now we will have the finding of the Court of Claims that the Government owes these Indians about $4,000,000.

I do not believe in good faith—and certainly I want to deal with the Indians in more than a spirit of liberality—there is any moral obligation on earth for the Government to dig down in its Treasury and give $4,000,000 to these additional allottees where there is not a question raised, but that the Government has administered this great estate in perfect equity and fairness. The whole question arose on account of the depreciated portion, because we added, at their request, over 4,000 of their own children.

That is the situation.

Mr. OWEN. Mr. President, I can not, in justice to the Creek people, allow the statement of the Senator from Montana to pass without replying briefly to it.

The memorial which has heretofore been submitted to the Senate shows the contention of these people. They were not permitted to have any choice in determining who should be on these rolls. Nobody will deny that.

Mr. CURTIS. Mr. President, I think I will have to question that statement.

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Kansas?

Mr. OWEN. I do.

Mr. CURTIS. If the Senator will allow me, the Creek Indians had representatives here and an agreement was prepared in conjunction with the Government officials and the representatives of the Creek Indians. I understand that at all times the representatives of the Creek Indians, either their commission or delegates or officers, were consulted. Surely the Senator will not deny that these new-born children were added at the request of the tribe.

Mr. OWEN. Mr. President, I will answer that those who received the certificates were not bound by a memorial of the council itself, the council being subject to the solicitation of those who had children whose names they wanted to add to the rolls. It comes down to a question of proof, a question of evidence, and in view of the contention of the Senators that they are not willing to have these people heard in court, it is obvious, since the department itself takes no step to protect them, how little use they have for an attorney. They can not even be heard in court. Under such circumstances, why enlarge on the question of the guardian allowing the court to fix the attorney's fee being a reason for defeating the bill, since the real purpose is to prevent any hearing at all? The friendship of the Senator from Idaho [Mr. HEYBURN] and the Senator from Maine [Mr. HALE] for the poor Indian must be appreciated by the Indian people.

Mr. CURTIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield further to the Senator from Kansas?

Mr. OWEN. I do.

Mr. CURTIS. The Senator is advised, is he not, that the Creek Indians have counsel paid out of their tribal funds, and have had all these years, to look after their interests?

Mr. OWEN. The people who hold these certificates do not regard the ordinary attorneys charged with looking after their general affairs as their particular counsel, as I understand it.

Mr. CURTIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield further to the Senator from Kansas?

Mr. OWEN. I do.

Mr. CURTIS. Did not the attorneys of the Creek Tribe of Indians appear before the committee in behalf of this proposition? That is my recollection.

Mr. OWEN. They came in connection with the attorneys who were otherwise employed because they were solicited to do so, but they were not charged with the peculiar function of looking after this interest. It only comes down to a question whether the Congress of the United States will permit these people to be heard.

There is nothing that can be added particularly beyond the representation which I have already made, that these people hold these certificates from the Federal authorities in pursuance of a treaty agreement; that the certificates have not been paid; that Congress offered them a partial payment, and the individuals holding these pledges of the Government refused to accept it and asked to be permitted to go into court, where the evidence might be presented and where the Government could present its case, both as to the fact and as to the law, before judges of their own choosing.

These judges belong to the United States. Is it possible that the Senate is unwilling to trust the interest of the United States before such a court, with the Indians petitioners on the other side? That is not my idea of justice.

I have said all that I think it is necessary to say in the matter.

Mr. HALE. Mr. President——

The VICE PRESIDENT. The Chair understood the Senator from Oklahoma to withdraw his request for unanimous consent.

Mr. OWEN. I waive that, and ask that the bill may go over.

Mr. HALE. I move that the bill be transferred to the calendar under Rule IX.

The motion was agreed to.

PENSIONS AND INCREASE OF PENSIONS.

Mr. McCUMBER. I ask unanimous consent for the present consideration of two pension bills on the calendar. The first is Senate bill 10453.

There being no objection, the bill (S. 10453) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, was considered as in Committee of the Whole. It proposes to pension the following-named persons at the rates stated:

Henry Fleming, late of Company M, Third Regiment Nebraska Volunteer Infantry, War with Spain, $12.

Rebecca Whitthorne, widow of William J. Whitthorne, late major, First Regiment Tennessee Volunteer Infantry, War with Spain, $25.

John J. Duke, late of Company H, Thirteenth Regiment Minnesota Volunteer Infantry, War with Spain, $20.

William T. Douglass, late of Ordnance Detachment, United States Army, $20.

William H. H. Watkins, late of Capt. B. Miller's Company I, Second Regiment Washington Territory Volunteers, Oregon and Washington Territory Indian War, $16.

Andrew L. Weatherford, late of Company L, Eighteenth Regiment United States Infantry, War with Spain, $24.

Cornelia A. Nickels, widow of John A. H. Nickels, late captain, United States Navy, $40.

John Gillespie, late of Capt. Callister's company, Smith's regiment, Utah Volunteers, Utah Indian War, $16.

Mary G. McCarty, widow of Willard A. McCarty, late of the U. S. S. *Buffalo*, United States Navy, War with Spain, $12 and $2 per month additional on account of each of the minor children of said Willard A. McCarty until they reach the age of 16 years.

Irene H. Eubanks, widow of John Eubanks, late of Troop B, Tenth Regiment United States Cavalry, and Hospital Corps, United States Army, $12 and $2 per month additional on account of the minor child of said John Eubanks until he reaches the age of 16 years.

Allen Russell, late of Capt. Standage's cavalry company, Nauvoo Legion, Utah Volunteers, Utah Indian War, $16.

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Margaret C. Dougherty, widow of John A. Dougherty, late commander, United States Navy, $40.

Theophilus R. Bewley, late of Capt. Ankeny's Company C, First Regiment Oregon Mounted Volunteers, Oregon and Washington Territory Indian War, $16.

Lyda S. Armstrong, widow of William K. Armstrong, late first lieutenant, Twenty-eighth Regiment United States Infantry, $25.

Charles C. Hanford, late of Capt. Brady's company, First Regiment Florida Mounted Volunteers, Seminole Indian War, $16.

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

Mr McCUMBER. The next is Senate bill 10454.

There being no objection, the bill (S. 10454) 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 was considered as in Committee of the Whole. It proposes to pension the following-named persons at the rates stated:

Lyman Aldrich, late of Company A, Twenty-third Regiment Michigan Volunteer Infantry, $30.

William C. Black, late of Company C, Eighth Regiment Kansas Volunteer Infantry, $24.

Josiah M. Rice, late of Company I, First Regiment New York Volunteer Engineers, $30.

Charles Moulton, late captain Company B, Sixth Regiment Michigan Volunteer Heavy Artillery, $30.

George W. Taylor, late of Company B, Thirty-sixth Regiment Indiana Volunteer Infantry, $40.

Cyrus T Wardwell, late of Company K, Seventeenth Regiment Maine Volunteer Infantry, $30.

Lafayette Carmack, late of Company M, Thirteenth Regiment Missouri Volunteer Cavalry, $24.

William H. Black, alias William Hutchinson, late of United States Marine Corps, $24.

James H. Mills, late of Company D, Twenty-sixth Regiment Kentucky Volunteer Infantry, $30.

Thomas Anderson, late of Company E, Eleventh Regiment Kansas Volunteer Cavalry, $24.

Thomas Burt, late of Company H, Thirteenth Regiment Illinois Volunteer Cavalry, $30.

William Dannels, late of Company K, Fortieth Regiment Iowa Volunteer Infantry, $24.

Perry W. Holcomb, late of Company G, Tenth Regiment Michigan Volunteer Cavalry, $30.

Matthew M. Perry, late of Company F, Forty-fifth Regiment Iowa Volunteer Infantry, $24.

Enos Tyson, late of Company F, One hundred and forty-sixth Regiment Illinois Volunteer Infantry, $24.

Christoph Stolte, late of Company G, First Regiment Missouri Volunteer Engineers of the West, $40.

Israel D. Lewis, late of Company C, Nineteenth Regiment Ohio Volunteer Infantry, $24.

Joseph B. Williams, late of Company B, Fourth Regiment United States Veteran Volunteer Infantry, $30.

Edgar Williams, late of Company F, Tenth Regiment Connecticut Volunteer Infantry, $24.

Lena Rodelsheimer, widow of Solomon Rodelsheimer, late captain Company A, Twenty-seventh Regiment Pennsylvania Volunteer Infantry, $12.

William A. Hicks, late of Company M, Fifteenth Regiment Kansas Volunteer Cavalry, $24.

William B. Mead, late of Company C, Twelfth Regiment Missouri Volunteer Cavalry, $24.

John Griffin, late of Company G, First Regiment Pennsylvania Volunteer Cavalry, $24.

Jennie F. Grosvenor, widow of Silas N. Grosvenor, late of Company C, Twenty-ninth Regiment Massachusetts Volunteer Infantry, $20.

Lucetta A. Robinson, widow of John A. Robinson, late assistant surgeon Thirty-eighth Regiment New York Volunteer Infantry, $25.

John L. Corey, late of Company A, Thirty-first Regiment Massachusetts Volunteer Infantry, $24.

Sampson G. Haws, late of Company D, Forty-eighth Regiment Missouri Volunteer Infantry, $24.

Alfred Odle, late of Company K, Fourth Regiment Illinois Volunteer Cavalry, and Company H, Second Regiment United States Veteran Volunteer Infantry, $24.

Charles A. Tournier, late of Company A, Third Regiment New York Volunteer Light Artillery, $24.

Gilbert G. Fitch, late of Company F, Thirty-first Regiment Wisconsin Volunteer Infantry, $24.

Levi Chappell, late of Company I, Thirteenth Regiment Kentucky Volunteer Infantry, $24.

Sarah E. Bishop, widow of Wait R. Bishop, late of Company A, Thirtieth Regiment Wisconsin Volunteer Infantry, $20.

James W. Griffith, late of Company G, One hundred and fortieth Regiment Pennsylvania Volunteer Infantry, $30.

William L. Felmly, late of Company M, Eighth Regiment Illinois Volunteer Cavalry, $30.

William White, late of Company A, Second Regiment North Carolina Volunteer Mounted Infantry, $24.

Benjamin O. Spaulding, late of Company I, Tenth Regiment Pennsylvania Reserve Volunteer Infantry, $30.

Sebastian Glasstetter, late of Company G, Seventy-fourth Regiment Pennsylvania Volunteer Infantry, $24.

John W. Carr, late of Company F, Forty-fourth Regiment Iowa Volunteer Infantry, $24.

John B. Worden, late of Company C, Eighth Regiment Indiana Volunteer Cavalry, $24.

John A. Churchill, late of Company A, Thirty-fifth Regiment New York Volunteer Infantry, $24.

Derick Banta, late of Company F, Seventy-sixth Regiment Illinois Volunteer Infantry, $30.

George W. Crawford, late of Company E, Twentieth Regiment Pennsylvania Volunteer Cavalry, $30.

Thomas Collins, late of Company G, Eighty-third Regiment Pennsylvania Volunteer Infantry, $30.

Joseph Wolgamot, late of Company C, One hundred and eighty-fourth Regiment Ohio Volunteer Infantry, $24.

James E. Merrifield, late of Company G, and second principal musician Fifteenth Regiment West Virginia Volunteer Infantry, $30.

James B. Tubbs, late of Company G, First Regiment Michigan Volunteer Cavalry, $30.

Charles Wiswall, late of Company I, Twelfth Regiment Illinois Volunteer Infantry, $20.

George Bond, late of Company K, Eighty-first Regiment Pennsylvania Volunteer Infantry, $30.

Alfred Loftus, late of Company D, Sixth Regiment Minnesota Volunteer Infantry, $24.

David A. Henderson, late of Company B, Seventh Regiment Connecticut Volunteer Infantry, $30.

John McCombs, late of Company H, Ninth Regiment Kansas Volunteer Cavalry, $30.

George W. Fine, late of Company A, One hundred and forty-third Regiment Pennsylvania Volunteer Infantry, $24.

Frank Benson, late of Company G, One hundred and ninety-first Regiment Ohio Volunteer Infantry, $24.

William H. McCune, late of Company B, Ninth Regiment West Virginia Volunteer Infantry, $24.

William A. Thomas, late of Company E, Thirteenth Regiment West Virginia Volunteer Infantry, $24.

William Fording, late of Company H, One hundred and twenty-eighth Regiment Indiana Volunteer Infantry, $30.

John G. Stroyick, late of Company K, Seventy-eighth Regiment Pennsylvania Volunteer Infantry, $24.

Henry Moore, late of Company B, Second Regiment New Hampshire Volunteer Infantry, $24.

David D. Rains, late of Company A, Forty-eighth Regiment Ohio Volunteer Infantry, $50.

John Cole, late of Company G, Fifty-first Regiment Missouri Volunteer Infantry, $24.

Robert J. Atwell, late of Company K, Fourth Regiment Pennsylvania Volunteer Cavalry, $30.

Martin Joy, late of Company G, One hundred and forty-ninth Regiment New York Volunteer Infantry, $30.

John W. Pollock, late first lieutenant Company I, Thirty-second Regiment United States Colored Volunteer Infantry, $30.

Thomas E. Nason, late of Company A, Thirtieth Regiment Maine Volunteer Infantry, $24.

Jonah Hutzler, late of Company D, Sixth Regiment Maryland Volunteer Infantry, $24.

George Sullivan, late master-at-arms U. S. S. *Grampus* and *Great Western*, United States Navy, $24.

Jefferson D. Coats, late of Company C, Third Regiment North Carolina Volunteer Mounted Infantry, $24.

Loren Shedd, late of Company E, Twelfth Regiment Michigan Volunteer Infantry, $30.

Albert L. Graves, late of Company I, Third Regiment West Virginia Volunteer Cavalry, $24.

William P. Snodgrass, late of Company G, Second Regiment Ohio Volunteer Infantry, $30.

Lena D. Nickerson, widow of Azor H. Nickerson, late captain Company I, Eighth Regiment Ohio Volunteer Infantry, $30.

Thomas D. Dalton, late of Companies F and A, First Regiment Kentucky Volunteer Cavalry, $24.

Hezekiah E. Burton, late of Company I, Thirteenth Regiment Kentucky Volunteer Cavalry, $24.

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It is palpable that these authorities see fit to regard all the revenue derived from postage for foreign mails as receipts from the foreign mail service, and then limit the expense of that service to the slender item of sea cost.

Mr. BRISTOW. Mr. President——

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

Mr. SHIVELY. Yes.

Mr. BRISTOW. Does the Postmaster General state how he arrives at the amount of money that is received for foreign mails?

Mr. SHIVELY. Oh, not at all.

Mr. BRISTOW. If I am not disturbing the Senator, to illustrate, how can he tell when a stamp is sold at Indianapolis whether that stamp is to go on a letter bound for England, or for New York, or Chicago? Does he explain in any way how he arrives at this amount which is given as the receipts for foreign mail?

Mr. SHIVELY. The Postmaster General does not explain any way by which he arrives at the total receipts from the foreign mail service. The Assistant Postmaster General does state in his last report what the receipts from our foreign mail service are, and indicates what they are from all sources, save our exchanges of mail between Canada and Mexico and the United States. It is perfectly apparent that it is intended to create by construction a surplus or profit from our foreign mail service that does not actually exist. Out of that improvised surplus or profit, the equivalent of which has once been paid to the railroads and other inland agencies, it is proposed to make the extraordinary disbursements under the operation of this bill.

All I ask by this amendment is that the question be made clear; that the proposed statute be relieved of ambiguity; that when we are counting the sum total of the receipts from our foreign mail service we shall subtract from them the sum total of the expense of our foreign mail service. If there be a surplus or profit left, such surplus or profit would be available under the operations of the bill. If there be no actual surplus or profit there should be nothing available under the operations of the bill.

The junior Senator from New York [Mr. ROOT] in his speech to the Senate a few days ago indicated that there was approximately $4,000,000 available for use under this bill. In reply to a question or suggestion, he stated that he was relying on information received from the Post Office Department. Now, I invite the attention of the Senate to the report of the committee on the original bill as reported to the Senate. The writer of this report, whoever he is, speaks as follows:

> For the past four years the apparent profit of the ocean mail service has been upward of $3,000,000 annually.

The author of this report seems to have had a mental reservation. He was unwilling to stake his reputation for candor and good faith before the Senate on an unqualified statement that there was $3,000,000 profit. He uses the expression "apparent profit." So it is clear that the Post Office Department and the author of this report seem to be proceeding upon the theory of a constructive profit, a constructive surplus, instead of an actual surplus.

In confirmation of this I invite attention to the report of the Postmaster General for the fiscal year ended June 30, 1910. The Postmaster General, in advocacy and defense of this legislation, uses the following language:

> The total cost, provided service were secured on all these routes, would be about $2,201,000 a year. This amount, added to the cost of the service now in effect under the provisions of the act of March 3, 1901, gives a sum considerably less than the estimated profit from the foreign mail service, not including the cost of handling between the United States exchange offices and offices of mailing and delivery in this country.

The same conclusion appears in the report of the Second Assistant Postmaster General, in which, on page 31, he uses this language:

> The total cost of such service would be about $2,201,160 a year, which, together with the cost of present service maintained under the provisions of the act of 1891, is less than the profits derived from the foreign mail service (exclusive of the cost of handling foreign mails between the United States exchange offices and offices of mailing and delivery in this country).

It is perfectly clear that the construction for the purposes of this bill placed upon the word "profit" and the word "surplus" by the Postmaster General, by the Second Assistant Postmaster General, and by the author of the report upon the bill is that it consists of all revenue from the foreign mail service, less an inconsequential part of the expense or cost of that service. It is by this system of left-handed bookkeeping, a system of accounts that would not be tolerated in any other department of the Government nor in any private enterprise for one moment, that a surplus is fabricated out of which to make the expenditures contemplated by the bill.

What relation the inland expense bears to the sea cost or expense has in a measure been determined by the department itself. I quote from the act of 1872, and that part of that act that constitutes section 4009 of the Revised Statutes, as follows:

> For transporting the mail between the United States and any foreign port or between ports of the United States touching any foreign port, the Postmaster General may allow as compensation, if by United States steamship, any sum not exceeding *the sea*—

I will italicize the significant words for the RECORD—

> not exceeding *the sea and United States inland postage;* and if by a foreign steamship or by a sailing vessel any sum not exceeding *the sea postage* on the mail so transported.

It becomes the duty of the Postmaster General to formulate and publish a regulation giving effect to this section of the Revised Satutes, and in pursuance of that duty the regulation in force is as follows:

> Steamers flying the flag of the United States, but not under formal contract, are allowed for conveyance of the mails not exceeding the full postage on the mails conveyed, at present at the rate of 80 cents a pound for letters and post cards and 8 cents per pound for other articles; and steamers under foreign flags are allowed 4 francs per kilogram (about 35 cents a pound) for letters and post cards and 50 centimes per kilogram (about 4½ cents a pound) for other articles, calculated on the basis of the actual net weights of the mails conveyed.

Mr. BRISTOW. Mr. President——

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

Mr. SHIVELY. Yes, sir.

Mr. BRISTOW. Does the Senator understand that to be the estimate of the amount which the Postmaster General believes the Government receives for this mail? Is that the postage which the Government has received per pound for the letters and per pound for the other articles?

Mr. SHIVELY. Unquestionably a relation is established between inland expense and what, in the act of 1872, was called "United States inland postage." Postal conventions have, since 1872, removed much significance from the phrases "the sea and United States inland postage" and "the sea postage." But the department, in the regulation I have quoted, makes the 80 and 8 cent rates respond to "the sea and United States inland postage" named in the act and the 35 and 4½ cent rates respond to "the sea postage" named in the act. So, by the adjudication of the department, the United States inland expense bears the relation to the sea expense of 45 to 35 on letters and 3½ to 4½ on other articles. On page 28 of his report the Second Assistant Postmaster General fixes the postage collected on all foreign mails, other than those exchanged with Canada and Mexico, at $5,739,624.22. On page 26 he reports the net cost of the foreign mail service at $3,112,302.46, omitting the items of United States and foreign inland expense. On page 28 he reports the letters and post cards "dispatched by sea to foreign countries" for the year at 2,603,663 pounds, and other articles at 14,726,580 pounds.

The United States inland expense on the letters and post cards, at 45 cents per pound, would be $1,171,648.75, and the United States inland expense on the other articles, at 3½ cents per pound, would be $515,430.30, and on both combined $1,687,079.15. Adding this sum to the "net cost" reported by the Second Assistant Postmaster General, we have a total of $4,799,381.71, which, taken from the $5,739,624.22, leaves only $950,242.51, and from this sum must then be subtracted the foreign inland cost before net profit or net deficiency in the foreign mail service can be approximated. The department makes no pretense that there is profit from the Canada and Mexico mails, unless it be considered that the whole cost is thrown out of the account and the gross receipts counted as net profits available for disbursement under this bill. Is there a dollar of actual profit or surplus from our foreign mail service? Is it not palpable, both from the statistics of the department and the attitude of the advocates of this bill against the proposed amendment, that it is a constructive profit or surplus that is contemplated?

If not, adopt this amendment. The amendment removes all doubt, all uncertainty, all ambiguity. It leaves no room for construction. If this legislation is to be predicated on an excess of receipts over cost, let that fact be settled by the words of the bill. On the other hand, if a surplus is to be created by construction, there exists no reason why the accommodating officials of the Post Office Department should not throw the remaining item of sea cost out of the expense account and call the whole postage revenues from our foreign mails net profit. If it be the purpose of the department to confine expenditure under this bill to actual surplus, no harm is done by the amendment, and if such be not the purpose, then unmixed good is accomplished by the amendment.

Mr. GALLINGER. Mr. President, my attention was diverted for a moment when the Senator from Indiana offered his amendment. Did I understand the Senator to say that he would vote for the bill if his amendment was agreed to?

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Mr. SHIVELY. Certainly not. The amendment conforms the bill to the theory on which it has been advocated and takes the false pretense out of it. It is incapable of amendment to reconcile me to voting for it except all be stricken out after the enacting clause, the title be changed, and a new bill substituted for it. What I do say is, that if the Senator intends the Senate to understand that the profits to be available under his bill shall be real profits and not constructive profits he should vote for the amendment.

Mr. GALLINGER. Mr. President, the Senator has challenged the bookkeeping of the Post Office Department, and while I have comparatively little knowledge on that point, I do know that the Senator has advocated a proposition that is just as impossible of being put into actual practice as anything that the active mind of the Senator could have devised. If the Senator's proposition is to be taken literally it means that the postmaster's salary shall be divided in proportion to the amount of work he does for the foreign and domestic mail. It provides that the expense of the carriers who handle the mail shall be divided as between the foreign and the domestic service, and so all along the line. It is impossible bookkeeping, and absolutely beyond the power of any man, however wise he may be, to put into effective operation.

Mr. BRISTOW. Mr. President——

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Kansas?

Mr. GALLINGER. I was talking to the Senator from Indiana, but I am always glad to yield to the Senator from Kansas, who always has some troublesome question to propound.

Mr. BRISTOW. I should like to inquire if it is any more impossible to ascertain the inland cost, as the Senator from Indiana has suggested, than it is to ascertain the cost at all for transmitting foreign mails.

Mr. GALLINGER. On that point I am not going to waste a moment. I simply know that department does estimate the cost, and I am willing to stand by the figures of the department. I presume there is a method whereby it can be done, and I have no doubt the department exercises most excellent judgment and good sense in reaching its conclusion.

Mr. BRISTOW. Of course the Senator from New Hampshire is very well informed, indeed, on this matter, and since he has based his argument largely upon the profits in handling the foreign mails it seems to me that the Senate ought to have some information as to how the department arrives at the facts that are here presented for our consideration.

Mr. GALLINGER. The Senator from Kansas can ascertain that by going to the department, I have no doubt.

Mr. BRISTOW. And since the Senator from Indiana has presented two elements of cost from the reports of the Postmaster General, and since the Senator from New Hampshire challenges the 45 cents per pound as absolutely impossible of ascertainment, I wished to inquire how much easier it was to ascertain the 35 cents per pound than it is the other part of the same result.

Mr. SHIVELY. Will the Senator from New Hampshire permit further interruption?

Mr. GALLINGER. With pleasure.

Mr. SHIVELY. The department has fixed 45 cents as the relation of the inland cost to the 80 cents composing the inland and sea cost. The department has already adjudicated that question. There is no difficulty in separating sea and inland cost. The department finds no difficulty in getting at the inland expense except when confusion is useful to cover constructive profits for the purposes of this legislation.

Mr. GALLINGER. Mr. President, I do not care to enter into any discussion on this point. I do not propose to stick in the bark about these things. The great department known as the Post Office Department has this matter in charge, and they are transacting the business of the country, as I believe, in a very efficient manner, and I am willing to allow that department to determine all these matters of detail.

I trust, Mr. President, that the amendment submitted by the Senator from Indiana may not be agreed to.

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). The question is on agreeing to the amendment proposed by the Senator from Indiana to the amendment.

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

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

Mr. JOHNSTON (when Mr. BAILEY's name was called). The Senator from Texas [Mr. BAILEY] is paired with the senior Senator from Connecticut [Mr. BULKELEY].

Mr. BULKELEY (when his name was called). I desire to announce that I am paired with the junior Senator from Texas [Mr. BAILEY]. If he were present, he would vote "yea" and I should vote "nay."

Mr. JOHNSTON (when the name of Mr. DAVIS was cal The Senator from Arkansas [Mr. DAVIS] is paired with senior Senator from Rhode Island [Mr. ALDRICH].

Mr. ROOT (when Mr. DEPEW's name was called). I charged with the duty of announcing the pair of my colle [Mr. DEPEW] with the Senator from Oklahoma [Mr. GORE

Mr. OWEN (when Mr. GORE's name was called). My league [Mr. GORE] is paired with the Senator from New [Mr. DEPEW].

Mr. NELSON (when Mr. CLAPP's name was called). I to announce that my colleague [Mr. CLAPP] is unavoidably tained from the Chamber on account of absence from the He is paired on this bill. I make this announcement for day.

Mr. PERCY (when Mr. MONEY's name was called). I to announce that my colleague [Mr. MONEY] is absent bec of sickness. If present, he would vote "yea." He is paire the bill.

Mr. RICHARDSON (when his name was called). I ha pair with the Senator from Maryland [Mr. RAYNER], and hold my vote.

The VICE PRESIDENT. The Secretary will read th viso as proposed to be amended.

The SECRETARY. After the word "service," on page 3, end of line 21, it is proposed to insert "inclusive of all expense thereof," so as to read:

And provided further, That the total expenditure for foreig service in any one year under this act shall not exceed the $4,000,000, and shall not in any case exceed the amount of received from the foreign mail service over and above the otherwise paid for such service, inclusive of all inland expense

[illegible] from Iowa would vote nay and the Sen from Mississippi would vote "yea" on this question. I "nay."

The roll call was concluded.

Mr. WETMORE. I desire to announce the pair of my league [Mr. ALDRICH] with the Senator from Arkansas DAVIS]. I make this announcement for the day.

Mr. CLARKE of Arkansas. I desire to announce that colleague [Mr. DAVIS] is absent on account of the illness member of his family. He will be absent for some days, a will not repeat the announcement.

Mr. FOSTER (after having voted in the affirmative). I inquire if the senior Senator from North Dakota [Mr. CUMBER] has voted?

The PRESIDING OFFICER. He has not.

Mr. FOSTER. Then I withdraw my vote.

The result was announced—yeas 35, nays 40, as follows:

YEAS—35.

Bacon	Crawford	Newlands	Stone
Bankhead	Culberson	Overman	Swanson
Borah	Cummins	Owen	Taliaferro
Bourne	Fletcher	Paynter	Taylor
Bristow	Frazier	Percy	Terrell
Brown	Gronna	Shively	Thornton
Burton	Johnston	Simmons	Tillman
Chamberlain	La Follette	Smith, Md.	Watson
Clarke, Ark.	Martin	Smith, S. C.	

NAYS—40.

Bradley	Curtis	Hale	Perkins
Brandegee	Dick	Heyburn	Piles
Briggs	Dillingham	Jones	Root
Burkett	Dixon	Kean	Scott
Burnham	du Pont	Lodge	Smith, Mich.
Burrows	Flint	Lorimer	Smoot
Carter	Frye	Nixon	Stephenson
Clark, Wyo.	Gallinger	Oliver	Warner
Crane	Gamble	Page	Warren
Cullom	Guggenheim	Penrose	Wetmore

NOT VOTING—16.

Aldrich	Clapp	Gore	Rayner
Bailey	Davis	McCumber	Richardson
Beveridge	Depew	Money	Sutherland
Bulkeley	Foster	Nelson	Young

So Mr. SHIVELY's amendment to the amendment was reje

Mr. NEWLANDS. Mr. President, I offer the following am ment in lieu of the amendment proposed by the Senator New Hampshire.

The PRESIDING OFFICER. The amendment submitte the Senator from Nevada will be read.

The SECRETARY. In lieu of the substitute proposed by Senator from New Hampshire [Mr. GALLINGER] insert:

That the Secretary of the Navy, the Postmaster General, and the retary of Commerce and Labor shall hereafter constitute a commi to be known as the foreign commerce commission, and that they hereby authorized to provide for the construction, either in the pr shipyards of the United States or in the shipyards of the Navy, or of 30 vessels, not exceeding 6,500 tons capacity each and costing i aggregate not exceeding $30,000,000; that such vessels shall be so structed as to be useful to the Navy as auxiliary vessels, such as t ports, colliers, dispatch boats, cruisers, and scouts, and also usef times of peace in opening up new routes of commerce; that such mission make to Congress such recommendations as to it seem advi regarding the manning of such vessels in whole or in part by the N Reserve and the leasing of them so manned in times of peace to ping companies, or otherwise utilizing them for the purpose of pr ing foreign trade and commerce.

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bill to which I refer brought in three or four. It is no new thing. The Navy is not to-day relying entirely upon privately owned ships for the carrying of its coal.

This has no more suggestion of paternalism than the appropriations already made. It is simply an attempt to measure up to the requirements of the situation, and, when it is impossible to get such ships from a merchant marine as it exists to-day and will be impossible even under this bill, to secure the ships without which our Navy will be as incapable in time of war as an Army would be without a quartermaster's department or without a commissary department.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed as a substitute by the Senator from Nevada [Mr. NEWLANDS].

The amendment was rejected.

The PRESIDING OFFICER. The question recurs on agreeing to the amendment proposed as a substitute by the Senator from New Hampshire [Mr. GALLINGER].

Mr. STONE. Mr. President, I sent an amendment to the desk some days ago with a statement that I would in due time propose it as an amendment to this bill, and I now offer it. It may be observed that I have somewhat changed the last clause of the amendment as printed by adding the following proviso:

Provided, That all ships registered under the provisions of this section shall be entitled to all rights, benefits, and privileges granted by this act to any vessels of the United States.

What I seek to accomplish by this proviso is to allow foreign-built ships, when admitted to American registry, to have every right that would be enjoyed by American-built ships in bidding for these subsidized mail contracts, and to have every other right and privilege conferred by this proposed enactment. In other words, if Americans should purchase a foreign-built ship, and should be the exclusive owners thereof, I would give them the right to register it and confer upon it every right and privilege granted by the provisions of this bill to American-made ships. Aside from the particular privileges granted by this bill, the amendment I offer, taken as a whole, would expressly exclude foreign-made ships from engaging in the coastwise trade. They would be expressly excluded from that trade, except that under this act they might enjoy the same rights that would attach to American-built ships to call at the port south of Cape Charles, as provided in the act, and as would be required by the mail contract.

Mr. President, as I discussed this whole subsidy question, including the amendment I offer, on Monday last, three days ago, I will not detain the Senate by further elaborating the subject at this time. I will now ask to have the amendment read and submitted.

The PRESIDING OFFICER. The amendment proposed by the Senator from Missouri will be read.

The SECRETARY. Add to the amendment proposed by the Senator from New Hampshire the following:

SEC. 2. That section 4132 of the Revised Statutes is hereby amended so as to read as follows:

"SEC. 4132. Vessels built within the United States and belonging wholly to citizens thereof, and vessels which may be captured in war by citizens of the United States and lawfully condemned as prize, or which may be adjudged to be forfeited for a breach of the laws of the United States, and seagoing vessels, whether steam or sail, wherever built, and to engage only in trade with foreign countries or with the Philippines or other island possessions of the United States, being wholly owned by citizens of the United States or corporations organized and chartered under the laws of the United States or of any State thereof, and whose stockholders are all citizens of the United States, and no others, may be registered as directed in this title. Foreign-built vessels registered pursuant to this act shall not, except as herein provided, engage in the coastwise trade: *Provided*, That all ships registered under the provisions of this section shall be entitled to all rights, benefits, and privileges granted by this act to any vessels of the United States.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Missouri [Mr. STONE] to the substitute proposed by the Senator from New Hampshire [Mr. GALLINGER].

Mr. STONE. Mr. President, I ask for the yeas and nays.

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

Mr. BULKELEY (when his name was called). I announce that I am paired with the junior Senator from Texas [Mr. BAILEY]. If he were present, he would vote "yea" and I should vote "nay."

Mr. OWEN (when Mr. GORE's name was called). I announce the pair of my colleague [Mr. GORE] with the senior Senator from New York [Mr. DEPEW].

Mr. SMITH of Maryland (when Mr. RAYNER's name was called). My colleague the Senator from Maryland [Mr. RAYNER] is absent. He is paired with the junior Senator from Delaware [Mr. RICHARDSON]. If he were here, my colleague would vote "yea."

Mr. RICHARDSON (when his name was called). I again announce my pair with the senior Senator from Maryland [Mr. RAYNER].

Mr. SMOOT (when Mr. SUTHERLAND's name was called). I desire to announce that my colleague [Mr. SUTHERLAND] is paired with the junior Senator from Minnesota [Mr. CLAPP]. I will let this notice stand for the day.

Mr. WARREN (when his name was called). As announced on the previous roll call, my regular pair, the Senator from Mississippi [Mr. MONEY], will stand paired with the junior Senator from Iowa [Mr. YOUNG], and I will vote. I vote "nay."

Mr. SCOTT (when Mr. WATSON's name was called). My colleague [Mr. WATSON] is unavoidably absent from the Chamber, having been temporarily called away on very important business.

The roll call having been concluded, the result was announced—yeas 37, nays 39, as follows:

YEAS—37.

Bacon	Culberson	Martin	Stone
Bankhead	Cummins	Newlands	Swanson
Bourne	Fletcher	Overman	Taliaferro
Bristow	Foster	Owen	Taylor
Brown	Frazier	Paynter	Terrell
Burkett	Gronna	Percy	Thornton
Burton	Johnston	Shively	Tillman
Chamberlain	Jones	Simmons	
Clarke, Ark.	La Follette	Smith, Md.	
Crawford	McCumber	Smith, S. C.	

NAYS—39.

Borah	Curtis	Hale	Piles
Bradley	Dick	Heyburn	Root
Brandegee	Dillingham	Kean	Scott
Briggs	Dixon	Lodge	Smith, Mich.
Burnham	du Pont	Lorimer	Smoot
Burrows	Flint	Nixon	Stephenson
Carter	Frye	Oliver	Warner
Clark, Wyo.	Gallinger	Page	Warren
Crane	Gamble	Penrose	Wetmore
Cullom	Guggenheim	Perkins	

NOT VOTING—15.

Aldrich	Clapp	Money	Sutherland
Bailey	Davis	Nelson	Watson
Beveridge	Depew	Rayner	Young
Bulkeley	Gore	Richardson	

So Mr. STONE's amendment to Mr. GALLINGER's substitute was rejected.

The VICE PRESIDENT. The question is on agreeing to the substitute submitted by the Senator from New Hampshire [Mr. GALLINGER].

Mr. OWEN. Mr. President, I deem it my duty to place on the record of the Senate a formal protest, not only against the ship-subsidy bill (S. 6708), but against the manner in which it is being passed.

In the first place, it is being done by unanimous consent, taken at a time when the opposition to this bill was largely absent from the Chamber attending to the duties of the Senate, and when, I am advised, there were about 15 or 20 Senators on the floor.

The unanimous consent of 15 Senators favorable to the bill or indifferent to the bill is not the unanimous consent of the Senate of the United States in any proper parliamentary sense. I do not think such a unanimous consent should stand. I vigorously dissent from a unanimous consent obtained under such circumstances. Had I been present I should emphatically have refused consent to a vote upon this bill until it had been thoroughly discussed.

But, in the second place, Mr. President, I protest against the Senate, as at present constituted, exercising the power to fix a subsidy amounting to millions of dollars upon the American people, for the sound reason that on the 8th of November last the American people repudiated the Sixty-first Congress now in session, and elected a very different set of men.

They not only chose a different set of men, Mr. President, but they chose a set of men notoriously opposed to the ship subsidy. They chose a set of men pledged to the policy of reducing taxes favorable to special interests and unfavorable to the people.

The only proper and becoming course, in my opinion, which this Senate and this Congress could pursue under the circumstances is to adjourn sine die, on the broad ground that they no longer have the moral or ethical right to exercise the legislative powers of the people of the United States. I concede, Mr. President, that this Congress has the legal right, but it has no moral right, it has no ethical right, in good conscience to pass any law which would not be passed by the newly chosen representatives of the American people. Such conduct is identical with the conduct of an agent who, knowing that his successor had been appointed, should make haste to commit his principal to a policy he knew was obnoxious to his principal before his successor could arrive as a physical fact.

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I regard such conduct grossly unjust and in its essence discreditable, and I regard it my duty to say so. There is no necessity whatever, in my opinion, for granting these ship subsidies. There is no necessity and there is no justification for giving the owners of these ships money out of the Public Treasury without corresponding benefits to the people from whom these taxes are taken.

The merchant marine can easily be built up by other means, which would operate equitably upon all the people and would not involve special privilege to the few at the expense of the many.

The first method would be free ships; the second method would be free materials for shipbuilding; and the third method would be by discriminating taxes in favor of American ships.

If an American citizen had the right to buy or build a ship anywhere, giving it the benefit of American registry law and with the right to fly the American flag on it, nothing more would be necessary to cover the high seas with ships flying the American flag. Instead of this special privilege, through manipulating the politics of this country and controlling the statutes of this country, has imposed an enormous tax upon any ship built elsewhere or bought elsewhere when it enters this country. Granting subsidies will not build up the shipyards of this country. It will merely take the taxes of the American people and give it to special favorites. If we should remove the duty on all shipbuilding materials, it would build up the shipyards of America, employ labor, and build up our merchant marine. The American people are, in my opinion, opposed to giving bonuses, to giving gratuities, or to giving bounties to the few at the expense of the many; and having voted out of power those who believed in such a doctrine, the country is now presented with the spectacle of the repudiated agents in Congress attempting to pass a measure after they have been repudiated and before the arrival of the legislative authorities who truly represent the will of the American people. I respectfully invite those who control this body by the present majority to perform their duty to the American people by adjourning sine die, in order that the newly elected representatives of the people, those who really represent the American people, be given an opportunity to pass the appropriation bills and other legislation of immediate necessity.

What right has this, the Sixty-first Congress, having been repudiated by the people of the United States, to pass appropriation bills amounting to a thousand million dollars and fix the fiscal policy of the United States up to July 1, 1912, when this Congress had been repudiated in November, 1910? Is this fair and right? Is it right as a moral or as an ethical proposition?

Mr. President, it is a part and parcel of the ancient machine politics which has laid down the rules for government and which takes out of the hands of the American people the means of making effective the will of the American people in the legislative halls of this country. It is my judgment that the proper conduct for the third session of the Sixty-first Congress is to pass an act declaring that all future Congresses shall meet on the first Monday in December after the regular biennial elections; that the Sixty-second Congress shall meet immediately upon the adjournment of the Sixty-first Congress, and that the Sixty-first Congress do now adjourn.

Knowing its futility and having but a faint hope of any response, nevertheless I make the appeal to those in control of the Senate and who have the power of government, to adopt this course. I appeal to their conscience and sense of propriety that this is right. I appeal to them to acknowledge the rectitude of the doctrine that the will of the American people should prevail, and that the newly chosen representatives who entertain a different view of government from the Sixty-first Congress should be allowed to represent the American people without further delay; and that the Sixty-first Congress, no longer representing the will of the American people, should not usurp this power merely because it has a technical legal right.

A legal right ought to be identical with a moral and ethical right. Whenever a man with a legal right finds that he is exercising it contrary to the law of good conscience it seems to me, Mr. President, that a high-minded man would refuse to exercise such a legal power.

Mr. JONES. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment to the proposed substitute will be stated.

The SECRETARY. After the word "vessels," in line 3, on page 1 of the substitute, it is proposed to insert the words "hereafter built," and after the word "vessels," in line 7, to insert the words "hereafter built."

Mr. JONES. Mr. President, the effect of this amendment is to limit any expenditures under the substitute to vessels hereafter built. It speaks for itself, and it seems to me it not need any argument to show that any moneys expende of the Federal Treasury for the purpose of encouragin establishment of steamship lines should only be spent upo sels that are built pursuant to the provisions of the act.

It may be said that the vessels for which this money w expended will necessarily be hereafter constructed; that are no vessels now or at any rate very few that could co under the provisions of the bill. That is simply an argu why we should make it more certain in the bill. This s gives assurance that if any money is spent under the bill i bring some new ships under the American flag to engage i ocean business.

While I am on my feet I want to say a few words, Mr. P dent, in regard to the substitute bill. I have never believed we would accomplish very much by subsidies or subventio extra mail contract pay in the building up of our merc marine; but I have been willing to vote for any proposition a majority of this body or any other legislative branch o Government believed would upbuild our merchant marin have been perfectly willing to put aside my personal op with reference to these plans and to abide by the judgme the majority; but I feel satisfied that the only way we ever build up the American merchant marine will be b ancient policy of years ago; that is, by discriminating d and I think in the Fifty-sixth or Fifty-seventh Congr introduced a bill along those lines.

I know there are objections to that policy, but it does seem to me that they are of very great weight—not so weigh sound as are the objections to this policy. I listened very much interest a few days ago to the remarks of Senator from Massachusetts [Mr. LODGE], who said that he formerly held to this opinion, but by his service on the chant Marine Commission and by reason of the testimony was presented to that commission, he had changed his mi that regard. The reasons that he gave did not appeal strongly to me. One of those reasons was that it would a great deal of money out of the Treasury of the United S in the rebate of duty. It would not take this money out o Treasury unless it accomplished the purpose desired, u it brought foreign goods into this country in American s and that is the very purpose of all this legislation and so desired by all of us. If by a policy of that character the nues of this Government would be diminished fifteen or tw million dollars, it would mean a tremendously large Ame shipping flying the American flag; and, as was suggeste think by the Senator from Georgia [Mr. BACON], it would necessarily follow that the revenues of the Treasury woul diminished; in fact, they would very likely be increased.

Another source of opposition to such a policy has been fact that we have a great many treaties existing with principal commercial nations of the earth. That is true; every one of those treaties has a provision in it that it ca terminated upon one year's notice. I am satisfied that it be more than one year by far before we will have any ships, even under the proposition submitted here. They that to abrogate them will invite tariff wars. I doubt it, if it does we are better fitted to wage such a war than other nation on earth and could wage it with far more hop success than we can wage the mail-contract war.

There is another reason why I am especially opposed to substitute, and that is this: It means nothing to the Pa coast. I am not a sectionalist. As I have said, I have willing to vote for the various bills along this line hereto but they have been whittled down and whittled down unt seems to me this substitute is absolutely unfair. It simply fines the ships that will be built under it to the trade South America. No provision is made for the trans-Pa trade or for the trade with Australasia.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Wash ton yield to the Senator from New Hampshire?

Mr. JONES. Certainly.

Mr. GALLINGER. The Senator has not read the substi This is the substitute:

That the Postmaster General is hereby authorized to pay for c mail service, under the act of March 3, 1891, in vessels of the se class on routes to South America south of the Equator, to the Ph pines, to Japan, to China, and to Australasia.

Mr. JONES. That is not the substitute that I have her my hand, proposed by the Senator from New Hampshire January 9, 1911.

Mr. GALLINGER. No; the Senator from New Hamps asked permission—which was his right under the rules modify his substitute.

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Mr. JONES. I did not know that that right had been granted or that the Senator had asked for it.

Mr. GALLINGER. That right has been granted.

Mr. JONES. That takes away some part of the objection.

Mr. GALLINGER. I hope it takes it all away.

Mr. JONES. I think not. My recollection is that it reads "to the Philippines and Australasia," but not to China or Japan.

Mr. GALLINGER. I beg the Senator's pardon. I will read it again:

To the Philippines, to Japan, to China, and to Australasia.

Mr. JONES. That makes it very much better. That takes away that objection, and I am very glad indeed that the Senator has modified his former substitute along those lines, because I can see absolutely no justification for the failure to include lines to the Orient in the original substitute.

As to the substitute as it now is, I simply desire to call attention to the fact that a measure of this character has been reported by the committee quite a number of times, and has been recommended by many Presidents. In the report submitted to the Senate by the Committee on Commerce on March 7, 1910, it is stated:

The President of the United States in his annual message of December 7, 1909, to this Congress earnestly recommends the passage of this legislation, as his predecessors, President McKinley and President Roosevelt, have recommended similar legislation. President Taft said: "Following the course of my distinguished predecessor, I earnestly recommend to Congress the consideration and passage of a ship subsidy bill, looking to the establishment of lines between our Atlantic seaboard and the eastern coast of South America, as well as lines from the west coast of the United States to South America, China, Japan, and the Philippines."

I shall not take the time of the Senate further. I shall support the substitute of the Senator from New Hampshire as it has been modified, not because it suits me in every respect, not because I believe it is really the best thing to do, but because I hope it is a step that will result in some ships flying the American flag engaging in the trade across the Pacific and in the trade to South America. I am willing to take the judgment of men wiser than and just as devoted to the interests of the people as I am and who are desirous of seeing American ships entering the ports of the world with our products just the same as I am. I hope this measure will accomplish its purpose. If it does not, we will try another plan, and will keep on until we do succeed in showing our flag in the marts of the world.

I hope, however, that my amendment will be agreed to.

Mr. GALLINGER. Mr. President, the only objection I have to the amendment submitted by the honorable Senator from Washington [Mr. JONES] is, that at best, if the bill is left as the substitute reads, there are probably not more than two ships in the United States that could fulfill the requirements of the law and go into the service; and those ships, as probably the Senator knows, are in his own section of the country—the ships that were tied up three years ago by the Oceanic Line and are now rotting at their cables in the harbor of San Francisco. Those ships were built according to designs approved by the Navy Department; they are seaworthy in every respect; they were in the trade between San Francisco and Australasia for a time, and did most excellent service, but the pay was inadequate, and they surrendered. Mr. President, I think if those ships were given an opportunity to reengage in the trade at an adequate compensation, it would be well. If they are denied the privilege, it is not going to increase the number of ships over which the American flag might fly, but more likely will decrease the number. I quite regret that the Senator is so insistent upon his amendment.

I have no interest in this matter, of course, other than an interest in the development in the trade to South America and the trade of the Pacific coast with the Orient; and I have always been in favor of the provision that is now in the substitute. I did at first leave it out upon the importunities of other people; but when I looked the matter over again it seemed to me that equity and justice demanded that the provision in regard to lines on the Pacific should be reincorporated. I placed it back in the substitute upon my own volition, and I am glad it pleases the Senator that I did. So, Mr. President, I wish that the Senator would withdraw his amendment and let us have a vote upon the substitute as it stands. I appeal to the Senator to do that.

Mr. JONES. Mr. President, I appreciate the friendship of the Senator from New Hampshire [Mr. GALLINGER] for the American merchant marine. I know that he is working in response to what he believes to be a patriotic duty and for a patriotic purpose, and he has shown his patriotism and fairness in extending the provisions of his substitute. I know he has no special interests to serve. I know he is acting solely for what he believes to be for the good of the whole country, and it is largely out of deference to his wisdom, fairness, and liberal consideration of this question that makes me willing to vote for this substitute. Many times heretofore when this matter has been up I have pressed an amendment such as proposed. Such an amendment was adopted in another legislative body several years ago when this same matter was pending. It may be true that there are only two ships, and those ships on the Pacific coast, that would be excluded if this amendment were adopted, and yet it does seem to me that the possibilities are that under the inducement offered by this bill coastwise ships might be taken out of that trade and placed on some of the lines proposed here simply for the purpose of getting the compensation provided in this bill.

I do think, if we are to pass a measure of this character—taking money out of the Treasury for this purpose, which it is admitted is more than is really necessary as a just compensation for carrying the mails, but in the hope that we may develop vessels that will be useful in connection with the Navy—that we should at least confine this expenditure to vessels that are hereafter built, and built under the direction and subject to the approval of the Secretary of the Navy. I hardly feel like withdrawing the amendment; but I shall not ask for the yeas and nays, so far as I am concerned.

Mr. GALLINGER. Then, Mr. President, let us have a vote on the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Washington [Mr. JONES] to the substitute offered by the Senator from New Hampshire [Mr. GALLINGER].

Mr. PERKINS. Mr. President, in connection with the remarks of the Senator from Washington [Mr. JONES], I desire to have read telegrams from the owners of the Oceanic Steamship Co.; also from the Merchant Marine League of California and the Chamber of Commerce.

The VICE PRESIDENT. Without objection, the Secretary will read the telegrams.

The Secretary read as follows:

SAN FRANCISCO, CAL., *January 10, 1911.*

Hon. GEORGE C. PERKINS,
Washington, D. C.:

Australian-United States trade over fifty million annually, being 60 per cent greater than entire west coast South America. Is capable of immense expansion if mail facilities improved by direct connection. If nothing else possible, monthly sailing should be provided for following route: San Francisco, Honolulu, Tutuila, and Sydney, in vessels 6,000 tons, at 15 knots speed. Maximum compensation, $4 per mile. Total payments yearly not to exceed $350,000. This would establish at least moderate means of communication with a most important market; would satisfy Hawaiians with more frequent steam communication; would bring Tutuila Naval Station in direct touch with United States, and return to United States some of trade now being diverted to Canada through means of liberal subsidies paid by Canada.

F. S. SAMUELS,
For OCEANIC STEAMSHIP CO.

SAN FRANCISCO, CAL., *January 9, 1911.*

Hon. GEORGE C. PERKINS,
United States Senate, Washington, D. C.:

Additional argument will be that Australasian service would supply Tutuila American naval station with regular communication with United States.

F. S. SAMUELS,
For OCEANIC STEAMSHIP CO.

SAN FRANCISCO, CAL., *January 9, 1911.*

Hon. GEORGE C. PERKINS,
United States Senate, Washington, D. C.:

GALLINGER's revised ocean mail bill eliminating Australasia will cause Pacific coast to be great sufferer, in view of present and future diversion to Canada of Australasian traffic. Australasia is far more important to Pacific coast than are Chile and Peru.

F. S. SAMUELS,
For OCEANIC STEAMSHIP CO.

SAN FRANCISCO, CAL., *January 10, 1911.*

Hon. GEORGE C. PERKINS,
United States Senate, Washington, D. C.:

Replying to your telegram of the 9th to C. C. Henion, the Merchant Marine League of California feels keenly the injustice of eliminating trans-Pacific routes, and particularly that to Australia and New Zealand, from a mail-subsidy bill, and feels, moreover, that the entire Pacific slope is suffering from unjust discrimination. However, as any bill favoring, even in a remote manner, an American merchant marine is better than none, we would urge your support of the Gallinger measure, provided no favorable amendment can be made thereto; but in so doing we reserve our rights to voice our feelings and to resent what we consider an injustice to our coast.

MERCHANT MARINE LEAGUE OF CALIFORNIA,
ANDREW CARRIGAN, *President.*

SAN FRANCISCO, CAL., *January 9–10, 1911.*

Hon. GEORGE C. PERKINS,
United States Senate, Washington, D. C.:

See administration and urge great importance to Pacific coast and United States in general to have Australasia included in the shipping bill. Practically entire freight now being diverted to Canada and great inconvenience and loss to lack of our communication between Pacific coast and Australia.

THE CHAMBER OF COMMERCE OF SAN FRANCISCO.

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SAN FRANCISCO, CAL., *December 8, 1910.*

Hon. GEORGE C. PERKINS,
United States Senate, Washington, D. C.:

Canadian Government just approved ship subsidy $425,000 annually. Vancouver, Auckland, Sydney, 13 trips yearly, 15 knots. Contrast this action with hitherto apathetic attitude of United States toward its ocean mail service and foreign commerce relations. GALLINGER'S proposed amendment to postal act 91 would enable vessels to compete for Australasian trade, which otherwise as at present will be almost entirely diverted to Canada.

F. S. SAMUELS,
For OCEANIC STEAMSHIP CO.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Washington to the substitute of the Senator from New Hampshire.

The amendment to the substitute was rejected.

Mr. SMITH of Michigan. Mr. President, I am in favor of such legislation as will be most likely to permanently rehabilitate the American merchant marine. I believe in closer commercial relations between all the countries of the Western Hemisphere, and if I thought this bill was calculated to permanently secure this result I would vote for it. If, however, this bounty is hereafter withdrawn, owing to political differences, such as have been revealed in the votes already taken, our situation would be even more pitiable than it is to-day, and the false hope held out to shipbuilders would recoil to vex us and defeat more substantial efforts in the future.

I favor a reasonable discriminative customs duty as the best means of insuring a revival of American shipping, so firmly established in our political system that it will not be affected by temporary political storms, but, inasmuch as such an amendment would affect the revenues of the Government and legislation of this character must originate in the House of Representatives, I am precluded from taking the sense of the Senate upon that question to-day, and shall therefore content myself by voting against the bill. I do so with some reluctance because of my high regard for its author and foremost champion, the distinguished Senator from New Hampshire, whose intelligent and persistent efforts are worthy of his great cause, but the importance of the subject and my deep conviction that it is unwise to thus expend the public money is my sole reason for differing with him at this time.

Mr. GALLINGER. Mr. President, I do not quite understand how a Senator squares his conscience with either himself or anybody else when he makes any great distinction between taking money under the old system of discriminating duties before it reaches the Treasury or allows it to come into the Treasury and pays it out afterwards. I have never been able to discover the remarkable difference on that point with which some public men seem to be imbued.

The discriminating-duty plan is absolutely impossible under existing conditions, as has been explained over and over again. A large majority of the Merchant Marine Commission were in favor of that plan when they took up their work six years ago, but after they had made a careful investigation they were driven to the contrary conclusion, because what good will it do for us to have a discriminating duty upon the goods that come from South America when 92 per cent of them are on the free list? Is the Senator from Michigan willing to vote to place them on the dutiable list so that the discriminating duty idea will become workable? If he is not, then it will do no good whatever to American shipping to have the old system revived.

There are also 33 commercial agreements that we have entered into of our own volition that stand in the way. Of course, Senators say we can wipe them out; we can denounce them. So we can. But I do not believe we want to go into a commercial war of that kind with the nations of the world.

Mr. President, I had intended to say some things more on this question, but I desist. If this bill becomes a law and the $4,000,000 is ever paid in a single year toward rehabilitating the merchant marine it will cost just 4 cents to every man, woman, and child in the United States. Precisely that, and nothing more. And I want to impress upon the Senate and upon the country that fact that when they talk about this enormous amount that we are going to waste or that we are going to experiment with, it amounts to just 4 cents per capita for the people of the United States, provided the entire amount is expended annually.

I remember, Mr. President, at the last session of Congress that a distinguished western Senator, advocating an appropriation of $30,000,000 to complete irrigation projects that had been badly managed, said, "Why should Senators oppose this trifling appropriation from the Treasury of the United States for this purpose?" I did not oppose it. As an eastern man, I voted for it as I have voted for all such appropriations, and as every New England Senator has voted for all the appropriations that have tended to develop and make great the western section of this country.

Mr. President, there is nothing sectional in this matter, s as I am concerned. We have one little seaport in my S It has a glorious history. Out of that seaport John Paul J sailed the *Ranger* and went out to conquer the navies o world. At one time we built ships there—some of the clipper ships that brought such renown to this country—bu commercial importance of Portsmouth has passed away, possibly no ship ever will be built there again. So I ha personal or State stake in this issue. But I do feel, Mr. P dent, that I have done no more than my duty in my hu way year in and year out to advocate measures that ga some hope that the American merchant marine might b habilitated and our flag again seen on the oceans of the w

Mr. President, it is inconceivable to me that this great N should spend $500,000,000 to build the Panama Canal, and it is built no vessel carrying the American flag, except i coastwise trade or on the yacht of a multimillionaire or battleship of the United States, will pass through it unless something to rehabilitate our merchant marine. If Sen choose to put our Nation in that position, theirs is the dut theirs the responsibility. I have done my work as best I It is the last effort I shall ever make in this direction, prophesy to-day that if this bill fails, whether it be by the of Republicans or the votes of Democrats, it will be a long in the future before any measure will be enacted by the gress of the United States that will in the least degree re the American flag to the oceans of the world and give us prestige among the nations of the earth that this mighty, we transcendent Nation of ours is entitled to. Again I say, ators, yours is the duty and yours the responsibility of th you cast.

The VICE PRESIDENT. The question is on agreeing substitute offered by the Senator from New Hampshire GALLINGER].

Mr. BEVERIDGE and Mr. SHIVELY demanded the and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. BULKELEY (when his named was called). I aga nounce my pair with the junior Senator from Texas BAILEY]. If he were present, he would vote "nay" should vote "yea."

Mr. ROOT (when Mr. DEPEW'S name was called). I announce the pair of my colleague with the Senator from homa [Mr. GORE].

Mr. PERCY (when Mr. MONEY'S name was called). nounce the absence of my colleague on account of sic He is paired with the Senator from Wyoming [Mr. WA If my colleague were present, he would vote "nay."

Mr. SMITH of Maryland (when Mr. RAYNER'S name called). My colleague, who is absent, is paired with the Senator from Delaware [Mr. RICHARDSON]. If he were ent, he would vote "nay."

Mr. RICHARDSON (when his name was called). I announce my pair with the senior Senator from Maryland RAYNER].

Mr. WARREN (when his name was called). I agai nounce the pair of the senior Senator from Mississippi MONEY], who, I understand, would vote "nay," with the Senator from Iowa [Mr. YOUNG], who, I am authorized t would vote "yea." I vote "yea."

Mr. SCOTT (when Mr. WATSON'S name was called). M league is unavoidably detained from the Chamber. If he present, he would vote "nay."

The roll call was concluded, and resulted—yeas 39, na as follows:

YEAS—39.

Bradley	Curtis	Heyburn	Perkins
Brandegee	Dick	Jones	Piles
Briggs	Dillingham	Kean	Root
Burkett	Dixon	Lodge	Scott
Burnham	du Pont	Lorimer	Smoot
Burrows	Flint	Nelson	Stephenson
Carter	Frye	Nixon	Warner
Clark, Wyo.	Gallinger	Oliver	Warren
Crane	Guggenheim	Page	Wetmore
Cullom	Hale	Penrose	

NAYS—39.

Bacon	Crawford	McCumber	Smith, Mich
Bankhead	Culberson	Martin	Smith, S. C.
Beveridge	Cummins	Newlands	Stone
Borah	Fletcher	Overman	Swanson
Bourne	Foster	Owen	Taliaferro
Bristow	Frazier	Paynter	Taylor
Brown	Gamble	Percy	Terrell
Burton	Gronna	Shively	Thornton
Chamberlain	Johnston	Simmons	Tillman
Clarke, Ark.	La Follette	Smith, Md.	

NOT VOTING—13.

Aldrich	Davis	Rayner	Young
Bailey	Depew	Richardson	
Bulkeley	Gore	Sutherland	
Clapp	Money	Watson	

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The VICE PRESIDENT. On the question of agreeing to the substitute of the Senator from New Hampshire the yeas are 39 and the nays are 39. The Chair votes in the affirmative. The yeas have it, and the substitute is adopted.

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

Mr. STONE. I offer the following amendment.

The VICE PRESIDENT. The Senator from Missouri offers an amendment, which the Secretary will report.

The SECRETARY. It is proposed to add to the bill the following:

SEC. 2. That section 4132 of the Revised Statutes is hereby amended so as to read as follows:

"SEC. 4132. Vessels built within the United States and belonging wholly to citizens thereof, and vessels which may be captured in war by citizens of the United States and lawfully condemned as prize, or which may be adjudged to be forfeited for a breach of the laws of the United States, and seagoing vessels, whether steam or sail, wherever built, and to engage only in trade with foreign countries or with the Philippine or other island possessions of the United States, being wholly owned by citizens of the United States or corporations organized and chartered under the laws of the United States or of any State thereof, and whose stockholders are all citizens of the United States, and no others, may be registered as directed in this title. Foreign-built vessels registered pursuant to this act shall not engage in the coastwise trade; but such vessels shall be entitled to all other benefits and privileges given to vessels of the United States."

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Missouri.

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

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

Mr. WARREN (when his name was called). Again announcing the pair of the Senator from Mississippi [Mr. MONEY] with the Senator from Iowa [Mr. YOUNG], I vote "nay."

Mr. RICHARDSON (when his name was called). I again announce my pair with the senior Senator from Maryland [Mr. RAYNER].

The result was announced—yeas 37, nays 40, as follows:

YEAS—37.

Bacon	Culberson	Martin	Stone
Bankhead	Cummins	Newlands	Swanson
Beveridge	Fletcher	Overman	Taliaferro
Bourne	Foster	Owen	Taylor
Bristow	Frazier	Paynter	Terrell
Brown	Gronna	Percy	Thornton
Burton	Johnston	Shively	Tillman
Chamberlain	Jones	Simmons	
Clarke, Ark.	La Follette	Smith, Md.	
Crawford	McCumber	Smith, S. C.	

NAYS—40.

Borah	Curtis	Hale	Perkins
Bradley	Dick	Heyburn	Piles
Brandegee	Dillingham	Kean	Root
Briggs	Dixon	Lodge	Scott
Burnham	du Pont	Lorimer	Smith, Mich.
Burrows	Flint	Nelson	Smoot
Carter	Frye	Nixon	Stephenson
Clark, Wyo.	Gallinger	Oliver	Warner
Crane	Gamble	Page	Warren
Cullom	Guggenheim	Penrose	Wetmore

NOT VOTING—14.

Aldrich	Clapp	Money	Watson
Bailey	Davis	Rayner	Young
Bulkeley	Depew	Richardson	
Burkett	Gore	Sutherland	

So Mr. STONE's amendment was rejected.

The VICE PRESIDENT. If there be no further amendment offered in the Senate, the question is on the engrossment and third reading of the bill.

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

The VICE PRESIDENT. The question is, Shall the bill pass?

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

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

Mr. JOHNSTON (when Mr. BAILEY's name was called). The Senator from Texas [Mr. BAILEY] is paired with the Senator from Connecticut [Mr. BULKELEY].

Mr. OWEN (when Mr. GORE's name was called). My colleague [Mr. GORE] is paired with the Senator from New York [Mr. DEPEW].

Mr. SMITH of Maryland (when Mr. RAYNER's name was called). My colleague [Mr. RAYNER] is paired with the Senator from Delaware [Mr. RICHARDSON]. If my colleague were present, he would vote "nay."

Mr. RICHARDSON (when his name was called). I again announce my pair with the senior Senator from Maryland [Mr. RAYNER]. If he were present, he would vote "nay," and I would vote "yea."

Mr. WARREN (when his name was called). I again announce the pair of the Senator from Mississippi [Mr. MONEY], who would vote "nay," with the junior Senator from Iowa [Mr. YOUNG], who would vote "yea." I vote "yea."

The roll call having been concluded, it resulted—yeas 39, nays 39, as follows:

YEAS—39.

Bradley	Curtis	Heyburn	Perkins
Brandegee	Dick	Jones	Piles
Briggs	Dillingham	Kean	Root
Burkett	Dixon	Lodge	Scott
Burnham	du Pont	Lorimer	Smoot
Burrows	Flint	Nelson	Stephenson
Carter	Frye	Nixon	Warner
Clark, Wyo.	Gallinger	Oliver	Warren
Crane	Guggenheim	Page	Wetmore
Cullom	Hale	Penrose	

NAYS—39.

Bacon	Crawford	McCumber	Smith, Mich.
Bankhead	Culberson	Martin	Smith, S. C.
Beveridge	Cummins	Newlands	Stone
Borah	Fletcher	Overman	Swanson
Bourne	Foster	Owen	Taliaferro
Bristow	Frazier	Paynter	Taylor
Brown	Gamble	Percy	Terrell
Burton	Gronna	Shively	Thornton
Chamberlain	Johnston	Simmons	Tillman
Clarke, Ark.	La Follette	Smith, Md.	

NOT VOTING—13.

Aldrich	Davis	Rayner	Young
Bailey	Depew	Richardson	
Bulkeley	Gore	Sutherland	
Clapp	Money	Watson	

The VICE PRESIDENT. On the passage of the bill the yeas are 39 and the nays are 39. The Chair votes in the affirmative. The yeas have it, and the bill is passed.

SENATOR FROM ILLINOIS.

Mr. JONES. Mr. President, I wish to give notice that after the routine morning business on next Tuesday I will deliver some remarks on the Illinois election case.

ALASKAN COAL LANDS.

Mr. NELSON. I move that the Senate proceed to the consideration of the bill (S. 9955) to provide for the leasing of coal and coal lands in the Territory of Alaska.

Mr. BORAH. Mr. President, I rise to a parliamentary inquiry. I ask if the motion is subject to amendment?

The VICE PRESIDENT. It is not.

Mr. BORAH. Upon the motion I call for the yeas and nays.

The VICE PRESIDENT. The Senator from Minnesota moves the present consideration of the bill (S. 9955) to provide for the leasing of coal and coal lands in the Territory of Alaska, and upon that question the Senator from Idaho asks for the yeas and nays.

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

The VICE PRESIDENT. The Senator from Maine moves that the Senate do now adjourn.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. That motion is not debatable.

Mr. BORAH. I am not seeking to debate it, but I ask for the yeas and nays upon the motion to adjourn.

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

Mr. WARREN (when his name was called). Making the same announcement as before as to the pair of the Senator from Mississippi [Mr. MONEY] with the Senator from Iowa [Mr. YOUNG], I vote "yea."

The roll call was concluded.

Mr. GALLINGER. I have been requested to announce that the Senator from Maine [Mr. FRYE] is paired with the Senator from Georgia [Mr. BACON].

Mr. BACON (after having voted in the negative). I have a pair with the junior Senator from Maine [Mr. FRYE]. I did not know of his absence. I withdraw my vote.

Mr. ROOT. I ask that note be taken of the pair of my colleague [Mr. DEPEW] with the Senator from Oklahoma [Mr. GORE] on this and any other roll call that there may be to-day.

Mr. RICHARDSON. I am paired with the senior Senator from Maryland [Mr. RAYNER]. I transfer my pair to the junior Senator from Illinois [Mr. LORIMER] and vote "yea."

The roll call resulted—yeas 37, nays 37, as follows:

YEAS—37.

Bradley	Curtis	Kean	Root
Brandegee	Dick	Lodge	Scott
Briggs	Dillingham	McCumber	Smith, Mich.
Bulkeley	du Pont	Nelson	Smoot
Burnham	Flint	Nixon	Stephenson
Burrows	Gallinger	Oliver	Warren
Burton	Gamble	Page	Wetmore
Carter	Guggenheim	Penrose	
Crane	Hale	Perkins	
Cullom	Heyburn	Richardson	

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NAYS—37.

Bankhead	Crawford	Martin	Swanson
Beveridge	Culberson	Newlands	Taliaferro
Borah	Cummins	Overman	Taylor
Bourne	Dixon	Paynter	Terrell
Bristow	Fletcher	Percy	Thornton
Brown	Frazier	Shively	Tillman
Burkett	Gronna	Simmons	Warner
Chamberlain	Johnston	Smith, Md.	
Clark, Wyo.	Jones	Smith, S. C.	
Clarke, Ark.	La Follette	Stone	

NOT VOTING—17.

Aldrich	Depew	Money	Watson
Bacon	Foster	Owen	Young
Bailey	Frye	Piles	
Clapp	Gore	Rayner	
Davis	Lorimer	Sutherland	

The VICE PRESIDENT. On the motion of the Senator from Maine that the Senate adjourn the yeas are 37 and the nays are 37. The Chair votes in the affirmative. The yeas have it, and the Senate stands adjourned.

The Senate accordingly (at 5 o'clock and 20 minutes p. m.) adjourned until to-morrow, Friday, February 3, 1911, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February 2, 1911.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, impress us, we beseech Thee, with the fact that time waits on no man, lest we become laggards in the grand, eternal march of existence under the spiritual leadership of the world's great Exemplar.

Touched by the sad and pathetic death of one of the employees of this House, who for a quarter of a century has filled his place with singular fidelity, we pray most fervently for his aged and grief-stricken wife, that she may be encouraged to look forward with hope to a world where parting comes no more; and Thine be the praise forever. Amen.

MESSAGE FROM THE SENATE.

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

S. 10431. An act to authorize the Argenta Railway Co. to construct a bridge across the Arkansas River between the cities of Little Rock and Argenta, Ark.; and

S. J. Res. 132. Joint resolution authorizing the delivering to the commander in chief of the United Spanish War Veterans of one or two dismounted bronze cannon.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 15342. An act to reimburse Charles K. Darling for moneys necessarily expended by him as clerk of the court of appeals for the first circuit.

SENATE BILL AND JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate bill and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 10431. An act to authorize the Argenta Railway Co. to construct a bridge across the Arkansas River, between the cities of Little Rock and Argenta, Ark.; to the Committee on Interstate and Foreign Commerce; and

S. J. Res. 132. Joint resolution authorizing the delivering to the commander in chief of the United Spanish War Veterans of one or two dismounted bronze cannon; to the Committee on Military Affairs.

RIVERS AND HARBORS APPROPRIATION BILL.

Mr. ALEXANDER of New York. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the rivers and harbors appropriation bill (H. R. 28632), to disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from New York asks unanimous consent to take from the Speaker's table the rivers and harbors appropriation bill, disagree to all the Senate amendments, and ask for a conference. Is there objection?

Mr. SMALL. I would ask the chairman of the committee if there will be an opportunity for a separate vote on any of the Senate amendments. I have in mind particularly Senate amendment No. 10, and perhaps others.

Mr. ALEXANDER of New York. I do not know any reason why there may not be a vote taken, if Members desire it, upon every amendment. There will be no effort made to av certainly.

Mr. SMALL. May that be done upon request of a Me

Mr. ALEXANDER of New York. Yes.

Mr. SMALL. If that may be done upon the request Member, then I have no objection at the present time. I I would prefer to await the action of the conference com before asking for a separate vote on any amendment.

The SPEAKER. The Chair hears no objection, an nounces as conferees Mr. ALEXANDER of New York, Mr. RENCE, and Mr. SPARKMAN.

LEAVE TO PRINT.

Mr. MOSS. Mr. Speaker, I ask unanimous consent to printed in the RECORD an editorial taken from the Price rent, of Wichita, Kans., on January 28, regarding the p post, together with a short statement of my own. editorial is based on the remarks I made here on tha subject.

The SPEAKER. The gentleman from Indiana asks mous consent to have printed in the RECORD in connectio his remarks on the parcels post an editorial from a W Kans., paper. Is there objection?

Mr. PAYNE. I submit that the gentleman ought occupy the time of the House in that way in the morning but ought to get time in Committee of the Whole in the way. I object.

The SPEAKER. Objection is made.

AGRICULTURAL APPROPRIATION BILL.

Mr. SCOTT. Mr. Speaker, I move that the House itself into the Committee of the Whole House on the st the Union for the consideration of the agricultural appr tion bill (H. R. 31596).

Mr. LAMB. I ask unanimous consent that the time fo eral debate on this bill be extended one hour, half to be on that side and half on this.

The SPEAKER. The gentleman from Kansas moves the House resolve itself into the Committee of the Whole on the state of the Union for consideration of the agricu bill, pending which the gentleman from Virginia asks mous consent that the time for general debate upon th may be extended for one hour. Is there objection?

There was no objection.

The motion was agreed to.

Accordingly the House resolved itself into the Commit the Whole House on the state of the Union for the furthe sideration of the agricultural appropriation bill (H. R. 3 with Mr. GAINES in the chair.

Mr. SCOTT. Mr. Chairman, owing to circumstances w did not seem to be able to control, but for the results of w have few personal regrets, my membership in the House o resentatives will cease on the 4th of March. In the 10 during which I have been honored with a seat in this Ch the work which has engaged the greater part of my att has been that which came before the Committee on Agricu It has been intensely interesting work, dealing as it has every measure brought before the Congress relating in an to the great basic industry of our people, and having jurisd and supervision over the thousandfold activities of the gre partment of Agriculture, and I do not mind confessing shall lay it down with reluctance tempered by the know that I have given to it all that was in me to give. [Appl

Partly because of my deep interest in it, partly because leaving it, and partly because the decade of my service this committee happens to be coincident with our dec census period, so that we have now come to the time the Nation is taking stock of the progress it has made these 10 years, I have felt that instead of devoting thi liminary hour to discussion of the pending bill, which I b can be sufficiently considered under the five-minute r should like to review the growth and development of the Department of Agriculture during this period, to recall of its more notable achievements, and perhaps to submit observations touching agricultural conditions throughou country generally that may serve to show the progress has been made during the last 10 years in the practice o art which is at once the most ancient and the most m of arts. If I may have the indulgence of the House to d I shall requite the courtesy by being as brief as is cons with anything like an adequate presentation of the grea fascinating subject which I propose to consider.

Applying first the measuring rod of persons employe money spent, the growth of the Department of Agricultur ing the past 10 years has far exceeded that of all its prec history. As a full-fledged department with a Cabinet mi

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Mr. OWEN (when Mr. GORE's name was called). I wish to announce the pair of my colleague [Mr. GORE] with the Senator from New York [Mr. DEPEW].

Mr. JOHNSTON (when his name was called). I am paired with the junior Senator from New Jersey [Mr. BRIGGS]. If he were present, I would vote "yea."

Mr. RICHARDSON (when his name was called). I am paired wih the senior Senator from Maryland [Mr. RAYNER]. I transfer that pair to the junior Senator from Iowa [Mr. YOUNG], and vote "nay."

Mr. TAYLOR (when his name was called). I have a general pair with the junior Senator from Kentucky [Mr. BRADLEY]. He is not in the Senate, and I withhold my vote.

Mr. WARREN (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. MONEY], who is absent, and I therefore withhold my vote.

The roll call was concluded.

ALASKAN COAL LANDS.

Mr. NELSON. I move that the Senate proceed to the consideration of the bill (S. 9955) to provide for the leasing of coal and coal lands in the Territory of Alaska, a bill reported unanimously from the Committee on Public Lands.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. For what purpose does the Senator from Idaho rise?

Mr. BORAH. I rise to move to lay the motion of the Senator from Minnesota on the table.

Mr. WARREN. I have a pair with the Senator from Mississippi [Mr. MONEY]. I have arranged to transfer that pair, so that the Senator from Mississippi [Mr. MONEY] will stand paired with the junior Senator from Utah [Mr. SUTHERLAND]. I vote "nay."

The result was announced—yeas 36, nays 41, as follows:

YEAS—36.

Bacon	Chamberlain	La Follette	Smith, S. C.
Bailey	Clarke, Ark.	Newlands	Stone
Bankhead	Crawford	Overman	Swanson
Beveridge	Culberson	Owen	Taliaferro
Borah	Cummins	Paynter	Taylor
Bourne	Dixon	Percy	Terrell
Bristow	Fletcher	Shively	Thornton
Brown	Foster	Simmons	Tillman
Burkett	Frazier	Smith, Mich.	Watson

NAYS—41.

Brandegee	Dick	Jones	Richardson
Bulkeley	Dillingham	Kean	Root
Burnham	du Pont	Lodge	Scott
Burrows	Flint	Lorimer	Smoot
Burton	Frye	McCumber	Stephenson
Carter	Gallinger	Nelson	Warner
Clark, Wyo.	Gamble	Nixon	Warren
Crane	Gronna	Oliver	Wetmore
Cullom	Guggenheim	Page	
Curtis	Hale	Penrose	
Depew	Heyburn	Perkins	

NOT VOTING—14.

Aldrich	Davis	Money	Sutherland
Bradley	Gore	Piles	Young
Briggs	Johnston	Rayner	
Clapp	Martin	Smith, Md.	

So the Senate refused to lay on the table Mr. NELSON's motion.

The VICE PRESIDENT. The question is on agreeing to the motion made by the Senator from Minnesota [Mr. NELSON] to proceed to the consideration of Senate bill 9955.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 9955) to provide for the leasing of coal and coal lands in the Territory of Alaska, which had been reported from the Committee on Public Lands with amendments.

The Secretary read the bill.

Mr. NELSON. Mr. President——

Mr. WARREN. Will the Senator from Minnesota yield to me for a moment to make a request?

The VICE PRESIDENT. Does the Senator from Minnesota yield to the Senator from Wyoming?

Mr. NELSON. I do.

Mr. WARREN. Mr. President, the request I am about to make I make in the interest of the business of the Senate. Several committees find themselves somewhat behindhand with their work—the Appropriations Committee in the consideration of the District of Columbia appropriation bill; the Committee on Military Affairs in the consideration of appropriation and other bills; the Post Office Committee in the consideration of the Post Office appropriation bill; the Finance Committee busy with important measures; and other committees the same. In view of this situation, I should like to ask unanimous consent that when the Senate adjourn to-day it adjourn over until Monday morning next.

Mr. BORAH. I object.

The VICE PRESIDENT. Objection is made.

Mr. WARREN. Mr. President, I do not know that I shall move to adjourn until Monday, but I wish to state that, in my opinion, we shall get along with the work faster by taking the adjournment and permitting the committees to complete some of their most urgent work. Otherwise, Senators on those committees will be compelled to sit during the sessions of the Senate, which is rather outside of the Senate rules and unpleasant to Senators. I hope the Senator from Idaho will withdraw his objection.

The VICE PRESIDENT. Objection is made.

Mr. NELSON. Mr. President, I had intended to enter into a general explanation of the pending bill, but many Senators have left the Chamber and it is now too late to enter upon that matter this evening. I wish, however, to say here and now that I have not called up this bill for leasing coal lands in Alaska with any idea of preventing a vote upon the constitutional amendment. Senators who have served with me on the Judiciary Committee know that I was in favor of reporting that joint resolution. I am in favor of a constitutional amendment allowing the people to vote for United States Senators, and have been so all my life.

But, Mr. President, some years ago I visited Alaska and became acquainted with the conditions in that country. Since then I have more particularly had the welfare of the people of Alaska at heart. For nearly all the important legislation they have obtained within the last six or seven years I have drawn the bills and have been instrumental in getting them passed. Amongst others, and most important, was the Alaskan code bill.

The people of Alaska have been in this condition, Mr. President, for the last 10 years. They have had good coal fields right at their own doors and in their own midst, and yet they have not been permitted to use a ton of that coal, but have been obliged to import most of their coal from foreign countries—from British Columbia, Japan, and Australia. The condition is intolerable; and as a friend of Alaska I feel that Congress ought to take some steps to relieve the situation in that Territory. My heart goes out to the people of Alaska; but I am not an enemy of the constitutional amendment.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Minnesota yield to the Senator from Idaho?

Mr. NELSON. Certainly.

Mr. BORAH. I understood the Senator from Minnesota had closed and that I was taking the floor in my own right.

Mr. WARREN. Mr. President——

The VICE PRESIDENT. The Senator from Minnesota had not taken his seat, and the Chair supposed he still was on the floor, but the Chair does not know.

Mr. WARREN. I thought I had license from the Senator to complete what I was saying.

Mr. NELSON. I yield to both Senators. I will yield first to the Senator from Wyoming, and then to the Senator from Idaho.

Mr. WARREN. I hope the Senator from Idaho will withdraw his objection and let us have time to finish up some of our committee work.

Mr. BORAH. Mr. President, personally I should like very much to accommodate the Senator from Wyoming, but it is just as apparent as anything can be that it is not the intention of those who are opposed to this joint resolution that it shall be voted upon at this session.

Mr. HALE. What is the Senator's authority for that?

Mr. WARREN. I do not expect to oppose the joint resolution; but I move that when the Senate adjourns to-night it adjourn to meet on Monday next.

The VICE PRESIDENT. The Senator from Wyoming moves that when the Senate adjourns to-day it be to meet on Monday next at the usual hour.

Mr. BORAH. Mr. President, on that I call for the yeas and nays.

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

Mr. DEPEW (when his name was called). I have a pair with the Senator from Oklahoma [Mr. GORE], but I transfer that pair to the Senator from Washington [Mr. PILES] and vote. I vote "yea."

Mr. JOHNSTON (when his name was called). I am paired with the junior Senator from New Jersey [Mr. BRIGGS] and therefore withhold my vote.

Mr. RICHARDSON (when his name was called). I again announce my pair with the Senator from Maryland [Mr. RAYNER], but I transfer that pair to the junior Senator from Iowa [Mr. YOUNG] and vote. I vote "yea."

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The roll call was concluded.

Mr. STONE (after having voted in the negative). Mr. President, I have a general pair with the senior Senator from Wyoming [Mr. CLARK]. I have just been informed by his colleague that he is absent. I had not noticed it before.

The VICE PRESIDENT. The senior Senator from Wyoming has not voted.

Mr. STONE. I transfer my pair with that Senator—I am told I can do so—to the Senator from Florida [Mr. TALIAFERRO] and will let my vote stand.

The result was announced—yeas 34, nays 36, as follows:

YEAS—34.

Brandegee	Dick	Heyburn	Penrose
Bulkeley	Dillingham	Kean	Richardson
Burnham	du Pont	Lodge	Root
Burrows	Flint	Lorimer	Scott
Burton	Frye	McCumber	Smoot
Carter	Gallinger	Nelson	Warren
Crane	Gamble	Nixon	Wetmore
Cullom	Guggenheim	Oliver	
Depew	Hale	Page	

NAYS—36.

Bacon	Clapp	Gronna	Shively
Bankhead	Clarke, Ark.	Jones	Smith, Mich.
Beveridge	Crawford	La Follette	Smith, S. C.
Borah	Culberson	Newlands	Stone
Bourne	Cummins	Overman	Swanson
Bristow	Dixon	Owen	Terrell
Brown	Fletcher	Paynter	Thornton
Burkett	Foster	Percy	Tillman
Chamberlain	Frazier	Perkins	Watson

NOT VOTING—21.

Aldrich	Davis	Rayner	Taylor
Bailey	Gore	Simmons	Warner
Bradley	Johnston	Smith, Md.	Young
Briggs	Martin	Stephenson	
Clark, Wyo.	Money	Sutherland	
Curtis	Piles	Taliaferro	

So the motion was rejected.

ELECTION OF SENATORS BY DIRECT VOTE.

Mr. BORAH. I move to take up joint resolution 134.

The VICE PRESIDENT. The Senator from Idaho moves to take up Senate joint resolution 134.

Mr. BORAH. And on that I ask for the yeas and nays.

The VICE PRESIDENT. The Secretary will state the title of the joint resolution.

The SECRETARY. A joint resolution (S. J. Res. 134) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

Mr. PENROSE. Mr. President——

The VICE PRESIDENT. The Senator from Idaho asks for the yeas and nays. For what purpose does the Senator from Pennsylvania rise?

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

The VICE PRESIDENT. The question is on the motion of the Senator from Pennsylvania that the Senate proceed to the consideration of executive business.

Mr. BORAH. On that I ask 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 again announce my pair with the Senator from New Jersey [Mr. BRIGGS].

Mr. RICHARDSON (when his name was called). I again announce my pair with the senior Senator from Maryland [Mr. RAYNER]. I transfer that pair to the junior Senator from Iowa [Mr. YOUNG] and vote. I vote "yea."

Mr. WARREN. As I am paired with the Senator from Mississippi [Mr. MONEY], I withhold my vote.

The roll call was concluded.

Mr. DEPEW. I transfer my pair with the Senator from Oklahoma [Mr. GORE] to the Senator from Washington [Mr. PILES] and vote. I vote "yea."

Mr. BRADLEY. I have a general pair with the Senator from Tennessee [Mr. TAYLOR]. I believe he has not voted, and I will therefore withhold my vote.

Mr. WARREN. I announce the transfer of my pair with the Senator from Mississippi [Mr. MONEY], so that he will stand paired with the junior Senator from Utah [Mr. SUTHERLAND], and I will vote. I vote "yea."

The result was announced—yeas 36, nays 40, as follows:

YEAS—36.

Brandegee	Curtis	Guggenheim	Page
Bulkeley	Depew	Hale	Penrose
Burnham	Dick	Heyburn	Richardson
Burrows	Dillingham	Kean	Root
Burton	du Pont	Lodge	Scott
Carter	Flint	Lorimer	Smoot
Clark, Wyo.	Frye	McCumber	Warner
Crane	Gallinger	Nelson	Warren
Cullom	Gamble	Oliver	Wetmore

NAYS—40.

Bacon	Clapp	Jones	Simmons
Bailey	Clarke, Ark.	La Follette	Smith, Mich.
Bankhead	Crawford	Newlands	Smith, S. C.
Beveridge	Culberson	Nixon	Stone
Borah	Cummins	Overman	Swanson
Bourne	Dixon	Owen	Taliaferro
Bristow	Fletcher	Paynter	Terrell
Brown	Foster	Percy	Thornton
Burkett	Frazier	Perkins	Tillman
Chamberlain	Gronna	Shively	Watson

NOT VOTING—15.

Aldrich	Gore	Piles	Sutherland
Bradley	Johnston	Rayner	Taylor
Briggs	Martin	Smith, Md.	Young
Davis	Money	Stephenson	

So the Senate refused to proceed to the consideration o executive business.

The VICE PRESIDENT. The question now recurs on th motion of the Senator from Idaho [Mr. BORAH].

Mr. NELSON. Mr. President, I make the point of order tha the Senate having already agreed to take up another bill an having entered upon the consideration of it, while that bill i under consideration and not laid aside, the motion of the Sen ator from Idaho is not in order.

The VICE PRESIDENT. The Chair will have to rule agains the Senator from Minnesota. The question is on the motion o the Senator from Idaho.

Mr. HALE. Mr. President, I want to make a suggestion t the Senator from Idaho in the interest of the dispatch of publi business. The Senate will evidently vote to take up the join resolution, which will make it the unfinished business, and can see no point in making fruitless objections to the eviden desire of the Senate. If the Senate takes up the joint resolu tion, the Senator will bear in mind that two or three Sen ators have given notice that they desire, before the vote i taken, to speak upon it. Let me ask the Senator from Idaho— and I do it in entire frankness, for I am not engaged in an work to deviate the will of the Senate—what is the Senator' proposition? If the joint resolution is taken up and become the unfinished business, as it will, what is his purpose wit reference to the Senators who have given notice that the desire to speak before the vote is taken upon it?

Mr. BORAH. If the joint resolution is taken up and mad the unfinished business, it is my purpose to ask that it be lai aside until such time as the Senator from Massachusetts an the Senator from New York, who have suggested they desir to speak upon it, may be heard, and for such reasonable tim as will enable anyone else who desires to do so to speak.

Mr. HALE. I think that is entirely fair, and I hope th Senator will not call for a yea-and-nay vote at this hour, be cause it will only result in taking up the joint resolution. hope the Senate will agree to the motion, it being evidentl the desire of the majority to take up the joint resolution. Wi the Senator withdraw his call for the yeas and nays?

Mr. BORAH. Mr. President, I withdraw my request fo the yeas and nays.

Mr. HALE. That is right.

The VICE PRESIDENT. The Senator from Idaho with draws his request for the yeas and nays.

The question is on agreeing to the motion of the Senato from Idaho that the Senate proceed to the consideration o the joint resolution indicated by him.

The motion was agreed to.

Mr. HALE. Now, Mr. President——

Mr. BORAH. I ask that the unfinished business be tempo rarily laid aside.

Mr. HEYBURN. It has not yet been taken up.

The VICE PRESIDENT. Yes; it has been taken up by vote of the Senate.

Mr. HALE. It is already up.

Mr. BEVERIDGE. It is up, subject to any motion.

The VICE PRESIDENT. The Secretary will report, in orde that there may be no misunderstanding, what is now the unfin ished business.

The SECRETARY. A joint resolution (S. J. Res. 134) propos ing an amendment to the Constitution providing that Senator shall be elected by the people of the several States.

Mr. BEVERIDGE. It is subject to any motion.

Mr. HALE. Now let us have an executive session.

Mr. BORAH. I ask that the unfinished business be tempo rarily laid aside.

Mr. HALE. The Senator need not do that.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the con sideration of executive business.

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S. 7704. John J. Robinson.
S. 7790. Robert Masters.
S. 7850. Henry W. Bradley.
S. 7862. George W. Robinson.
S. 7867. Michael Boston.
S. 7883. David Earhart.
S. 7893. Chancy W. Rickerd.
S. 7894. Joseph A. Durham (alias Joseph Anson).
S. 7929. William Baird.
S. 7930. Samuel M. Bragg.
S. 7939. Joel P. Colvin.
S. 7963. Frank B. Carey.
S. 8016. Thomas C. Boggess.
S. 8073. Mary E. Havens.
S. 8098. James M. Owen.
S. 8151. Hiram Hoover.
S. 8152. William Murlin.
S. 8203. Henry H. Parmenter.
S. 8272. Dorious Neel.
S. 8277. Lemuel Cohee.
S. 8279. Abraham C. Hendryx.
S. 8370. Christopher C. Jones.
S. 8371. John Wood.
S. 8428. Ellen Hungerford.
S. 8442. John F. Crayum.
S. 8458. Corydon G. Ireland.
S. 8507. Myron Heffron.
S. 8540. Julius Blessin.
S. 8585. John Freeman.
S. 8602. Mary C. At Lee.
S. 8638. Henry R. Playford.
S. 8639. Franklin D. Morton.
S. 8674 Calvin L. Johnson.
S. 8745. George W. Anderson.
S. 8784. Samuel P. Travis.
S. 8798. Thomas Goodwin.
S. 8805. Hugh Price Wilson.
S. 8815. Susan Reppeto.
S. 8827. John H. Reid.
S. 8852. William R. Grumley.
S. 8853. Albert Hitchcock.
S. 8854. Albert S. Granger.
S. 8857. Harrison C. Boyster.
S. 8919. William Lehan.
S. 8927. Charles Roth.
S. 8937. Richard L. Sturges.
S. 8938. James A. Morgan.
S. 8940. George M. Roberts.
S. 8944. David J. Bowman.
S. 8945. Edwin W. Haynes.
S. 8969. Mary A. Charles.
S. 8972. Harrison F. Roberts.
S. 8984. Erastus Smith.
S. 8989. Daniel Fisher.
S. 8993. William George Stark.
S. 9071. Warren P. Dwinnells.
S. 9080. Orrin C. Leonard.
S. 9081. Albert Koch.
S. 9082. Samuel Moles.
S. 9101. James M. C. Jackson.
S. 9169. Robert Clark.
S. 9171. Charles A. Rowell.
S. 9205. John C. Neel.
S. 9216. Joseph Shannon.
S. 9234. John Chandler.
S. 9287. John C. Ward.
S. 9322. Daniel Jordan.
S. 9323. Milton Pendergast.
S. 9337. John Gorden.
S. 9372. Victoria M. Steele.
S. 9382. Charles M. Renshaw.
S. 9407. Silas Fish.
S. 9408. Valentine Lungwitz.
S. 9459. Catherine M. Walker.
S. 9460. Sherman McBratney.
S. 9470. James Rude.
S. 9480. Michael Farrington.
S. 9502. James Haggerty.
S. 9551. George W. Phelps.
S. 9591. Robert Tarbet.
S. 9709. Jasper N. Kinman.
S. 9734. Henry Wentworth.
S. 9736. William Noyes.
S. 9737. Warren F. Reynolds.
S. 9746. Orin Kimball.
S. 9807. William C. Hoffman.
S. 9840. Joseph C. Kitchen.
S. 9844. Isaac M. Couch.
S. 9872. James Lindsey.
S. 9910. Jacob Pinkett.
S. 9913. James B. West.
S. 9947. John S. Smith.
S. 9952. Adelaide A. West.
S. 9990. Aaron Welty.
S. 10051. Sarah M. Peterson.
S. 10125. William M. Wall.
S. 10131. Frank E. Martell.
S. 10132. Bethana Aseltine.
S. 10170. Lucie W. Carter.
S. 10193. Charles M. Merritt.
S. 10196. George W. Carpenter.
S. 10202. William P. D. Foss.
S. 10265. Richard M. J. Coleman.
S. 10287. Emma J. Blake.
S. 10325. Andrew G. Scott.
S. 10334. Alphonso H. Mitchell.
S. 10358. Fannie S. Haskell.
S. 10370. George W. Shaw.
S. 10374. John B. Dean.
S. 10387. John C. Whittaker.
S. 10391. Harriet W. Wilkinson.
S. 10405. Alonzo J. Mosher.
S. 10406. Thomas H. Whitman.
S. 10419. James Jenkins.
S. 10420. Timothy Egan.
S. 10426. Uriah Renner.
S. 10430. Mahala Fausey.
S. 10445. Mary V. Webster.
S. 10481. Alonzo Hoding.
S. 10493. William H. Rickstrew.
S. 10494. Alice L. Walker.
S. 10495. Nathan Baker.
S. 10535. Elizabeth A. Marr.
S. 10600. John Conroy.
S. 10625. Thomas B. Pulsifer.

Mr. SCOTT, from the Committee on Public Buildings and Grounds, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 9123) to increase the limit of cost for the erection of the United States post-office building at Grafton, W. Va. (Rept. No. 1088); and

A bill (S. 9124) to increase the limit of cost for the erection of the United States post-office building at Sistersville, W. Va. (Rept. No. 1089).

He also, from the same committee, to which was referred the bill (S. 5367) providing for the purchase of a reservation for a public park in the District of Columbia, reported it with amendments and submitted a report (No. 1090) thereon.

He also, from the same committee, to which was referred the bill (S. 5036) for the erection of a public building at Lancaster, Ky., reported it with amendments.

Mr. WETMORE, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 6645) for the establishment of a park at the junction of Maryland Avenue, Fifteenth Street, and H Street NE., Washington, D. C., reported it without amendment and submitted a report (No. 1091) thereon.

Mr. RICHARDSON, from the Committee on Claims, to which was referred the bill (H. R. 6043) for the relief of registers and former registers of the United States land offices, reported it without amendment and submitted a report (No. 1092) thereon.

Mr. WARNER, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 2207) to provide for the purchase of a site and the erection of a public building thereon at Aurora, in the State of Missouri, reported it with amendments and submitted a report (No. 1093) thereon.

Mr. OLIVER, from the Committee on Claims, to which was referred the bill (H. R. 5968) to pay Thomas P. Morgan, jr., amount found due him by Court of Claims, reported it without amendment and submitted a report (No. 1094) thereon.

Mr. OVERMAN, from the Committee on Claims, to which was referred the bill (H. R. 6776) for the relief of Oliva J. Baker, widow of Julian G. Baker, late quartermaster, United States Navy, reported it without amendment and submitted a report (No. 1095) thereon.

Mr. FRAZIER, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

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A bill (H. R. 2556) for the relief of R. A. Sisson (Rept. No. 1096); and

A bill (H. R. 14729) for the relief of Capt. Evan M. Johnson, United States Army (Rept. No. 1097).

Mr. BRADLEY, from the Committee on Claims, to which was referred the bill (S. 4678) to adjust the claims of certain settlers in Sherman County, Oreg., reported it with an amendment and submitted a report (No. 1098) thereon.

Mr. WETMORE, from the Committee on the Library, to which was referred the bill (S. 7764) to provide for the purchase of the original painting by George Heriot of the two Capitol buildings before they were burned by the British troops during the War of 1812, submitted an adverse report (No. 1099) thereon, which was agreed to and the bill was postponed indefinitely.

Mr. CURTIS, from the Committee on Indian Depredations, to which was referred the bill (S. 10526) for the relief of Thomas Hoyne, reported it with an amendment and submitted a report (No. 1100) thereon.

Mr. WARREN, from the Committee on Military Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 13936) for the relief of William P. Drummon (Rept. No. 1102); and

A bill (H. R. 21646) for the relief of William Doherty (Rept. No. 1101).

Mr. BULKELEY. On yesterday I reported adversely from the Committee on Military Affairs a bill (H. R. 26018) for the relief of James Donovan, and moved that it be postponed indefinitely. I ask that the vote by which the bill was postponed indefinitely be reconsidered and that the bill be recommitted to the Committee on Military Affairs.

The VICE PRESIDENT. Without objection, that order is made.

RESERVE FOR GOLD CERTIFICATES.

Mr. SMOOT. From the Committee on Finance I report back favorably, without amendment, the bill (S. 10457) to amend section 6 of the currency act of March 14, 1900, as amended by the act approved March 4, 1907, and I ask for its immediate consideration.

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 section 6 of an act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes, approved March 14, 1900, as amended by the act approved March 4, 1907, be, and the same is hereby, further amended so as to read as follows:

"SEC. 6. That the Secretary of the Treasury is hereby authorized and directed to receive deposits of gold coin with the Treasurer, or any assistant treasurer of the United States, in sums of not less than $20, and to issue gold certificates therefor in denominations of not less than $10, and the coin so deposited shall be retained in the Treasury and held for the payment of such certificates on demand, and used for no other purpose. Such certificates shall be receivable for customs, taxes, and all public dues, and when so received may be reissued, and when held by any national banking association may be counted as a part of its lawful reserve: *Provided,* That whenever and so long as the gold coin and bullion held in the reserve fund in the Treasury for the redemption of United States notes and Treasury notes shall fall and remain below $100,000,000 the authority to issue certificates as herein provided shall be suspended: *And provided further,* That whenever and so long as the aggregate amount of United States notes and silver certificates in the general fund of the Treasury shall exceed $60,000,000 the Secretary of the Treasury may, in his discretion, suspend the issue of the certificates herein provided for: *And provided further,* That of the amount of such outstanding certificates one-fourth at least shall be in denominations of $50 or less: *And provided further,* That the Secretary of the Treasury may, in his discretion, issue such certificates in denominations of $10,000, payable to order: *And provided further,* That the Secretary of the Treasury may, in his discretion, receive, with the assistant treasurer in New York and the assistant treasurer in San Francisco, deposits of foreign gold coin at their bullion value in amounts of not less than $1,000 in value and issue gold certificates therefor of the description herein authorized: *And provided further,* That the Secretary of the Treasury may, in his discretion, receive, with the Treasurer or any assistant treasurer of the United States, deposits of gold bullion bearing the stamp of the coinage mints of the United States, or the assay office in New York, certifying their weight, fineness, and value, in amounts of not less than $1,000 in value, and issue gold certificates therefor of the description herein authorized. But the amount of gold bullion and foreign coin so held shall not at any time exceed one-third of the total amount of gold certificates at such time outstanding. And section 5193 of the Revised Statutes of the United States is hereby repealed."

Mr. WARREN. I should like to ask if the bill has been reported from a committee; and if so, from what committee?

The VICE PRESIDENT. It has just been reported from the Committee on Finance.

Mr. WARREN. I will not object to its consideration. I will state, however, that I shall feel constrained to object to the consideration of further bills during the call for morning business.

Mr. SCOTT. I should like to have the Senator from explain the nature of the bill. It appears to be a ver portant one, and unanimous consent is asked for its sideration.

Mr. SMOOT. I can explain it in a very few words Senator.

At the present time we have in circulation $940,000,(gold certificates, and under the present law we are requi hold as a reserve against those certificates an equal amo gold coin. The bill provides that instead of coining th bullion into gold coin as a reserve against gold certificat Secretary of the Treasury shall have authority to hold exceed one-third of the amount of circulation in gold and foreign coin instead of gold coin.

Mr. SCOTT. I know what the bill is now. I could n its full import from the reading.

The VICE PRESIDENT. Is there objection to the p consideration of the bill?

There being no objection, the bill was considered as in mittee of the Whole.

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

BILLS INTRODUCED.

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

By Mr. CRAWFORD:

A bill (S. 10692) granting an increase of pension to L. Anderson (with accompanying paper);

A bill (S. 10693) granting an increase of pension to Giles (with accompanying paper);

A bill (S. 10694) granting a pension to George Boo (with accompanying paper); and

A bill (S. 10695) granting an increase of pension to W H. Scannel (with accompanying papers); to the Commit Pensions.

By Mr. CULLOM:

A bill (S. 10696) granting a pension to James C. Mo (with accompanying papers);

A bill (S. 10697) granting an increase of pension to P. Pittman (with accompanying papers); and

A bill (S. 10698) granting an increase of pension to He Tuttle (with accompanying papers); to the Committee o sions.

By Mr. BEVERIDGE:

A bill (S. 10699) to correct the military record of Jos Spurlin; to the Committee on Military Affairs.

A bill (S. 10700) granting an increase of pension to Edwards; to the Committee on Pensions.

By Mr. BROWN:

A bill (S. 10701) granting a pension to Katie A. S (with accompanying papers); to the Committee on Pens

By Mr. NELSON:

A bill (S. 10702) authorizing homestead entries on lands formerly a part of the Red Lake Indian Reservat the State of Minnesota; to the Committee on Public Land

By Mr. GUGGENHEIM:

A bill (S. 10703) for the relief of Peter Mulock; and

A bill (S. 10704) for the relief of Loren B. Sylvester accompanying papers); to the Committee on Claims.

By Mr. MARTIN:

A bill (S. 10705) granting a pension to Louis P. Baile

A bill (S. 10706) granting a pension to Monroe T. Ho (with accompanying papers); to the Committee on Pensi

By Mr. STONE:

A bill (S. 10707) to consolidate certain forest lands Kansas National Forest; to the Committee on Public Lan

By Mr. CULBERSON:

A bill (S. 10708) granting an increase of pension to Ratliff; and

A bill (S. 10709) granting an increase of pension to P Kyle; to the Committee on Pensions.

By Mr. DEPEW:

A bill (S. 10710) granting an increase of pension to M Burrell; to the Committee on Pensions.

A bill (S. 10711) for the relief of A. J. G. Kane; to the mittee on Military Affairs.

By Mr. OWEN:

A bill (S. 10712) amending an act to enable the peo Oklahoma and of the Indian Territory to form a consti and State government, etc.; to the Committee on Indian A

By Mr. PAYNTER:

A bill (S. 10713) granting an increase of pension to Ep B. Wilhoit;

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to occur on January 23, 1911, in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress, which were, in line 3, to strike out "will occur" and insert "occurred;" and to amend the title so as to read: "Joint resolution providing for the filling of a vacancy which occurred on January 23, 1911, in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress."

Mr. LODGE. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

HOMESTEAD ENTRIES.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 8916) extending the time for certain homesteaders to establish residence upon their lands; which were, on page 2, line 3, to strike out all after "further," down to and including "land" in line 8, and insert: "That this act shall not affect an adverse claim initiated prior to the passage of the act and after the expiration of the time allowed an entryman for establishing residence on the land;" and on page 2, line 14, to strike out "residence" and insert "absence."

Mr. GAMBLE. I move the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

ADMINISTRATION OF OATHS.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 4239) to amend section 183 of the Revised Statutes; which were, on page 1, line 10, after "Navy," to strike out "or"; on page 1, line 10, after "Corps" to insert "or Revenue-Cutter Service;" on page 1, line 12, after "military" to strike out "or;" and on page 1, line 12, after "Naval" to insert "or Revenue-Cutter Service."

Mr. FLINT. I understand my colleague desires that the amendments shall be concurred in. I therefore move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Public Lands:

H. R. 23361. An act authorizing the Hot Springs Lodge, No. 62, Ancient Free and Accepted Masons, under the jurisdiction of the Grand Lodge of Arkansas, to occupy and construct buildings for the use of the organization on lots Nos. 1 and 2, in block No. 114, in the city of Hot Springs, Ark.;

H. R. 23827. An act extending the provisions of section 4 of the act of August 18, 1894, and acts amendatory thereto, to the Fort Bridger abandoned military reservation in Wyoming; and

H. R. 32222. An act authorizing homestead entries on certain lands formerly a part of the Red Lake Indian Reservation, in the State of Minnesota.

The following bills were severally read twice by their titles and referred to the Committee on the Judiciary:

H. R. 26656. An act to prevent the disclosure of national-defense secrets;

H. R. 28215. An act to fix the time of holding the circuit and district courts for the northern district of West Virginia;

H. R. 31063. An act permitting chief office deputy United States marshals to act as disbursing officers for their principals in cases of emergency;

H. R. 31165. An act to regulate procedure in United States courts in certain cases;

H. R. 31534. An act to amend section 1 of the act of May 30, 1908, entitled "An act granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment;" and

H. R. 31657. An act to authorize United States marshals and their respective chief office deputies to administer certain oaths.

The following bills were severally read twice by their titles and referred to the Committee on Finance:

H. R. 27837. An act to amend the provisions of the act of March 3, 1885, limiting the compensation of storekeepers, gaugers, and storekeeper-gaugers in certain cases to $2 a day, and for other purposes;

H. R. 29857. An act to amend section 3287 of the Revised Statutes of the United States as amended by section 6 of chapter 108 of an act approved May 28, 1880, page 145, volume 21, United States Statutes at Large; and

H. R. 30281. An act to provide for the entry under bond of exhibits of arts, sciences, and industries.

The following bills and joint resolution were severally read twice by their titles and referred to the Committee on Military Affairs:

H. R. 26685. An act to authorize E. J. Bomer and S. B. Wilson to construct and operate an electric railway over the national cemetery road at Vicksburg, Miss.;

H. R. 30149. An act to transfer the military reservation known as Fort Trumbull, situated at New London, Conn., from the War Department to the Treasury Department, for the use of the Revenue-Cutter Service; and

H. J. Res. 143. Joint resolution in reference to the employment of enlisted men in competition with local civilians.

The following bills were severally read twice by their titles and referred to the Committee on Commerce:

H. R. 29715. An act to extend the time for commencing and completing bridges and approaches thereto across the Waccamaw River, S. C.;

H. R. 30793. An act to authorize the Fargo & Moorhead Street Railway Co. to construct a bridge across the Red River of the North;

H. R. 30890. An act to authorize the Chicago Great Western Railroad Co., a corporation, to construct a bridge across the Mississippi River at St. Paul, Minn.;

H. R. 30899. An act to authorize the Great Western Land Co., of Missouri, to construct a bridge across Black River;

H. R. 31066. An act to authorize the Secretary of Commerce and Labor to purchase certain lands for lighthouse purposes;

H. R. 31166. An act to authorize the Secretary of Commerce and Labor to exchange a certain right of way;

H. R. 31171. An act to amend an act entitled "An act to authorize the construction of a bridge across the Monongahela River, in the State of Pennsylvania, by the Liberty Bridge Co.," approved March 2, 1907;

H. R. 31239. An act to authorize Park C. Abell, George B. Lloyd, and Andrew B. Sullivan, of Indianhead, Charles County, Md., to construct a bridge across the Mattawoman Creek, near the village of Indianhead, Md.;

H. R. 31661. An act to authorize the Secretary of Commerce and Labor to transfer the lighthouse tender *Wistaria* to the Secretary of the Treasury;

H. R. 31859. An act to authorize the Chucawalla Development Co. to build a dam across the Colorado River at or near the mouth of Pyramid Canyon, Ariz.; also a division intake dam at or near Black Point, Ariz., and Blythe, Cal.;

H. R. 31922. An act to authorize the Virginia Iron, Coal & Coke Co. to build a dam across the New River, near Foster Falls, Wythe County, Va.;

H. R. 31925. An act authorizing the building of a dam across the Savannah River at Cherokee Shoals;

H. R. 31926. An act permitting the building of a dam across Rock River, near Byron, Ill.;

H. R. 31927. An act authorizing the town of Blackberry to construct a bridge across the Mississippi River in Itasca County, Minn.; and

H. R. 31931. An act authorizing the Ivanhoe Furnace Corporation, of Ivanhoe, Wythe County, Va., to erect a dam across New River.

H. J. Res. 248. Joint resolution amending section 32 of the act of Congress approved July 2, 1909, providing for the Thirteenth and subsequent decennial censuses, was read twice by its title and referred to the Committee on the Census.

H. R. 28214. An act providing for the levy of taxes by the taxing officers of the Territory of Arizona, and for other purposes, was read twice by its title and referred to the Committee on Territories.

H. R. 32004. An act providing for the quadrennial election of members of the Philippine Assembly and Resident Commissioners to the United States, and for other purposes, was read twice by its title and referred to the Committee on the Philippines.

H. R. 30889. An act to amend the irrigation law was read twice by its title and referred to the Committee on Irrigation and Reclamation of Arid Lands.

MINING LAWS FOR ALASKA.

H. R. 31068. An act to modify and amend the mining laws in their application to the Territory of Alaska, and for other purposes, was read twice by its title.

Mr. SCOTT. Let the bill be referred to the Committee on Mines and Mining.

The PRESIDING OFFICER. The Chair thinks that its subject is rather under the Committee on Territories or the Committee on Public Lands.

Mr. SMOOT. I think all those bills go to the Committee on Public Lands.

Mr. SCOTT. The chairman of the Committee on Mines and Mining is not present, but I am sure if he were here he would insist on its going to that committee. It certainly belongs there.

Mr. SMOOT. The question is as to whether it affects the

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laws, of course it should go to the Committee on Mines and Mining; but if to the coal-land laws, it should go to the Committee on Public Lands.

Mr. NELSON. If it relates to the title of public lands it should go to the Committee on Public Lands.

Mr. HEYBURN. Still we have extended the mining laws to Alaska.

Mr. SCOTT. I understand that it is a bill to amend the mining laws of the country so that it will apply to the Territory of Alaska. If it does that, of course it should go to the Committee on Mines and Mining.

The PRESIDING OFFICER. The bill will be referred to the Committee on Mines and Mining, if there is no objection.

BUCKHANNON & NORTHERN RAILROAD CO.

Mr. SCOTT. Mr. President——

Mr. CULLOM. I rose to make a motion to adjourn, but I will allow the matter the Senator from West Virginia wishes to call up to be disposed of.

Mr. SCOTT. I should like to call up, by unanimous consent, the bill (S. 10404) to authorize the Secretary of War to grant a right of way through lands of the United States to the Buckhannon & Northern Railroad Co. It is a bill of only three or four lines, granting a right through a military reservation for the building of a railroad. It is the only bill that my late colleague, the junior Senator from West Virginia Mr. Elkins, introduced, and it would be a compliment to him to put it on its passage.

The PRESIDING OFFICER. The bill will be read, subject to objection.

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

The bill had been reported from the Committee on Commerce with amendments, which were, in line 4, after the word "grant," to insert "the Buckhannon & Northern Railroad Co.," and in line 7, after the word "locks," to strike out the remainder of the bill, in the following words:

And to permit such encroachments on said bank of said river as may be necessary along the line of the railway proposed to be constructed by said railroad company, as may be permitted without detriment to navigation—

And in lieu thereof to insert:

Nos. 10, 11, 12, 13, and 14, at such price, and on such terms and conditions, as he may consider just, equitable, and expedient.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

So as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized, in his discretion, to grant the Buckhannon & Northern Railroad Co. a right of way through lands of the United States, on the western bank of the Monongahela River, in the State of West Virginia, adjacent to Locks Nos. 10, 11, 12, 13, and 14, at such price, and on such terms and conditions, as he may consider just, equitable, and expedient.

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.

CHEROKEE INDIAN ALLOTMENTS.

Mr. OWEN. I present a memorial of the Keetoowah Society of Cherokee Indians, and I ask that it be printed as a document. It is very short.

Mr. SMOOT. I should like to know something about what the memorial is.

Mr. OWEN. The memorial relates to the lands of the Cherokee Indians which have been allotted to the children born since July 1, 1902, and up to March 3, 1906. It is in relation to the right of the United States to distribute that property contrary to the agreement of July 1, 1902, and it is a notice and a warning to the United States that if the property is so distributed, the United States will be subject to a demand of $10,000,000.

Mr. SMOOT. Is it a memorial from the State legislature or from individuals?

Mr. OWEN. It is from the Keetoowah Society, an organization——

Mr. SMOOT. I am not going to object to the printing as a document, but I do believe that in the future such requests for printing should go to the Committee on Printing. I will state now, not because of this particular document, but so that all Senators will understand, that it is very much better for the Committee on Printing to act upon such questions, and the committee are always willing to act just as quickly as they can get together.

Mr. SCOTT. I object to the request. Let it go to the mittee on Printing.

The PRESIDING OFFICER. Objection is made, and t tion to print will be referred with the memorial to the C tee on Printing.

Mr. CULLOM. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 10 m p. m.) the Senate adjourned until to-morrow, Wednesday ruary 8, 1911, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February 7, 1911.*

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

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

The Journal of the proceedings of yesterday was rea approved.

CALENDAR FOR UNANIMOUS CONSENT.

The SPEAKER. The Clerk will proceed with the Ca for Unanimous Consent, in order to-day under the rules.

VALIDATION OF HOMESTEAD ENTRIES.

The first business was the bill (H. R. 26290) providi the validation of certain homestead entries.

The Clerk read the bill, as follows:

Be it enacted, etc., That all homestead entries which have be celed or relinquished, or are invalid solely because of the er allowance of such entries after the withdrawal of lands for forest purposes, may be reinstated or allowed to remain intact, the case of entries heretofore canceled applications for reinst must be filed in the proper local land office prior to July 1, 1911

SEC. 2. That in all cases where contests were initiated under visions of the act of May 14, 1880, prior to the withdrawal of t for national forest purposes, the qualified successful contestan exercise their preference right to enter the land within six monti the passage of this act.

With the following amendment:

Line 10, page 1, strike out the word "eleven" and insert th "twelve."

The SPEAKER. Is there objection?

There was no objection.

The amendment was agreed to.

The bill as amended was ordered to be engrossed an a third time, was read the third time, and passed.

DAM ACROSS ROCK RIVER AT LYNDON, ILL.

The next business was the bill (H. R. 30571) permitti building of a dam across Rock River at Lyndon, Ill.

The Clerk read the bill, as follows:

Be it enacted, etc., That Edward A. Smith, Harvey S. Gre John J. Hurlbert, of Morrison, Ill., their heirs, administrators, ex successors, and assigns, are hereby authorized to construct and m a dam across Rock River at or near Lyndon, Whiteside County, south end of said dam to be located near the line between sec and 22 in township 20 north, range 5 east, fourth principal m and the north end of said dam to intersect the bank of said section 21 in the same township, range, and meridian, and al incident thereto in the utilization of the power thereby develo accordance with the provisions of an act entitled "An act to the construction of dams across navigable waters," approve 21, 1906.

SEC. 2. That the right to amend or repeal this act is her pressly reserved.

With the following committee amendments:

Amend on page 1, in line 6, by striking out the word "an inserting a comma after the word "construct" and the word tain," and by inserting before the word "a" the words "and op and amend further by inserting after the word "at" the wo point suitable to the interests of navigation at."

Amend on page 1 by striking out in line 14 the words "An a tled 'An act,'" and on page 2 strike out lines 1 and 2 and i lieu thereof the following: "the act approved June 23, 1910, 'An act to amend an act entitled "An act to regulate the constru dams across navigable waters," approved June 21, 1906.'"

Amend on page 2, in line 3, by inserting after the word " word "alter."

The SPEAKER. Is there objection?

There was no objection.

The amendments were agreed to, and the bill as amend ordered to be engrossed and read a third time, was re third time, and passed.

BRIDGE ACROSS MOBILE RIVER AT MOBILE, ALA.

The next business was the bill (H. R. 31538) to author Pensacola, Mobile & New Orleans Railway Co., a corpo existing under the laws of the State of Alabama, to cons bridge over and across the Mobile River and its navigable nels on a line opposite the city of Mobile, Ala.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Pensacola, Mobile & New Orlea way Co., a corporation existing under the laws of the State bama, be, and is hereby, authorized to construct, operate, and m

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He also presented memorials of the Chamber of Commerce of Watertown; the Board of Trade of Carthage; the American Paper and Pulp Association, of New York; of Local Grange No. 583, Patrons of Husbandry, of Central Square; of the Empire State Forest Products' Association, of Watertown; and of sundry citizens of Lawrenceville, Niagara Falls, New York City, and Carthage, all in the State of New York, remonstrating against the ratification of the proposed reciprocity agreement between the United States and Canada, which were referred to the Committee on Foreign Relations.

He also presented petitions of O'Brian Post, No. 65; Holt Post, No. 403; Horsfall Post, No. 90; Walter A. Wood Post, No. 294; Horace E. Howard Post, No. 267; James M. Brown Post, No. 285, Department of New York, Grand Army of the Republic, all in the State of New York, praying for the passage of the so-called old-age pension bill, which were referred to the Committee on Pensions.

He also presented a petition of Local Typographical Union No. 52, of Troy, N. Y., praying that an investigation be made into the condition of dairy products for the prevention and spread of tuberculosis, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of St. Ann's Branch, No. 24, Catholic Mutual Benefit Association, of Buffalo, N. Y., remonstrating against any appropriation being 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 petitions of Local No. 125, of Utica; Local No. 1715, of New York City; Local No. 8079, of Mineville; Local No. 754, of Fulton, United Brotherhood of Carpenters and Joiners of America; the Central Labor Union of Brooklyn; the Central Labor Union of Amsterdam; General Wayne Council, No. 48; Excelsior Council, No. 108; Brooklyn Council, No. 21; Highland Council, No. 5; Rifton Council, No. 36; and America Council, No. 67, Junior Order United American Mechanics, all in the State of New York, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented a memorial of the Business Men's Association of Auburn, N. Y., remonstrating against the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of T. D. Welch Division, No. 641, Brotherhood of Locomotive Engineers, of Hornell, N. Y., and a petition of Local Lodge No. 827, Brotherhood of Railroad Trainmen, of Poughkeepsie, N. Y., 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. SCOTT presented petitions of Washington Camp No. 27, Patriotic Order Sons of America, of New Creek; of Local Council No. 185, of Wise; of Local Council No. 144, of Arnoldsburg; and of Local Council No. 62, of Junior, all of the Junior Order United American Mechanics, in the State of West Virginia, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. HEYBURN presented the memorial of C. W. Norquist, manager of the Norquist Department Store, of Coeur d'Alene, Idaho, and a memorial of the Idaho Mercantile Co., of Coeur d'Alene, Idaho, remonstrating against the passage of the so-called parcels-post bill, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Local Union No. 1116, Carpenters and Joiners of America, of Twin Falls, Idaho, praying for the construction of the battleship *New York* in a Government navy yard, which was referred to the Committee on Naval Affairs.

He also presented a petition of 25 citizens of the United States, praying that an investigation be made into the affairs of all wireless telegraph companies doing business in the United States, which was referred to the Committee on Naval Affairs.

Mr. FLINT presented a resolution adopted by the Legislature of California, which was referred to the Committee on Irrigation and Reclamation of Arid Lands and ordered to be printed in the RECORD, as follows:

STATE OF CALIFORNIA, DEPARTMENT OF STATE,
Sacramento, Cal., January 30, 1911.

Hon. FRANK P. FLINT,
United States Senator, Senate Chamber, Washington, D. C.

MY DEAR SIR: I have been instructed by the Legislature of the State of California to transmit to you the following copy of senate joint resolution No. 9, passed on the 24th day of January, 1911:

"Senate joint resolution 9.

"Whereas it appears that California's contributions to the reclamation funds have been very great, and that the State is entitled to a large share of the regular reclamation funds, as provided by the reclamation act; and

"Whereas the Klamath project is among the most worthy in the United States, and its early completion is desirable both to the sections to be developed through its construction and to the United States, to secure the earliest possible return of the construction funds for use elsewhere; and

"Whereas it appears that the unconstructed portions of the Klamath project are to be equally divided between the States of California and Oregon: Therefore be it

"*Resolved*, That our Senators and Representatives in Congress be, and they are hereby, memorialized to use their earnest efforts to secure funds sufficient for the continuous construction of all approved units of the Klamath project, and that they endeavor to secure the cooperation of the Senators and Representatives from Oregon in securing the completion of the Klamath project without unnecessary delay or the elimination of any of its important details, since both States are equally interested in its construction. The secretary of state is hereby instructed to transmit without delay a copy of this memorial to each of the Senators and Representatives of the State of California in Congress."

Respectfully, yours,

FRANK C. JORDAN, *Secretary of State.*

Mr. FLINT presented a petition of the Chamber of Commerce of Los Angeles, Cal., praying for the enactment of legislation to increase the efficiency of the consular service, which was ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of San Francisco, Cal., praying for the enactment of legislation providing for the preservation of the forest reservations at the headwaters of navigable streams, which was ordered to lie on the table.

He also presented a petition of the mining committee of the Chamber of Commerce of Los Angeles, Cal., praying for the enactment of legislation providing for the leasing of coal and coal lands in the Territory of Alaska, which was ordered to lie on the table.

Mr. WATSON presented a petition of Custer Post, No. 8, Grand Army of the Republic, Department of West Virginia, of Clarksburg, W. Va., praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

He also presented petitions of Washington Camps No. 32, of Capon Bridge; No. 22, of Berkeley; and No. 27, of New Creek, Patriotic Order Sons of America; of Local Council, of Berkeley Springs; of Local Council No. 62, of Junior; and of Local Council, of Arnoldsburg, Junior Order United American Mechanics, all in the State of West Virginia, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. BULKELEY presented petitions of Chamberlain Council, No. 2, of New Britain, and of Ben Miller Council, No. 11, of Danbury, Junior Order United American Mechanics, in the State of Connecticut, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. WETMORE presented a memorial of the Rhode Island Society of Friends, remonstrating against any appropriation being made for the fortification of the Canal Zone, which was referred to the Committee on Interoceanic Canals.

Mr. BRISTOW presented sundry papers to accompany the bill (S. 10510) granting an increase of pension to John Calvin, which were referred to the Committee on Pensions.

Mr. SMOOT presented a memorial of sundry citizens of Provo, Utah, remonstrating against the passage of the so-called rural parcels-post bill, which was ordered to lie on the table.

Mr. CLAPP presented a petition of sundry inmates of the Soldiers Home, Minnesota, praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

Mr. WARREN presented a memorial of the National Grange, Patrons of Husbandry, remonstrating against the ratification of the proposed reciprocity agreement between the United States and Canada, which was referred to the Committee on Foreign Relations.

Mr. ROOT presented a memorial of the Chamber of Commerce of Watertown, N. Y., remonstrating against the ratification of the proposed reciprocity agreement between the United States and Canada, which was referred to the Committee on Foreign Relations.

Mr. BURKETT presented a petition of Wilson Post, No. 22, Grand Army of the Republic, of Geneva, Nebr., praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

He also presented a petition of the Chamber of Commerce and Manufacturers' Club, of Buffalo, N. Y., praying for the ratification of the proposed reciprocity agreement between the United States and Canada, which was referred to the Committee on Foreign Relations.

Mr. OWEN presented petitions of the Maine State Grange, of Maine; of the Board of Trade of St. Albans, W. Va.; of the

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Chamber of Commerce of Olean, N. Y.; of the Commercial Club of Covington, Tenn.; and of the Citizens' Commercial Club Co., of Delphos, Ohio, praying for the creation of a national department of health, which were referred to the Committee on Public Health and National Quarantine.

REPORTS OF COMMITTEES.

Mr. PILES, from the Committee on Commerce, to which was referred the bill (S. 9864) to authorize the Controller Railway & Navigation Co. to construct two bridges across the Bering River, in the Territory of Alaska, and for other purposes, reported it with amendments and submitted a report (No. 1103) thereon.

He also, from the same committee, to which were referred the following bills, reported them severally without amendment:

A bill (H. R. 31239) to authorize Park C. Abell, George B. Lloyd, and Andrew B. Sullivan, of Indianhead, Charles County, Md., to construct a bridge across the Mattawoman Creek, near the village of Indianhead, Md.;

A bill (H. R. 30793) to authorize the Fargo & Moorhead Street Railway Co., to construct a bridge across the Red River of the North;

A bill (H. R. 31927) authorizing the town of Blackberry to construct a bridge across the Mississippi River in Itasca County, Minn.;

A bill (H. R. 29715) to extend the time for commencing and completing bridges and approaches thereto across the Waccamaw River, S. C.;

A bill (H. R. 30899) to authorize the Great Western Land Co. of Missouri to construct a bridge across Black River; and

A bill (H. R. 31171) to amend an act entitled "An act to authorize the construction of a bridge across the Monongahela River, in the State of Pennsylvania, by the Liberty Bridge Co.," approved March 2, 1907.

Mr. GALLINGER, from the Committee on Naval Affairs, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

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 (Rept. No. 1104); and

A bill (S. 9271) for the relief of William H. Walsh (Rept. No. 1105).

Mr. LODGE, from the Committee on Foreign Relations, reported an amendment authorizing the President of the United States to extend to the International Congress on Social Insurance an invitation to hold its next triennial congress in the United States, intended to be proposed to the diplomatic and consular appropriation bill, and move that it be referred to the Committee on Appropriations and printed, which was agreed to.

Mr. SCOTT, from the Committee on Military Affairs, to which was referred the bill (S. 7650) for the relief of Thomas N. Boyle, reported it with amendments and submitted a report (No. 1106) thereon.

Mr. BURNHAM. I am directed by the Committee on Claims, to which were referred certain bills, to ask that the committee be discharged from their further consideration and that they be referred to the Committee on Indian Affairs, as they relate to Indian matters.

There being no objection, the Committee on Claims was discharged from the further consideration of the bills, and they were referred to the Committee on Indian Affairs, as follows:

A bill (H. R. 18589) for the relief of W. F. Seaver; and

A bill (H. R. 32264) for the relief of Frances Coburn, Charles Coburn, and the heirs of Mary Morrisette, deceased.

Mr. PERKINS, from the Committee on Commerce, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 31859) to authorize the Chucawalla Development Co. to build a dam across the Colorado River at or near the mouth of Pyramid Canyon, Ariz.; also a diversion intake dam at or near Black Point, Ariz., and Blythe, Cal. (Rept. No. 1112); and

A bill (H. R. 31661) to authorize the Secretary of Commerce and Labor to transfer the lighthouse tender *Wistaria* to the Secretary of the Treasury (Rept. No. 1111).

Mr. PERKINS. I ask that the bills being Order of Business 988, Senate bill No. 10417, and Order of Business No. 967, Senate bill No. 10284, of the same titles, be indefinitely postponed, and that the House bills just reported by me take the place on the calendar.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. BRISTOW, from the Committee on Claims, to which was referred the bill (H. R. 18857) for the relief of Laura A. Wagner, reported it without amendment and submitted a report (No. 1107) thereon.

PUBLIC PARK IN THE DISTRICT OF COLUMBIA.

Mr. SCOTT. I move to recommit to the Committee on B Buildings and Grounds the bill (S. 5367) providing fo purchase of a reservation for a public park in the Distr Columbia.

The motion was agreed to.

MISSISSIPPI RIVER BRIDGE AT ST. PAUL.

Mr. PILES. From the Committee on Commerce I r back favorably without amendment the bill (H. R. 3089 authorize the Chicago Great Western Railway Co., a cor tion, to construct a bridge across the Mississippi River Paul, Minn. I ask that the House bill be substituted o calendar for Senate bill 10586, a bill for the same purpos

The VICE PRESIDENT. Without objection, the Hous will be substituted on the calendar for the Senate bill.

Mr. CLAPP. I ask unanimous consent for the present sideration of the House bill.

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

The Secretary read the bill, and there being no objectio bill was considered as in Committee of the Whole.

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

Mr. GALLINGER. The Senate bill should be indefi postponed.

The VICE PRESIDENT. Senate bill 10586, with like will be postponed indefinitely.

HORACE P. RUGG.

Mr. BROWN. I am instructed by the Committee on Mi Affairs, to which was referred the bill (H. R. 26722) fo relief of Horace P. Rugg, to report it favorably with an a ment and I submit a report (No. 1110) thereon. I ask fo present consideration of the bill.

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

The amendment was to add at the end of the bill the f ing proviso:

Provided, That other than as above set forth no bounty, pay sion, or other emolument shall accrue prior to or by reason passage of this act.

So as to make the bill read:

Be it enacted, etc., That in the administration of any of the conferring rights, privileges, or benefits upon persons who hav discharged honorably from the military service of the United Horace P. Rugg, who was formerly lieutenant colonel of the Fifty Regiment New York Volunteer Infantry, shall hereafter be hel considered to have been discharged honorably from the military of the United States as lieutenant colonel of said regiment on th day of November, 1864: *Provided*, That other than as above set no bounty, pay, pension, or other emolument shall accrue prior by reason of the passage of this act.

The amendment was agreed to.

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

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

Mr. BROWN. I report back from the same committe indefinite postponement the bill (S. 9147) for the rel Horace P. Rugg. It covers the same subject as the bill.

The VICE PRESIDENT. The bill will be indefinitely poned.

HANS N. ANDERSON.

Mr. BURNHAM. For the Senator from Arkansas CLARKE] I report back from the Committee on Claims, w amendment, the bill (H. R. 20072) for the relief of Ha Anderson, and I submit a report (No. 1108) thereon. the attention of the Senator from Missouri [Mr. STONE] bill.

Mr. STONE. That is a very small bill. I ask unan consent that it be put upon its passage.

The Secretary read the bill; and there being no obje the Senate, as in Committee of the Whole, proceeded consideration. It proposes to pay to Hans N. Anderso services in carrying the United States mail between th offices of Davenport, Iowa, and Green Tree, Iowa, from J 1903, to September 15, 1903, $66.

The bill was reported to the Senate without amend ordered to a third reading, read the third time, and pass

BILLS INTRODUCED.

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

By Mr. CULLOM:

A bill (S. 10717) granting an increase of pension to W Hise (with accompanying paper);

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lation 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 memorials of sundry citizens of Montclair, Burlington, Haddonfield, Merchantville, Camden, Collingswood, Oradell, Orange, Westmont, Rutherford, Newark, Westfield, Perth Amboy, Riverton, Deal Beach, Salem, Glen Ridge, South Orange, Morristown, Little Falls, Audubon, Beverly, Gloucester, Williamstown, Plainfield, Leonia, and Wenonah, all in the State of New Jersey; of the Priscilla Publishing Co., of Boston, Mass.; of the Balch Publishing Co., of Chicago, Ill.; and of the Siegfried Co., of New York City, N. Y., remonstrating against any change being made in the rates on periodicals and magazines, which were ordered to lie on the table.

Mr. FLETCHER presented a memorial of the Central Trades and Labor Assembly, of Tampa, Fla., remonstrating against the repeal of the present law relative to the printing by the Government of notes, bonds, and checks, which was referred to the Committee on Printing.

He also presented a memorial of the Hardwood Manufacturers' Association of the United States, remonstrating against the ratification of the proposed reciprocal agreement beween the United States and Canada, which was referred to the Committee on Finance.

Mr. WETMORE presented a petition of the governor and sundry other prominent citizens in the State of Rhode Island, praying for the enactment of legislation providing for the completion of the harbor of refuge at Point Judith by the construction of a landing place in that harbor, which was referred to the Committee on Commerce.

Mr. DICK. I present a resolution adopted by the Senate of the Legislature of the State of Ohio, which I ask may lie on the table and be printed in the RECORD.

There being no objection, the resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

Senate resolution 25.

Whereas the people of California have raised seventeen and one-half million dollars for the purpose of holding an international exposition at San Francisco in 1915 to celebrate the opening of the Panama Canal, and neither ask nor desire aid from Congress other than a mere invitation to foreign nations to participate in said exposition; and

Whereas the House of Representatives of the United States of America January 31, 1911, by decisive vote has chosen San Francisco as the city in which to hold the exposition commemorating the opening of the Panama Canal: Therefore

Resolved, That the city of San Francisco be, and the same is hereby, indorsed as a proper and fitting site for the holding of said exposition.

Mr. DICK presented the memorial of Leslie B. Denning, of Columbus, Ohio, remonstrating against the passage of the so-called Moon law, relative to the taking of cases of a State to the Federal courts, which was referred to the Joint Committee on the Revision of the Laws of the United States.

He also presented a petition of sundry veterans of the Grand Army of the Republic of Canton and Fredericksburg, in the State of Ohio, praying for the passage of the so-called old-age pension bill, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Portsmouth and Vermillion, in the State of Ohio, praying for the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Buckeye Lodge, No. 89, Brotherhood of Locomotive Firemen and Engineers, of Springfield, Ohio, 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 petition of the Central Ohio Farmers' Institute, of Westerville, Ohio, praying for the passage of the so-called parcels-post bill, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Local Branch No. 27, Glass Bottle Blowers' Association, of Reading, Ohio, praying for the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Ohio Brotherhood of Thrashermen, praying for the ratification of the proposed reciprocal agreement between the United States and Canada, which was referred to the Committee on Finance.

Mr. BRIGGS presented petitions of Washington Camps Nos. 125, of Greenwich; 137, of Roebling; 107, of Camden; 54, of Baptisttown; 150, of Titusville; 61, of Flemington; Hammonton; 14, of Trenton; 141, of Hopewell; 23, of Palmyra; 86, of Smithburg, Patriotic Order Sons of America; of Local Union No. 139, of Jersey City; Local Union No. 118, of Jersey City; of Local Union No. 638, of Morristown, United Brotherhood of Carpenters and Joiners of America, all in the State of New Jersey, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented petitions of Middlesex Lodge, 329, of New Brunswick, and district 47, of Newark, International Association of Machinists; Metal Trades Council of Newark; and the Mercer County Central Labor Union, of Trenton, all in the State of New Jersey, praying for the construction of the battleship *New York* in a Government navy yard, which were referred to the Committee on Naval Affairs.

He also presented a petition of the general committee on adjustment, Brotherhood of Locomotive Engineers, of the Central Railroad of New Jersey, 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 the memorial of Helen F. Conover, of the Mount Vernon Ladies' Association, of Princeton, N. J., remonstrating against the establishment of a reformatory on the Belvoir tract near Mount Vernon, Va., which was ordered to lie on the table.

He also presented the petition of Felix S. Jacobson, of Arlington, N. J., praying for the passage of the so-called old-age pension bill, which was ordered to lie on the table.

He also presented a memorial of the Young Friends' Association, of Swedesboro, N. J., remonstrating against any appropriation being made for the fortification of the Panama Canal, which was referred to the Committee on Interoceanic Canals.

He also presented a memorial of Local Grange No. 182, Patrons of Husbandry, of Westville, N. J., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which was referred to the Committee on Finance.

He also presented a petition of the Woman's Club of Cliffside Park, Grantwood, N. J., praying for the enactment of legislation to provide for the strict enforcement of the present pure food and drugs law, which was referred to the Committee on Manufactures.

He also presented a petition of Local Union No. 1532, United Brotherhood of Carpenters and Joiners of America, of Camden, N. J., praying for the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

Mr. PILES presented a petition of Hope Lodge, No. 79, International Association of Machinists, of Seattle, and of Amalgamated Glass Workers' International Association, No. 163, of Seattle, in the State of Washington, praying that the battleship *New York* be built in a Government navy yard, which were referred to the Committee on Naval Affairs.

He also presented a petition of Local Council, Junior Order United American Mechanics, of Spokane, Wash., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

Mr. BURTON presented a memorial of Locust Point Grange, No. 1292, Patrons of Husbandry, of Ottawa County, Ohio, and a memorial of Local Grange No. 560, Patrons of Husbandry, of Roxbury, Ohio, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. SMITH of Michigan. I present a resolution adopted by the Legislature of the State of Michigan, which I ask may lie on the table and be printed in the RECORD.

There being no objection, the resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

Senate resolution 45.

Whereas there is now pending in the Senate of the Congress of the United States a bill known as the Sulloway pension bill, which provides that all veterans of the Mexican and Civil Wars shall receive a pension of $15 per month at the age of 62, $20 at the age of 65, $25 at the age of 70, and $36 per month at the age of 75 years. The bill also provides that all veterans who are wholly incapacitated to perform labor shall receive a pension of $36 per month with no age limitation.

The bill above referred to has already passed the House of Representatives by an overwhelming vote and is now pending in the Senate: Therefore be it

Resolved by the senate (the house of representatives concurring), That the Michigan Legislature go on record as favoring the early enactment of this bill, and that a copy of this resolution be forwarded at once to the United States Senators from Michigan, urging them to use every effort to secure the passage of the bill.

The question being on the adoption of the resolution.

The resolution was adopted.

Mr. SMITH of Michigan presented a petition of the officers and enlisted men of the Third Battalion Band and hospital detachment, Second Infantry, Michigan National Guard, praying for the passage of the so-called militia pay bill, which was referred to the Committee on Military Affairs.

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Mr. SHIVELY presented a memorial of Local Grange No. 2142, Patrons of Husbandry, of Seymour, Ind., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which was referred to the Committee on Finance.

He also presented a petition of Local Branch No. 133, Glass Bottle Blowers' Association, of Indianapolis, Ind., praying for the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of Washington Camps, No. 4, of Leyons Station, and No. 34, of Indianapolis, Patriotic Sons of America; of Local Unions No. 113, of Chesterton, and No. 1797, of Lebanon, United Brotherhood of Carpenters and Joiners of America; and of Local Council No. 17, Junior Order United American Mechanics, of Hartford City, all in the State of Indiana, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented memorials of sundry business firms of Crawfordsville; of Fred W. Avery, sr., of St. Paul; and S. N. McIntosh, of Vilas, all in the State of Indiana, remonstrating against the passage of the so-called rural parcels-post bill, which were ordered to lie on the table.

He also presented a petition of the Indiana State Federation of Labor, praying for the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which was referred to the Committee on Post Offices and Post Roads.

Mr. CARTER presented a petition of the Local Typographical Union of Anaconda, Mont., praying for the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

Mr. DEPEW presented petitions of the Common Council of Buffalo, the Amicus Club of Buffalo, the Produce Exchange of New York, and sundry citizens of Dunkirk and Jamestown, all in the State of New York, praying for the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented memorials of the Congress of the Knights of Labor; the Pomona Grange, Patrons of Husbandry, of Jefferson County; the National Grange, Patrons of Husbandry; and the Dina Paper Co., of Harrisville, all in the State of New York, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented a petition of Local Typographical Union No. 530, of Waverly, N. Y., and a petition of Washington Camp, No. 15, Patriotic Order Sons of America, of Lestershire, N. Y., praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented a petition of William Richardson Post, No. 254, Department of New York, Grand Army of the Republic, of Buffalo, N. Y., and a petition of Ira Thurber Post, No. 584, Department of New York, Grand Army of the Republic, of Allegany, N. Y., praying for the passage of the so-called old-age pension bill, which were ordered to lie on the table.

He also presented petitions of the State Federation of Labor, the International Molders' Conference Board of Buffalo, and of sundry citizens of New York City, all in the State of New York, praying that the battleship *New York* be constructed in a Government navy yard, which were referred to the Committee on Naval Affairs.

Mr. RAYNER presented petitions of Washington Camps Nos. 35, of Henderson; 43, of Doubs; and 73, of Hampstead, Patriotic Order Sons of America, all in the State of Maryland, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. WARREN presented a memorial of the Wyoming Woolgrowers' Association, which was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

CHEYENNE, WYO., *February 13, 1911.*

Senator FRANCIS E. WARREN,
Washington, D. C.:

Woolgrowers and sheep farmers of Wyoming protest against the feature of proposed Canadian reciprocity treaty which will permit entry free to United States live sheep while dressed meats are admitted at rate 1¼ cents per pound, and you are respectfully urged to put forth your best endeavor to secure elimination from the bill of the free-sheep clause, which we regard as inimical to best interests of our people and which would permit of importation large quantities wool on sheep's backs duty free. The entire proposition, as we view it, is in interests of manufacturers and beef trust and will greatly reduce the value of sheep and wool, farm products, and farm lands.

GEORGE S. WALTER,
Secretary Wyoming Woolgrowers' Association.

He also presented a memorial from the Congress Knights of Labor, which was referred to the Commit Finance and ordered to be printed in the RECORD, as foll

CONGRESS OF THE KNIGHTS OF LABOR,
GENERAL OFFICE, 667 STATE STREET
Albany, N. Y., February 11

Hon. FRANCIS E. WARREN,
United States Senate, Washington, D. C.

DEAR SIR: We would respectfully solicit your cooperation t the passage of the McCall bill, which seeks to enact into reciprocity agreement entered into between the Department and the Canadian Government, as any downward revision of t such as this agreement proposes would be unjust to both th facturing and agricultural interests of the United States, an ultimately mean one of two things—the closing of American f mills, and workshops, or the American workmen will have to reduction in wages to correspond with those paid in foreign c

Faithfully, yours,

CONGRESS OF THE KNIGHTS OF LAB
J. R. MANSION, *Secretary and Trea*

He also presented a memorial of the Manufacturers of Philadelphia, Pa., which was referred to the Commi Finance and ordered to be printed in the RECORD, as follo

Whereas the Manufacturers' Club stands now, as in the p adequate protection for every American industry, whether of fa tory, or forge, mine, or mill; and

Whereas the so-called reciprocity agreement or treaty with is a new plan for piecemeal tariff revision in its most objec form, in that it is accomplished in secret consultation with a country rather than by open discussion and the right of am by Congress; and

Whereas the provisions of the treaty are objectionable, in th violate the principle of protection for the American producer lines of industry, and is but the first step in that free-trade ganda which will, if successful, bring the working people of th try to the point of distress and suffering which we endured fr to 1897, hence it is as objectionable in its matter as in the ma its accomplishment: Therefore

Resolved by the board of directors of the Manufacturers' Philadelphia, That we urge our Senators and Representatives gress to oppose to the full extent of their power the passage Congress of any bill to enact said agreement or treaty into la

Resolved, That a copy of this resolution be sent to our Senat Members of Congress.

ELMER P. WEISE, *Secr*

FEBRUARY 13, 1911.

He also presented memorials of the Chamber of Co of Watertown, N. Y., the Hardwood Manufacturers' ciation of the United States, and the E. K. Burnhan Co., of Gloucester, Mass., remonstrating against the r tion of the proposed reciprocal agreement between the States and Canada, which were referred to the Commit Finance.

He also presented a petition of the State Federation of of Wyoming, praying for the construction of the bat *New York* in a Government navy yard, which was refe the Committee on Naval Affairs.

Mr. FRYE presented memorials of Local Granges N of Charleston; No. 236, of Dover and Perry; and of Tie Grange, No. 58, of Kenduskeag; Mount Cutler Gran 152, of Hiram; Valley Grange, No. 144, of Guilford; Union Harvest Grange, No. 97, of Montville, Patrons o bandry, in the State of Maine, remonstrating against th fication of the reciprocal agreement between the United and Canada, which were referred to the Committee on F

He also presented a petition of members of I. C. Ca Post, No. 1, Grand Army of the Republic, Department of of West Pembroke, Me., praying for the enactment of legi providing for the construction of the proposed Lincoln me road from the city of Washington to Gettysburg, Pa., whi referred to the Committee on Appropriations.

CHEROKEE ALLOTMENTS.

Mr. OWEN. I present the memorial of William W. Ha national attorney for the Cherokee Nation of Indians, strating, on behalf of these Indians, against the passage ate bill 10575, authorizing William Brown, Levi B. R. M. Wolfe, and F. J. Boudinot to institute and pro suits in the Court of Claims proposing to test the constitu ity of the McCumber amendment, so called, extending tions on the alienation of land and testing the right o born children to Cherokee allotments. I desire to ha memorial printed as a Senate document for the informat the Senate, and I move that it be referred to the Commit Printing for its consideration.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. CULLOM. I am directed by the Committee on F Relations, to which was referred the special message President of the United States transmitting correspondenc bodying an agreement between the Department of State a Canadian Government in regard to reciprocal tariff legis and so forth, to ask that the committee be discharged fr

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further consideration and that the message and accompanying papers be referred to the Committee on Finance.

The PRESIDENT pro tempore. Without objection, the message and accompanying papers will be referred to the Committee on Finance.

Mr. WETMORE, from the Committee on the Library, to which was referred the bill (H. R. 7549) providing for the erection of monuments, respectively, to Gens. Daniel Stewart and James Screven, two distinguished officers of the American Army, reported it with amendments and submitted a report (No. 1156) thereon.

He also, from the same committee, to which was referred the bill (S. 527) for the erection of a statue to the memory of Gen. James Miller at Peterboro, N. H., reported it with an amendment and submitted a report (No. 1157) thereon.

Mr. CURTIS, from the Committee on Pensions, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

H. R. 31724. A bill 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 (Rept. No. 1158); and

H. R. 32078. A bill 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 (Rept. No. 1159).

Mr. BRIGGS, from the Committee on the Library, to which was referred the bill (H. R. 9137) to authorize the expenditure of the sum of $25,000 as a part contribution toward the erection of a monument at Germantown, Pa., in commemoration of the founding of the first permanent German settlement in America, reported it without amendment and submitted a report (No. 1160) thereon.

Mr. BURNHAM, from the Committee on Claims, to which was referred the amendment submitted by himself on the 13th instant, proposing to appropriate $540 to pay Harry B. Straight for extra clerical services in connection with the preparation of the omnibus claims bill, reported favorably thereon and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

Mr. WARREN. I am directed by the Committee on Military Affairs, to which was referred the bill (S. 10637) for the relief of James D. White, to report it back and request that the committee be discharged from its further consideration and that it be referred to the Committee on Claims.

The PRESIDENT pro tempore. Without objection, the bill will be referred to the Committee on Claims.

Mr. BACON, from the Committee on the Judiciary, to which was referred the bill (S. 10623) to amend section 11, act of May 28, 1896, reported it without amendment.

MARGARET PADGETT.

Mr. DAVIS. From the Committee on Public Lands I report back favorably without amendment the bill (H. R. 25569) to authorize a patent to be issued to Margaret Padgett for certain public lands therein described, and at the request of the senior Senator from Mississippi [Mr. MONEY], who is unable to be in the Chamber to-day, I ask unanimous consent for its present consideration.

Mr. SMOOT. If it leads to no discussion, I have no objection.

Mr. DAVIS. It is a very small matter and no debate will be necessary.

Mr. SMOOT. I have no objection, I say, unless it leads to discussion.

Mr. DAVIS. No; it will not. It will not take a minute to pass it.

The PRESIDENT pro tempore. The bill will be read to the Senate for its information.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized to accept the final proof offered by Margaret Padgett on homestead entry No. 35777, covering the west half of the northeast quarter, southeast quarter of the northeast quarter, and northwest quarter of the southeast quarter of section 19, township 2 north, range 7 east, Choctaw meridian, Mississippi, which was rejected as not showing sufficient five-year residence, as a commutation proof and issue patent on same upon the payment of the commutation price of $1.25 per acre.

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

There being no objection, the bill was considered as in Committee of the Whole.

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

ELECTION OF SENATORS BY DIRECT VOTE.

Mr. LODGE. Mr. President, yesterday the junior Senator from Idaho [Mr. BORAH] gave notice that to-morrow he would press Senate joint resolution 134, proposing an amendment to the Constitution, and that he would ask the Senate to remain in session until it was disposed of. I sincerely hope it may be disposed of at a very early time, and I wish we could make an agreement to vote.

But I desire to call the attention of the Senate, Mr. President, to the fact, as that vote is drawing near, that in the vote on the final passage pairs to be valid must be two for to one against. I thought it might have escaped the notice of some Senators, and if they were obliged to be away I wanted to call attention to the fact that, being a two-thirds vote, according to the practice which we have always employed with regard to treaties—and it has been universal where a two-thirds vote is required, and, of course, it is obviously the only fair way—there must be two for to one against.

Mr. HEYBURN. Should it not be one to three?

Mr. LODGE. One to two.

Mr. HEYBURN. No; two-thirds. That is the proportion.

Mr. GALLINGER. That is two to one.

Mr. LODGE. It is the clear, universal practice here for years, where a two-thirds vote is required, that it requires two votes in favor to equal one against.

Mr. HEYBURN. I do not know about that.

Mr. LODGE. That is the universal practice. It never has been departed from.

Mr. BEVERIDGE. I ask the Senator from Massachusetts if the Constitution in requiring a two-thirds vote says it shall be two-thirds of the Senators who are elected and holding office or only two-thirds of the Senators who are present, assuming a quorum to be present?

Mr. LODGE. Provided a quorum is present. I am speaking simply of pairs. For the convenience of Senators, where a two-thirds vote has been required, it has been the universal practice, and of course obviously the only fair practice, that a pair, to be valid, as on the ratification of a treaty, must be two for to one against.

Mr. BEVERIDGE. I do not think so.

Mr. BROWN. I call the Senator's attention to the fact that pairs are not recognized at all under the law. They are simply exercised by the courtesy of the Senate.

Mr. LODGE. I am aware of that.

Mr. BROWN. This proposition to pair at the ratio of two to one will be objected to, and all pairs will be objected to if that is to be the rule of procedure.

Mr. LODGE. Very well, if all pairs are to be objected to and broken, that is all right. There is no objection to that at all.

Mr. BROWN. I am not objecting to all pairs being broken, but I will object to that if it is necessary to defeat the operation of pairs on the ratio of two to one.

Mr. LODGE. The Senator kindly called my attention to the fact that pairs are voluntary. I am not very quick, but I had found that out in the course of my service here. I was referring to that voluntary arrangement. It is merely a matter of good faith. I have seen it on a very close vote when we ratified a treaty; when we ratified the treaty with Spain. I have seen Senators on this floor who were present and able to vote come forward voluntarily in order to make the necessary duplication. It is a matter for all Senators to decide for themselves. There is no rule about it. No objection can stop the arrangement of pairs. I was simply calling the attention of the Senate to what had been the universal practice and what is obviously fair. No objection can prevent it.

Mr. BEVERIDGE. An objection can prevent it.

Mr. LODGE. It never has been otherwise.

The PRESIDENT pro tempore. The Senate will receive a message from the House of Representatives.

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. 32473) for the relief of the sufferers from famine in China.

The message also announced that the House had passed a bill (H. R. 32216) to promote reciprocal trade relations with the Dominion of Canada, and for other purposes, 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 President pro tempore:

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S. 10326. 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. 10327. 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;

S. 10453. An act granting pensions and increase of pension to certain soldiers and sailors of the Regular Army and Navy and soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors;

S. 10454. 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. 31860. An act permitting the building of a wagon and trolley-car bridge across the St. Croix River, between the States of Wisconsin and Minnesota; and

H. R. 31922. An act to authorize the Virginia Iron, Coal & Coke Co. to build a dam across the New River near Foster Falls, Wythe County, Va.

ELECTION OF SENATORS BY DIRECT VOTE.

The PRESIDENT pro tempore. Reports of committees are in order.

Mr. BEVERIDGE. I know that debate upon the matter which has been before the Senate is out of order, but there is just one point raised by the Senator——

Mr. KEAN. Let us have the regular order.

The PRESIDENT pro tempore. The regular order is demanded.

Mr. BEVERIDGE. In my view I do not think it would be wise. Senators can try it if they like.

The PRESIDENT pro tempore. The regular order, which is reports of committees, is demanded.

OATHS BY MARSHALS AND DEPUTIES.

Mr. CLARK of Wyoming. From the Committee on the Judiciary I report back favorably without amendment the bill (H. R. 31657) to authorize United States marshals and their respective chief office deputies to administer certain oaths, and I ask for its consideration. It is very short and rather important.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It empowers each United States marshal and each chief deputy United States marshal to administer oaths to the marshal's deputies and other persons presenting to the marshal claims and accounts for payment. But the United States marshal or chief deputy marshal shall not be entitled to any fee for administering such oaths.

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

MINNESOTA RIVER DAMS.

Mr. NELSON. From the Committee on Commerce I report back favorably without amendment the bill (S. 10452) to authorize the Minnesota River Improvement & Power Co. to construct dams across the Minnesota River, and I submit a report (No. 1155) thereon. I ask for its present consideration, as it is a very short bill.

The Secretary read the bill.

Mr. BRANDEGEE. I shall not object to the present consideration of this bill, but I give notice that I shall call for the regular order after it has been passed.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Minnesota River Improvement & Power Co., a corporation organized under the laws of the State of Minnesota, its successors and assigns, to construct, maintain, and operate dams across the Minnesota River at points suitable to the interests of navigation, as follows:

First. One at or near the outlet of Lake Big Stone, in the counties of Big Stone and Lac qui Parle, Minn., and the county of Grant, S. Dak., and in that connection to divert the waters of the Whetstone River into Big Stone Lake.

Second. One at or near the outlet of Lac qui Parle, between the counties of Lac qui Parle and Chippewa, in the State of Minnesota.

Third. One at or near the confluence of the Redwood and Minnesota Rivers, between the counties of Renville and Redwood, in said State. Each of the dams are to be constructed, maintained, and operated in accordance with the provisions of the act approved June 23, 1910, entitled "An act to amend an act entitled 'An act to regulate the construction of dams navigable waters,' approved June 21, 1906."

The bill was reported to the Senate without amendme dered to be engrossed for a third reading, read the third and passed.

BILLS INTRODUCED.

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

By Mr. TAYLOR:

A bill (S. 10803) for the relief of M. E. Hall and the of James B. Hall, deceased; to the Committee on Claims

A bill (S. 10804) granting a pension to John W. Sturn

A bill (S. 10805) granting an increase of pension to O Croghan; to the Committee on Pensions.

By Mr. ROOT:

A bill (S. 10806) for the relief of Christopher H. McNal certain other Army officers and their heirs or legal repre tives; to the Committee on Claims.

By Mr. WETMORE:

A bill (S. 10807) granting a pension to Mary E. Ho (with accompanying papers); to the Committee on Pensi

By Mr. GUGGENHEIM:

A bill (S. 10808) to authorize the Greeley-Arizona Irri Co. to build a dam across the Colorado River at or Head Gate Rock, near Parker, in Yuma County, Ariz.; Committee on Irrigation and Reclamation of Arid Lands

By Mr. CUMMINS:

A bill (S. 10809) granting an increase of pension to Jar Kennedy (with accompanying papers); to the Committ Pensions.

By Mr. DU PONT (by request):

A bill (S. 10810) for the relief of the heirs of Philippe cois Renaut; to the Committee on Claims.

By Mr. CARTER (by request):

A bill (S. 10811) for the relief of certain tribes or r of Indians in Montana; to the Committee on Indian Affa

By Mr. SMOOT:

A bill (S. 10812) granting a pension to Budge T. Unde (with accompanying paper); to the Committee on Pensio

By Mr. OWEN:

A bill (S. 10813) authorizing the Secretary of the Inte permit the Missouri, Kansas & Texas Coal Co. and the E Coal & Mining Co. to exchange certain lands embraced their existing coal leases in the Choctaw and Chickasaw for other lands within said nation (with accompanying pa to the Committee on Indian Affairs.

By Mr. McCUMBER:

A bill (S. 10814) granting a pension to John D. Smi the Committee on Pensions.

By Mr. BANKHEAD:

A bill (S. 10815) granting a pension to Elias Brown accompanying papers); and

A bill (S. 10816) granting an increase of pension to Walls (with accompanying paper); to the Committee on sions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BRIGGS submitted an amendment relative to th pointment of cadets at the United States Military Aca etc., intended to be proposed by him to the Military Ac appropriation bill, which was referred to the Committ Military Affairs and ordered to be printed.

Mr. SCOTT submitted an amendment proposing to priate $5,000 for the erection and completion of the me structure at Point Pleasant, W. Va., etc., intended to b posed by him to the sundry civil appropriation bill, whic referred to the Committee on Appropriations and ordered printed.

Mr. GORE submitted an amendment proposing to appro $5,000 for the purchase, capture, and transportation of for national reservations, intended to be proposed by him agricultural appropriation bill, which was referred to the mittee on Agriculture and Forestry and ordered to be prin

Mr. BANKHEAD submitted an amendment proposing propriate $110,000 for the promotion of the ramie industry intended to be proposed by him to the agricultural appr tion bill, which was referred to the Committee on Agric and Forestry and ordered to be printed.

Mr. OLIVER submitted an amendment relative to the r postage on pages of any publication, etc., intended to b posed by him to the post office appropriation bill, whic ordered to lie on the table and be printed.

Mr. FRYE submitted an amendment relative to the struction of two revenue cutters authorized by the act of 21, 1910, etc., intended to be proposed by him to the sundry

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In other words, here we find a condition. Two or three hundred years ago a few people landed upon these lands along the Atlantic coast. They found them forests, uninhabited, took possession of them, and to the extent of the growth of the human family they have been populated. The growth of the human family is not a finished condition as yet. These lands are inhabited by several hundred thousand people, and it is fair to presume that conditions which attract that many will in the future, if the conditions are not changed, attract a great many more. You can not say that these lands are uninhabited or useless or that many people could not be living upon them. Millions of dollars of taxes are being collected every year from people who live on these lands. I am speaking with the figures before me.

Mr. SMITH of South Carolina. May I ask the Senator from Idaho a question?

Mr. HEYBURN. Certainly.

Mr. SMITH of South Carolina. We are theorizing largely here. I had a practical experience in 1908. In the watershed of the mountains bordering in North Carolina onto the foothills in South Carolina—we have not so much as North Carolina—there was an unusual rainfall. In that territory which the Senator speaks of as not being desolate, on the hillsides, which produce nothing in proportion to what the lower and more level lands produce, there was an unusual rainfall in 1908. All the streams of South Carolina, the Pedee River, Lynches River, the Wateree, the Congaree, and the Santee, destroyed millions upon millions of dollars' worth of property permanently by the erosion of these hills which could not have happened had there been forests on them, because tons upon tons of silt, sand, and rock were carried down and deposited on the level alluvial land, and made sand bars and mud banks in the navigable streams, costing the State more than those counties were practically worth. It seems to me it would be a wise provision on the part of the Government, where the divergence is so wide in comparison with the lower lands, to make such an appropriation as will forestall any future flood.

Mr. HEYBURN. Mr. President, I will cover that proposition in as few words as possible. Every fertile valley in this land or any other is due to the erosion of the hillsides and the bringing down from inaccessible places of that which makes the soil of the valley.

Mr. SMITH of South Carolina. Will the Senator allow me to say right here—where it percolates through the leaves and where it goes through the sand such as a forest would give; but no one will deny what I said who will come into my State and see the practical result on the great hillsides. The Senator must know that the carrying power of water is exactly according to the square of its velocity. The smaller rivers in the foothills carry down the water, and the minute it strikes the lower plain the velocity of the water is checked. It is not silt but sand and small stones that are deposited, to the destruction not only of the navigation of headwaters, so far as navigation would go, but covering valuable lands.

Mr. HEYBURN. Mr. President, there are sand and gravel and rocks under the surface of the soil upon which the crops grow in all the great Mississippi Valley or any other valley. Who ever heard of the filling up of the ocean? Through untold centuries the mountain sides have been sending down through the aid of floods their deposits. They lodge in the valleys. It has been going on always. It did not commence with this Congress. The great plateau to-day at the mouth of the Euphrates, 200 miles in length and 60 in extent, has been created since our written history began. Those rivers that used to flow separately into the sea have united by reason of it, and to-day American capital and English capital is undertaking to purchase those lands and reduce them to productive conditions. The Mississippi Valley was once rock bottom, without any soil upon it. The soil came down from all the States where the headwaters of the stream and its tributaries flow into the Mississippi.

What would you keep the soil up on the mountain side for? To raise pasture for goats? That is the only practical use to which it could be put. Bring it down where people live and enterprise exists. Suppose, for instance, in the few valleys here and there damage is done to some person or some thing by the rain that falls to replenish the earth that crops may grow. No blessing is uniform in its application in the world. Do not be afraid of the storm that brings down to you the soil from the mountain sides. On the mountain sides it may be ornamental, but it is not useful. In the valley it produces the wealth of this country.

Twenty county seats are included within the territory that is proposed to be taken into this reserve. The conditions that the earlier emigrants to this country found are sought to be repeated. Return to solitude, release these three or four hundred thousand people from their homes, and you have a choice between two things in disposing of them: Either put uniforms on them—a little cock feather in their hats—and pay them their wages out of the Public Treasury, or send them out to what is left of our western country to settle on new farms and become citizens of the new civilization. That is about all you can do with them, or send them to your cities.

Mr. BRANDEGEE. To Canada?

Mr. HEYBURN. It is suggested that we send them to Canada. I suppose they could find occupation there, entering into competition with people who were left on this side outside of these solitudes, and they would sell to us as long as we had any money, and when we have run out of money we will all go to Canada.

Mr. President, I do not intend to enter into any lengthy discussion. The bill, in my judgment, is so extraordinary that it should not receive the support of this body or become a law. It is the most radical piece of fancy legislation that has ever been proposed in the Congress of the United States. I say this without any disrespect for any individual or any discredit to any individual. I doubt whether down in the heart of any man there appears a grain of wisdom in this measure.

The bill was reported to the Senate without amendment.

Mr. BURTON. I desire to offer an amendment, which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 4, lines 6 and 7, strike out the words "the Geological Survey" and in lieu thereof insert the words "the Engineer Corps of the United States Army."

Mr. BURTON. Just one word in explanation, Mr. President. The proviso reads:

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.

The question of reporting in regard to navigation rests with the Engineer Corps. This would lead to a most vicious piece of administration in that one bureau of the Government of the United States having control in a certain branch of work would be displaced and another having no connection with it would take its place.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. LODGE. Mr. President, I hope the amendment will not be adopted, because at this stage of the session, with the crowd of business that is now being dealt with, an amendment would endanger the bill, if not defeat it. It is perfectly easy to make that change. If it is found necessary it can be made by an amendment to an appropriation bill.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Ohio. [Putting the question.] The noes have it, and the amendment is rejected.

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

The yeas and nays were not ordered.

Mr. BURTON. It seems to me we ought to have the yeas and nays on the amendment. May I ask what number is required to obtain them?

The PRESIDENT pro tempore. One-fifth of the Senators present.

Mr. BURTON. I know; but what number would that mean?

The PRESIDENT pro tempore. Only three rose to second the demand.

Mr. BURTON. I must enter the statement that not by rising but raising the hand there was a considerable larger number than that.

The PRESIDENT pro tempore. Only three raised their hands.

Mr. GALLINGER. Mr. President, I am not going to speak to the matter of the yeas and nays. I understood that the yeas and nays were denied, and that ought to end it.

I rise, Mr. President, to say that I had intended to submit some observations on this bill, but as Senators are getting impatient and many of them have engagements for the evening I shall not do so. For one, I am ready to vote on the bill, and I trust the Senate will soon be in the same frame of mind. Feeling sure that the bill will pass by a large majority, further discussion seems unnecessary.

Mr. BURTON. I offer another amendment.

The PRESIDENT pro tempore. The amendment will be stated by the Secretary.

The SECRETARY. On page 5, line 14, after the word "expressed," insert the following proviso:

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Provided, That on lands acquired by the commission timber shall be sold and water power shall be granted only at prices and on terms approved by the National Forest Reservation Commission.

The PRESIDENT pro tempore. The question is on agreeing to the amendment submitted by the Senator from Ohio.

Mr. BURTON. The bill, Mr. President, seems to make no provision for any payment whatever for water-power privileges, although they may be of the very highest value, and only makes provision for paying for timber.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Ohio.

The amendment was rejected.

The bill was ordered to a third reading and was read the third time.

The PRESIDENT pro tempore. Shall the bill pass?

Mr. BURTON. I ask for the yeas and nays on the passage of the bill.

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

Mr. BRANDEGEE (when his name was called). I desire to announce on behalf of the Senator from Texas [Mr. BAILEY] that I have arranged for him a pair on all matters for this day with my colleague, the senior Senator from Connecticut [Mr. BULKELEY].

Mr. BROWN (when Mr. BURKETT's name was called). My colleague [Mr. BURKETT] is unavoidably detained. If he were present, he would vote "yea."

Mr. PAGE (when Mr. DILLINGHAM's name was called). My colleague [Mr. DILLINGHAM] is unavoidably detained from the Senate. He is paired with the junior Senator from Mississippi [Mr. PERCY].

Mr. FLINT (when his name was called). I am paired with the senior Senator from Texas [Mr. CULBERSON], who seems to be absent from the Chamber at this time; but I will transfer my pair to the senior Senator from Rhode Island [Mr. ALDRICH], and vote. I vote "yea."

Mr. HEYBURN (when his name was called). I am paired with the junior Senator from Louisiana [Mr. THORNTON]. If I were not paired and at liberty to vote, I should vote "nay."

Mr. JOHNSTON (when his name was called). I am paired with the senior Senator from Maine [Mr. HALE]. If he were present, I should vote "yea."

Mr. OLIVER (when his name was called). I have a general pair with the Senator from Oregon [Mr. CHAMBERLAIN]. I transfer my pair to the Senator from Nebraska [Mr. BURKETT] and vote. I vote "yea."

Mr. OVERMAN (when Mr. RAYNER's name was called). I am requested to announce that the Senator from Maryland [Mr. RAYNER] is unavoidably detained. He is paired with the Senator from Arkansas [Mr. CLARKE]. If the Senator from Maryland were present, he would vote "yea."

Mr. SIMMONS (when his name was called). I am paired with the junior Senator from Minnesota [Mr. CLAPP], but I am advised that if present he would vote for this bill. I will therefore vote. I vote "yea."

Mr. STONE (when his name was called). I have a pair for this day with the senior Senator from Mississippi [Mr. MONEY]. If he were present, he would vote "yea," and I should vote "nay."

Mr. BACON (when Mr. TERRELL's name was called). My colleague [Mr. TERRELL] is detained from the Chamber by illness. On this question he is paired with the Senator from Alabama [Mr. BANKHEAD]. If my colleague were present, he would vote "yea," and the Senator from Alabama would vote "nay."

Mr. FOSTER (when Mr. THORNTON's name was called). My colleague [Mr. THORNTON] is necessarily absent from the Senate. He is paired with the senior Senator from Idaho [Mr. HEYBURN]. If my colleague were present, he would vote "yea."

The roll call was concluded.

Mr. PERCY. I wish to announce that I am paired with the senior Senator from Vermont [Mr. DILLINGHAM]. If he were present, I should vote "nay."

Mr. JOHNSTON. I wish to announce that the Senator from Texas [Mr. BAILEY] is paired with the Senator from Connecticut [Mr. BULKELEY], and that the Senator from Oklahoma [Mr. GORE] is paired with the Senator from New York [Mr. DEPEW].

The result was announced—yeas 57, nays 9, as follows:

YEAS—57.

Bacon	Burnham	Dixon	Gamble
Beveridge	Burrows	du Pont	Guggenheim
Borah	Carter	Fletcher	Jones
Bourne	Chamberlain	Flint	Kean
Bradley	Crane	Foster	La Follette
Brandegee	Crawford	Frazier	Lodge
Briggs	Cummins	Frye	Martin
Brown	Curtis	Gallinger	Newlands
Nixon	Richardson	Smoot	Warren
Oliver	Root	Stephenson	Watson
Overman	Scott	Sutherland	Wetmor
Page	Simmons	Swanson	Young
Penrose	Smith, Md.	Taliaferro	
Perkins	Smith, Mich.	Taylor	
Piles	Smith, S. C.	Warner	

NAYS—9.

Bristow	Cullom	Gronna	Paynter
Burton	Davis	McCumber	Shively
Clark, Wyo.			

NOT VOTING—25.

Aldrich	Culberson	Johnston	Stone
Bailey	Depew	Lorimer	Terrell
Bankhead	Dick	Money	Thornto
Bulkeley	Dillingham	Nelson	Tillman
Burkett	Gore	Owen	
Clapp	Hale	Percy	
Clarke, Ark.	Heyburn	Rayner	

So the bill was passed.

ENTRIES UPON LANDS RESERVED FOR IRRIGATION PURP

Mr. BORAH submitted the following resolution (S. I which was considered by unanimous consent and agreed

Resolved, That the Secretary of the Senate be authorized the House of Representatives with a duplicate enrolled copy (S. 9405) to amend section 5 of the act of Congress of June entitled "An act to authorize advances to the reclamation for the issue and disposal of certificates of indebtedness in ment therefor, and for other purposes," the original having or mislaid.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to sideration of executive business.

The motion was agreed to, and the Senate proceede consideration of executive business. After 30 minutes executive session the doors were reopened, and (at p. m.) the Senate adjourned until to-morrow, Thursday ary 16, 1911, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February

RECEIVER OF PUBLIC MONEYS.

Harold Hurd, of New Mexico, to be receiver of publi at Roswell, N. Mex., his term expiring March 11, 191 appointment.)

REGISTER OF LAND OFFICE.

Lee Fairbanks, of Colorado, to be register of the la at Del Norte, Colo., his term expiring March 3, 191 appointment.)

REAPPOINTMENT IN THE ARMY.

QUARTERMASTER'S DEPARTMENT.

Brig. Gen. James B. Aleshire, Quartermaster Gener Quartermaster General, with the rank of brigadier gen the period of four years, beginning July 1, 1911, with ra July 1, 1907. His present appointment will expire by li June 30, 1911.

PROMOTIONS IN THE ARMY.

JUDGE ADVOCATE GENERAL'S DEPARTMENT.

Lieut. Col. John A. Hull, judge advocate, to be judge with the rank of colonel from February 15, 1911, v Enoch H. Crowder, who accepted an appointment a advocate general, with the rank of brigadier general, date.

Maj. John Biddle Porter, judge advocate, to be jud cate with the rank of lieutenant colonel from Febr 1911, vice Lieut. Col. John A. Hull, promoted.

PORTO RICO REGIMENT OF INFANTRY.

First Lieut. Samuel S. Bryant, Porto Rico Regimen fantry, to be captain from January 15, 1911, vice Cap L. Graham, retired from active service January 14, 191

Second Lieut. Louis S. Emmanuelli, Porto Rico Reg Infantry, to be first lieutenant from January 15, 1911, v Lieut. Samuel S. Bryant, promoted.

APPOINTMENT IN THE ARMY.

JUDGE ADVOCATE GENERAL'S DEPARTMENT.

First Lieut. Edward A. Kreger, Twenty-eighth Infa be judge advocate with the rank of major from Febr 1911, vice Maj. John Biddle Porter, promoted.

INFANTRY ARM.

To be second lieutenants with rank from February 11,

Frederick Rodman Palmer, of Wisconsin.
Stanley Willis Wood, of Missouri.
Alexander Wilson, of Missouri.
Xavier Francis Blauvelt, of the District of Columbia.
Frank Dorwin Lackland, of the District of Columbia.

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PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a petition of Live Oak Camp, No. 2037, Woodmen of the World, of Chalkbluff, Tex., 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 memorial of the Religious Society of Friends, of Chappaqua, N. Y., remonstrating against any appropriation being made for the fortification of the Panama Canal, which was referred to the Committee on Interoceanic Canals.

He also presented a petition of the Trades and Labor Council of Danville, Ill., praying for the construction of all battleships in Government navy yards, which was referred to the Committee on Naval Affairs.

Mr. GALLINGER. Mr. President, I have had a deluge of telegrams during the last few days asking me to support the so-called Sulloway pension bill. This morning I received a letter which I think I will take the liberty of reading—it is very brief—from a well-known resident of a town in New Hampshire. It is as follows:

The National Tribune telegraphs commander of Grand Army of the Republic post here: "GALLINGER not as earnest as wished for. Can you bring some influence to bear on him? His vote and attention quite important. This in relation to the Sulloway bill before the Senate."

Mr. President, I have been a reasonably consistent friend of the soldiers in all matters of pension legislation, and I am giving very careful consideration both to the so-called Sulloway bill and the substitute bill reported by the Senator from North Dakota [Mr. MCCUMBER], the chairman of the Committee on Pensions. When the matter comes up for vote I shall vote as my intelligence and conscience dictate and not because somebody in Washington has telegraphed somebody in New Hampshire to line me up on the question.

The PRESIDENT pro tempore. The telegrams will lie on the table, the bill having been reported.

Mr. GALLINGER presented a petition of the proprietor of the Gazette-Times-Press, of Lancaster, N. H., and a petition of the Emerson Paper Co., of Sunapee, N. H., praying for the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the editor of the Dublin News, of Dublin, N. H., remonstrating against the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Chamber of Commerce of Washington, D. C., praying for the enactment of legislation providing for an increase in the salaries of Government employees, which was referred to the Committee on the District of Columbia.

He also presented memorials of Local Union No. 15, Brotherhood of Paper Makers, of Lisbon Falls, Me.; of the Emerson Paper Co., of Sunapee, N. H.; of Local Grange of Campton; of Mountain Grange of Ossipee; of Local Grange No. 160, of Carroll; and of Local Grange No. 230, of Unity, Patrons of Husbandry; and of sundry citizens of Berlin and Dover, all in the State of New Hampshire, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. CULLOM presented a memorial of Local Division No. 125, Amalgamated Association of Street Railway Employees of America, of Belleville, Ill., remonstrating against the repeal of the present law relative to the printing by the Government of notes, bonds, checks, etc., which was referred to the Committee on Printing.

He also presented a petition of Local Union No. 1675, United Brotherhood of Carpenters and Joiners of America, of Breese, Ill., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

He also presented a memorial of Charter Oak Grange, Patrons of Husbandry, of Peoria County, Ill., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which was referred to the Committee on Finance.

He also presented a memorial of Wabash Lodge, No. 237, International Association of Machinists, of Mount Carmel, Ill., remonstrating against the repeal of the so-called eight-hour law relative to the building of battleships in Government navy yards, which was referred to the Committee on Naval Affairs.

He also presented a memorial of the Local Business Club of Chester, Ill., remonstrating against the passage of the so-called parcels-post bill, which was referred to the Committee on Post Offices and Post Roads.

Mr. BROWN presented a petition of Holland Post, No. 78, Grand Army of the Republic, Department of Nebraska, of Crete, Nebr., praying for the passage of the so-called old-age pension bill, which was ordered to lie on the table.

He also presented a memorial of the Central Labor Union of Lincoln, Nebr., remonstrating against the repeal of the present law relative to the printing by the Government of notes, bonds, checks, etc., which was referred to the Committee on Printing.

Mr. BOURNE. I present a telegram which I have received from the Oregon & Washington Lumber Manufacturers' Association, which I ask may be read and referred to the Committee on Finance.

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

PORTLAND, OREG., *February 14, 1911.*

Hon. JONATHAN BOURNE, Jr.,
United States Senate, Washington, D. C.:

The senate to-day passed house joint resolution No. 60, as follows:

"Whereas the Canadian reciprocal agreement opposing the removal of duties upon farm and timber products is now under consideration by Congress; and

"Whereas the removal of these existing tariffs upon its products will work inestimable damage to the welfare of the State; and

"Whereas by reason of the shipping laws of the United States foreign vessels can not be used between domestic ports, while vessels under any flag can be used between Canadian ports and those of the United States, thereby securing very much lower rates and making the competition more difficult to meet; and

"Whereas a Tariff Commission has been appointed by the President of the United States to examine into and report on the necessity of changes in our present tariffs on all commodities, both raw and manufactured: Now therefore be it

"*Resolved*, That the Legislature of the State of Oregon requests its Senators and Representatives in Congress to oppose the ratification or consent of or to said Canadian reciprocal agreement at this time and until said Tariff Commission has reported and the country is more fully advised as to the effect of such agreement will have upon the industries and development of the United States."

L. J. WENTWORTH,
President Oregon & Washington Lumber Manufacturers' Association.

Mr. BOURNE. I present a telegram from the Legislature of the State of Oregon, which I ask may be read and lie on the table.

There being no objection, the telegram was read and ordered to lie on the table, as follows:

SALEM, OREG., *February 15, 1911.*

Hon. JONATHAN BOURNE, Jr.,
Washington, D. C.:

To the honorable Senate and House of Representatives, Congress of the United States.

GENTLEMEN: Your memorialists, the Legislative Assembly of the State of Oregon, would respectfully and earnestly represent to your honorable body that the pensions now granted under existing laws to the veterans of the Civil War are, by reason of advancing age and increasing infirmities, inadequate to the deserts and need of those old soldiers who are so rapidly passing away. We therefore urge upon your honorable body the passage of House bill 29346 (the Sulloway bill), granting increased pensions to the survivors of the Civil War commensurate with their increasing age and infirmities. The number of survivors of the Civil War is rapidly growing smaller and their ranks are fast becoming depleted, and we feel that their services to the Nation have been sufficient to warrant the payment to them of the pension provided for in this bill. It is hereby directed that a copy of this memorial, duly signed by the president of the senate and the speaker of the house and attested by the chief clerks of the two houses, be immediately forwarded to each of the Oregon Senators and Representatives in Congress.

Adopted by the house February 13, 1911; concurred in by the senate February 14, 1911.

JOHN P. RUSK, *Speaker of the House.*
BEN SNELLING, *President of Senate.*
W. F. DRAGER, *Chief Clerk of House.*
F. H. FLAGG, *Chief Clerk of Senate.*

Mr. DILLINGHAM presented a petition of Local Chapter, American Federation of Labor, of Bennington; of General Stark Council, of Springfield; and of Rising Sun Council, of St. Johnsburg, Junior Order United American Mechanics, in the State of Vermont; and of Enterprise Council, Junior Order United American Mechanics, of Keyser, W. Va., praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented memorials of Prospect Grange, No. 331; Coldspring Grange, No. 427; Willoughby Lake Grange; Local Grange of Chester; and of Local Grange of Brandon, Patrons of Husbandry, all in the State of Vermont, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. SCOTT presented a memorial of Richlands Grange, No. 76, Patrons of Husbandry, of Greenbrier County, W. Va., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which was referred to the Committee on Finance.

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He also presented a memorial of sundry citizens of Parkersburg, W. Va., remonstrating against the proposed increase in the postal rates on magazines and periodicals, which was ordered to lie on the table.

Mr. YOUNG presented petitions of the Trades and Labor Assembly of Muscatine; of Local Union No. 1112, United Brotherhood of Carpenters and Joiners of America, of Marshalltown; and of Local Union No. 18, United Association Journeymen Plumbers, Gas and Steam Fitters, and Steam Fitters' Helpers, of Sioux City, all in the State of Iowa, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. DEPEW. I present a concurrent resolution of the Legislature of the State of New York, which I ask may be printed in the RECORD and referred to the Committee on Naval Affairs.

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

IN ASSEMBLY, *January 23, 1911.*

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

Whereas the United States possesses one of the finest navy yards in the world, situate in the borough of Brooklyn, city and State of New York, and comprising 144 acres of land and 3 miles of water front; and

Whereas said navy yard is sufficiently equipped to economically and expeditiously construct the largest class of battleships, as has been demonstrated by the building of the U. S. battleships *Connecticut* and *Florida;* and

Whereas the maintenance of the well-organized and efficient mechanical force in said yard, ready to meet any emergency, is demanded; and

Whereas battleships should be built in the Government navy yards, in order that competition between the private yards shall not be lost in a combination to overcharge the Government; and

Whereas arrangements have been made for the building of the battleship *New York* at the New York Navy Yard, and a movement is now on foot to build this vessel at a private yard: Now therefore be it

Resolved (*if the senate concur*), That the President of the United States, the Secretary of the Navy, and the Representatives in Congress from this State be, and they hereby are, requested to strenuously oppose the effort which is being made to have the battleship *New York* built in a private yard; and they are requested to see that this battleship is built in the New York Navy Yard, where such successful work has been heretofore done.

Said resolution giving rise to debate, ordered that the same be laid on the table.

—

JANUARY 30, 1911.

By unanimous consent, Mr. Ahern called up his resolution in relation to the construction of battleships at the Brooklyn Navy Yard introduced January 23.

Mr. Speaker put the question whether the house would agree to said resolution, and it was determined in the affirmative.

Ordered, That the clerk deliver said resolution to the senate and request their concurrence therein.

The senate returned the concurrent resolution introduced by Mr. Ahern in relation to the construction of battleships at the Brooklyn Navy Yard with a message that they have concurred in the passage of the same without amendment.

—

OFFICE OF THE CLERK OF THE ASSEMBLY.

STATE OF NEW YORK, *County of Albany, ss:*

I, Luke McHenry, clerk of the assembly, do hereby certify that I have compared the foregoing resolution and record of proceedings of the assembly had thereon with the original thereof as contained in the original copy of the official journal of the proceedings of the Assembly of the State of New York of the 23d and 30th days of January, 1911, now on file in my office; that the foregoing is a true and correct transcript of said original resolution and record of the proceedings of the assembly had thereon on the said dates and of the whole thereof.

In witness whereof I have hereunto affixed my hand and official seal this 7th day of February, 1911.

LUKE MCHENRY,
Clerk of the Assembly.

Mr. DEPEW presented a petition of Local Union No. 103, Brotherhood of Painters, Decorators, and Paperhangers, of Binghamton, N. Y., praying for the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of the Central Labor Union of Ithaca; of Local Union No. 1741, United Brotherhood of Carpenters and Joiners, of Lake Placid; of Washington Camp No. 32, Patriotic Order Sons of America, of Warwick; of Charles De Witt Council, No. 91, Junior Order United American Mechanics, of Kingston; and of Local Union No. 31, Brotherhood of Painters, of Syracuse, all in the State of New York, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented petitions of Admiral Cook Camp, No. 69, United Spanish War Veterans, of Haverstraw; of Local Lodge No. 330, International Association of Machinists, of Buffalo; and of sundry citizens of Lancaster, all in the State of New York, praying for the enactment of legislation providing for the construction of the battleship *New York* in a Government navy yard, which were referred to the Committee on Naval Affairs.

He also presented a memorial of the Central Labor Union of Ithaca, N. Y., remonstrating against the repeal of the present law relative to the printing by the Government of notes, and checks, which was referred to the Committee on Prin

He also presented a petition of the Business Men's A tion of Auburn, N. Y., praying for the ratification of t posed reciprocal agreement between the United State Canada, which was referred to the Committee on Financ

He also presented memorials of Local Granges No. Bernhards Bay; No. 841, of Putnam Valley; No. 613, of town; No. 43, of Lenox; No. 6, of Honeoye Falls; a Shawangunk Grange, No. 1018, of Greenville, all of the P of Husbandry; and of sundry citizens of Willink and N Falls, all in the State of New York, remonstrating agai ratification of the proposed reciprocal agreement betwe United States and Canada, which were referred to the mittee on Finance.

He also presented a petition of the Boone and Crockett of New York City, N. Y., praying for the enactment of tion providing for the establishment of the Appalachian Reserve, which was ordered to lie on the table.

He also presented a petition of Root Post, No. 151, Army of the Republic, Department of New York, of Sy N. Y., and a petition of James Hall Camp, No. 111, Sons erans, of Jamestown, N. Y., praying for the passage of called old-age pension bill, which were ordered to lie on the

Mr. OWEN. I present a concurrent resolution of the L ture of the State of Oklahoma, which I ask may be prin the RECORD and referred to the Committee on Indian Aff

There being no objection, the concurrent resolution w ferred to the Committee on Indian Affairs and ordered printed in the RECORD, as follows:

Senate concurrent resolution 17.

A resolution memorializing Congress to pass an act providing sale of the coal and asphalt lands of the Choctaw and Chi Nations.

Whereas there has been introduced in the Congress of the States a bill providing for the sale of the segregated coal and lands of the Choctaw and Chickasaw Nations; and

Whereas said bill has been drafted and agreed upon by all in affected, Indians and white people alike, thereby removing the tions to said legislation that have heretofore existed, and all in affected are now urging its passage, the Indians because it wil out the solemn treaty stipulations contained in the supplementary ment of 1902, for the sale of their coal and asphalt lands and tribution per capita of the proceeds, and the white people bec would result in the development and taxation of a large area now wholly undeveloped and untaxable, thereby lightening the of taxation and resulting in great good to the whole people State of Oklahoma: Therefore be it

Resolved by the senate (*the house of representatives con therein*), That the Congress of the United States be, and the hereby, memorialized to pass an act at the present session of C that will result in the early sales of the segregated coal and lands of the Choctaw and Chickasaw Nations and the distribu the proceeds per capita among the Indians.

Resolved, That a copy of this resolution be forwarded to Hon GORE and the Hon. ROBERT L. OWEN and to the Members of C of Oklahoma, and that they be requested to present the same gress.

Passed by the senate February 6, 1911.

J. ELMER THOMAS,
President pro tempore of Se

Passed by the house of representatives February 6, 1911.

W. A. DURANT,
Speaker of House of Representat

Mr. OWEN. I present a concurrent resolution of the L ture of the State of Oklahoma, which I ask may be prin the RECORD and referred to the Committee on Indian Aff

There being no objection, the concurrent resolution w ferred to the Committee on Indian Affairs and ordered printed in the RECORD, as follows:

House concurrent resolution 19.

Whereas by act of Congress approved June 28, 1906, the r interests then belonging to the Osage Tribe of Indians were re by the tribe for the period of 25 years, unless otherwise provi act of Congress; and

Whereas the said act of Congress also provides for the allotm severalty of the lands of the Osage Tribe of Indians, among the bers of said tribe without any right or ownership in the minerals neath the surface; and

Whereas the said reservation of mineral interest to said t operating to the great detriment to the individual members of the and is retarding the growth and development of Osage County b of the fact that it makes land sales difficult and because of th that it prevents the members of said tribes from receiving a fa reasonable price for their land.

Therefore we respectfully petition that the Congress of the States, in a legislation, provide that the minerals now reserved Osage Tribe of Indians be individualized and placed to the al so that each allottee will receive the minerals underlying the s allotted to him.

Passed the house of representatives January 24, 1911.

W. A. DURANT,
Speaker of the House of Representati

Passed the senate February 7, 1911.

J. ELMER THOMAS,
President pro tempore of the Sen

I certify that the above and foregoing is a true and correct c house concurrent resolution No. 19.

G. A. CROYETT, *Chief Cl*

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S. 8889. Ira A. Kneeland.
S. 8893. Fernando S. Philbrick.
S. 8897. Chandler Swift.
S. 8925. Pleasant H. Latimer.
S. 8926. John Bigley.
S. 8975. William H. Gosset.
S. 8977. Thomas Murray.
S. 9022. William Swinburn.
S. 9209. Morris Thomas.
S. 9210. Gullien Tullion.
S. 9217. Samuel A. Sanders.
S. 9257. Winfield S. Janes.
S. 9261. William H. Fields.
S. 9265. Solomon Peck.
S. 9284. Frank J. Clark.
S. 9293. Benjamin Bortz.
S. 9294. Cyrus Wilson.
S. 9350. Perkins H. Bagley, jr.
S. 9414. Alfred L. Tucker.
S. 9444. Francis J. Trowe.
S. 9458. Melissa J. Kauffman.
S. 9545. Lewis H. Shiery.
S. 9548. Andrew Marsh.
S. 9562. William W. Fraser.
S. 9564. Joseph C. Monk.
S. 9567. Eli N. Swerdfeger.
S. 9593. David H. Frink.
S. 9609. Eli Adams.
S. 9612. Benjamin F. Fulton.
S. 9628. Frederick Shulley.
S. 9631. David Stanard.
S. 9680. Daniel Younker.
S. 9696. Benjamin Bennett.
S. 9700. Margaret J. Brownell.
S. 9703. T. Price Line.
S. 9704. Rose E. White.
S. 9735. John Hines.
S. 9741. Austin Betters.
S. 9752. Thomas Posey.
S. 9753. Henry McBrien.
S. 9792. Arthur W. Cox.
S. 9820. William H. H. Ranger.
S. 9861. James M. Chambers.
S. 9867. Mary C. Galbraith.
S. 9937. Wright T. Ellison.
S. 9939. Benjamin T. Stevens.
S. 10004. Richard Dent.
S. 10042. John Rose.
S. 10047. Mark Smith.
S. 10060. William B. Knapp.
S. 10062. Mary P. Meade.
S. 10064. William W. Edwards.
S. 10142. Essie Pursel.
S. 10150. Andrew Schoonmaker.
S. 10195. Jacob Mathews.
S. 10199. George W. Fouts.
S. 10222. George W. McAllister.
S. 10237. Charles H. McCarroll.
S. 10303. Edward J. Miller.
S. 10306. John M. Staples.
S. 10335. Harry G. Bingner.
S. 10340. Theodore Clark.
S. 10360. Michael Wiar.
S. 10393. William McGlone.
S. 10459. Alexander Wilson.
S. 10460. Calvin Buntan.
S. 10501. Lucia W. Huxford.
S. 10504. James Doyle.
S. 10511. Charles O. Chapman.
S. 10515. John S. Cilley.
S. 10587. James H. Thompson.
S. 10615. Benjamin F. B. Holmes.
S. 10639. Ida M. Elder.
S. 10645. Thomas Loughney.
S. 10650. William U. Thayer.
S. 10652. John Walsh.
S. 10654. Marcellus E. McKellup.
S. 10655. George T. Kerans.
S. 10656. Byron Rudy.
S. 10659. William A. Leech.
S. 10673. Anna H. Fitch.
S. 10674. Andrew J. Fogg.
S. 10689. Otis Johnson.
S. 10697. Joseph P. Pittman.
S. 10698. Henry G. Tuttle.
S. 10717. William Hise.
S. 10729. James H. Morley.
S. 10776. Frank N. Jameison.
S. 10797. Edward J. Moss.

Mr. McCUMBER, from the Committee on Pensions, to which was referred the bill (S. 5541) granting a pension to Margaret Gately, submitted an adverse report (No. 1174) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. HEYBURN, from the Committee on Public Lands, to which was referred the bill (S. 10791) to eliminate from forest and other reserves certain lands included therein for which the State of Idaho had, prior to the creation of said reserves, made application to the Secretary of the Interior under its grants that such lands be surveyed, reported it without amendment.

He also, from the same committee, to which was referred the bill (S. 10707) to consolidate certain forest lands in the Kansas National Forest, reported it with amendments and submitted a report (No. 1175) thereon.

Mr. SMITH of Michigan, from the Committee on Foreign Relations, to which was referred the bill (S. 6119) to give effect to the provisions of a treaty between the United States and Great Britain concerning the fisheries in waters contiguous to the United States and the Dominion of Canada, signed at Washington on April 1, 1908, and ratified by the United States Senate April 13, 1908, reported it with an amendment and submitted a report (No. 1176) thereon.

Mr. WARREN, from the Committee on Military Affairs, to which was referred the bill (S. 10770) fixing the rank of military attachés, reported it without amendment and submitted a report (No. 1177) thereon.

Mr. SMITH of Maryland, from the Committee on Naval Affairs, to which was referred the bill (H. R. 24145) for the establishment of marine schools, and for other purposes, reported it with an amendment and submitted a report (No. 1178) thereon.

Mr. FLINT, from the Committee on Public Lands, to which was referred the bill (H. R. 32344) to protect the locators in good faith of oil and gas lands who shall have effected an actual discovery of oil or gas on the public lands of the United States, or their successors in interest, reported it with amendments and submitted a report (No. 1179) thereon.

Mr. FRYE, from the Committee on Commerce, to which was referred the amendment submitted by himself on the 15th instant, relative to the construction of two revenue cutters authorized by the act approved April 21, 1910, 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.

NIOBRARA RIVER DAM, NEBRASKA.

Mr. BROWN. From the Committee on Military Affairs, I report back favorably without amendment the bill (H. R. 31662) granting five years' extension of time to Charles H. Cornell, his assigns, assignees, successors, and grantees, in which to construct a dam across the Niobrara River on the Fort Niobrara Military Reservation, and to construct electric light and power wires and telephone line and trolley or electric railway, with telegraph and telephone lines, across said reservation, and I submit a report (No. 1162) thereon. The bill relates alone to the extension of time originally fixed in an act passed by Congress five years. It is very short, 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.

LEASE OF SENECA INDIAN LAND.

Mr. PAGE. From the Committee on Indian Affairs I report back favorably without amendment the bill (H. R. 31056) to ratify a certain lease with the Seneca Nation of Indians, and I submit a report (No. 1161) thereon. It is a bill which will require no debate and its passage is very important. I ask unanimous consent 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. It ratifies and confirms a lease bearing date August 10, 1910, between the Seneca Nation of Indians on the Cattaraugus and Allegany Reservations, in the State of New York, and Edward Bolard, of Cattaraugus County, N. Y.; but the lessee or his assigns shall file a bond for the benefit of the lessor in the sum of $25,000 for the faithful performance of

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the terms of said lease, to be approved by the Secretary of the Interior.

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

LAND AT OMAK, WASH.

Mr. JONES. From the Committee on Public Lands I report back favorably without amendment the bill (S. 10756) granting public lands to the town of Omak, State of Washington, for public-park purposes, and I submit a report (No. 1164) thereon. The bill simply authorizes the town of Omak to buy a little less than 30 acres for public-park purposes. 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. It grants and conveys, for public-park purposes, to the town of Omak, county of Okanogan, State of Washington, a municipal corporation, the following-described lands, or so much thereof as said town may desire, to wit: All of Government lot No. 3, section 25; and all of Government lot No. 4, section 26, both lying in township 34 north, and range 26 east of Willamette meridian, and containing 29.12 acres, more or less.

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

LAND AT TRINIDAD, COLO.

Mr. THORNTON. From the Committee on Public Lands I report back favorably with amendments the bill (S. 10591) to grant certain lands to the city of Trinidad, Colo., and I submit a report (No. 1163) thereon. The bill is recommended by the department and the right of the Government has been safeguarded. It seems that this city is in the semiarid region of Colorado, and it is very necessary that it should get this land as soon as possible on account of its water supply. Under the circumstances, 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 7, before the word "acres," to strike out "one hundred and sixty" and insert "forty;" in line 13, after the word "use," to strike out the words "and behoof forever;" on page 2, line 12, after the words "United States," to insert the following proviso: "*And provided*, That there shall be reserved to the United States all oil, coal, and other mineral deposits that may be found in the land so granted, and all necessary use of the lands for extracting the same;" and in line 12, after the words "*And provided*," to insert the word "*further*," so as to make the bill read:

Be it enacted, etc., That the following-described lands, situate in Las Animas County, Colo., namely: The southwest quarter of the northeast quarter of section 19, in township 32 south, range 68 west of the sixth principal meridian, containing 40 acres, more or less, be, and the same are hereby, granted and conveyed to the city of Trinidad, in the county of Las Animas and State of Colorado, upon the payment of $1.25 per acre by said city to the United States. The above lands are granted and conveyed to the city of Trinidad, to have and hold for its separate use for purposes of water storage and protection of water supply; and for said purposes said city shall forever have the right, in its discretion, to control and use any and all parts of the premises herein conveyed, and in the construction of reservoirs, laying such pipes and mains, and in making such improvements as may be necessary to utilize the water contained in any natural or constructed reservoirs upon said premises, and to protect its water supply from pollution and otherwise: *Provided, however*, That the grant hereby made is and the patent issued hereunder shall be subject to all legal rights heretofore acquired by any persons or persons in or to the above-described premises, or any part thereof, and now existing under and by virtue of the laws of the United States: *And provided*, That there shall be reserved to the United States all oil, coal, and other mineral deposits that may be found in the lands so granted, and all necessary use of the lands for extracting the same: *And provided further*, That the lands hereby authorized to be purchased, as hereinbefore set forth, and all portions thereof shall be held and used by or for the said grantee for the purposes herein specified, and in the event the said lands shall cease to be so used they shall revert to the United States, and this condition shall be expressed in the patent to be issued under the terms of this act.

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.

OSAGE INDIAN LANDS.

Mr. OWEN. From the Committee on Indian Affairs I report back favorably the bill (S. 10606) supplementary to and amendatory of the act entitled "An act for the division of the lands and funds of the Osage Nation of Indians in Oklahoma," approved June 28, 1906, and for other purposes, and I submit a report (No. 1172) thereon. I ask for the present consideration of the bill.

The Secretary read the bill.

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

Mr. KEAN. I should like to ask the Senator from Okla two or three questions.

Mr. OWEN. Mr. President, I ask that the report of the retary of the Interior be read. It is a very short explan account of the bill.

Mr. KEAN. I understand that this bill does not increas enrollment of the Osage Nation.

Mr. OWEN. No.

Mr. KEAN. That it is only to allow them to allot their and that it is recommended by the Secretary of the Interi

Mr. OWEN. It is.

Mr. KEAN. And it is thought to be very necessary.

Mr. OWEN. Yes, sir.

Mr. KEAN. And it is also approved by the Osage Tri Indians.

Mr. OWEN. Yes, sir.

Mr. DAVIS. Mr. President, I object.

The PRESIDENT pro tempore. Objection being made bill goes to the calendar.

Mr. OWEN. Mr. President, notwithstanding the obje of the Senator from Arkansas, I move that the Senate pr to the consideration of the bill. It is a departmental bill I ask that the report of the Secretary of the Interior be in regard to it.

Mr. GALLINGER. Has the bill been reported to-day President?

The PRESIDENT pro tempore. The bill has been rep to-day, and the Chair does not think the motion of the Se from Oklahoma is in order.

Mr. GALLINGER. Under the rule the bill must go ove day, if objected to.

Mr. OWEN. Then I ask that the bill lie on the table to-morrow.

The PRESIDENT pro tempore. The Senator from homa asks that the bill lie on the table until to-morrow there objection?

Mr. DAVIS. I object.

The PRESIDENT pro tempore. The Senator from Ark objects. The bill will go to the calendar.

ST. ANDREW (FLA.) SUBPORT OF ENTRY.

Mr. TALIAFERRO. I ask unanimous consent for the pr consideration of the bill (S. 10559) to designate St. An Fla., as a subport of entry, which was reported favorably morning from the Committee on Commerce by the Senator Michigan [Mr. SMITH].

The PRESIDENT pro tempore. The Senator from Fl asks unanimous consent for the present consideration o bill——

Mr. CRAWFORD. Mr. President, I object. I think son the Senators who are waiting here to make reports and to attend to other matters ought not to be subjected to wa for the consideration of every bill which is reported.

Mr. TALIAFERRO. This bill will not take two minutes is a very short bill.

Mr. CRAWFORD. I would gladly yield to the Senator Florida, but this has been going on here for a half hou more. I have simply been waiting for an opportunity to sent a report, so that I can leave the Chamber, to atter another matter.

Mr. TALIAFERRO. I withdraw the request, Mr. Presi until the Senator from South Dakota has had an opport to make his report.

Mr. TALIAFERRO subsequently said: Mr. President, I r the request for the consideration of the bill (S. 10559) to ignate St. Andrew, Fla., as a subport of entry.

The PRESIDENT pro tempore. The Senator from Fl asks unanimous consent for the present consideration of a Is there objection?

There being no objection, the Senate, as in Committee o Whole, proceeded to consider the bill. It proposes to mak Andrew, in the State of Florida, a subport of entry in the trict of Pensacola, and provides that the necessary cus officers may, in the discretion of the Secretary of the Trea be stationed at that subport, with authority to enter and vessels, receive duties, fees, and other moneys, and perform other services as, in his judgment, the interest of commerce require, and that the officers shall receive such compensatio he may allow.

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

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LANDS ON DAUPHIN ISLAND, ALA.

Mr. JOHNSTON. From the Committee on Military Affairs I report back favorably, without amendment, the bill (S. 10638) to authorize the Secretary of War to sell certain lands owned by the United States and situated on Dauphin Island, in Mobile County, Ala., and I submit a report (No. 1165) thereon. I ask unanimous consent for its present consideration.

The PRESIDENT pro tempore. 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. It authorizes the Secretary of War to sell so much or such parts of that certain tract of land condemned and held by the United States, and situated on Dauphin Island, in Mobile County, Ala., being a tract of 900 acres, more or less, constituting the eastern end of said island, as may not be reasonably necessary for present or prospective military or cognate purposes, for such consideration or upon such terms as he may find reasonable, not less than the original cost, and to execute deeds therefor.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, 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. LODGE:

A bill (S. 10819) providing for the refund of certain duties incorrectly collected on cutch; to the Committee on Finance.

A bill (S. 10820) granting a pension to Pierce O'Connell (with an accompanying paper); to the Committee on Pensions.

By Mr. CULLOM:

A bill (S. 10821) granting an increase of pension to Chastina E. Hawley; to the Committee on Pensions.

By Mr. GAMBLE:

A bill (S. 10822) to extend the time for the completion of a bridge across the Missouri River at or near Yankton, S. Dak., by the Winnipeg, Yankton & Gulf Railroad Co.; and

A bill (S. 10823) to extend the time for the completion of a bridge across the Missouri River at Yankton, S. Dak., by the Yankton, Norfolk & Southern Railway Co.; to the Committee on Commerce.

By Mr. SCOTT:

A bill (S. 10824) granting an increase of pension to Benjamin F. Reed (with accompanying papers); to the Committee on Pensions.

By Mr. JONES:

A bill (S. 10825) granting an increase of pension to John Thompson; to the Committee on Pensions.

By Mr. RAYNER (by request):

A bill (S. 10826) for the relief of the legal representatives of George Neitzey, deceased, surviving partner of Neitzey & Acker; to the Committee on Claims.

By Mr. GORE:

A bill (S. 10827) to appropriate the sum of $100,000 for the drilling of experimental artesian wells; to the Committee on Irrigation and Reclamation of Arid Lands.

By Mr. CRANE:

A bill (S. 10828) for the relief of S. and W. Welsh and others; to the Committee on Claims.

By Mr. OWEN:

A bill (S. 10829) providing for the payment of the claims of the Shawnee and Delaware Indians;

A bill (S. 10830) providing payment of the claims of the Pawnee Tribe of Indians against the United States; and

A bill (S. 10831) providing for the payment of the claims for equalization of Creek allotments; to the Committee on Claims.

By Mr. OVERMAN:

A bill (S. 10832) for the relief of A. M. Williams, jr., administrator of Edward Cleve; to the Committee on Claims.

By Mr. GORE:

A bill (S. 10833) granting an increase of pension to Albert J. Davis (with accompanying papers); to the Committee on Pensions.

By Mr. BRADLEY (by request):

A bill (S. 10834) for the relief of Fred Stitzel, surviving partner of the firm of Stitzel Bros.; and

A bill (S. 10835) for the relief of the estate of William W. Parrish, deceased; to the Committee on Claims.

By Mr. NELSON:

A bill (S. 10836) to authorize the Minnesota River Improvement Power Co. to construct dams across the Minnesota River; to the Committee on Commerce.

By Mr. GALLINGER:

A joint resolution (S. J. Res. 144) authorizing the printing of 2,500 copies of the Code of Law for the District of Columbia (with accompanying paper); to the Committee on the District of Columbia.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. OVERMAN submitted an amendment proposing to increase the appropriation for the erection and completion of the post-office and customhouse building at Wilmington, N. C., to the amount of $200,000, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. WARREN submitted an amendment relative to the conveyance by the United States to the Government of Porto Rico of all the rights and title to the buildings and grounds of the insane asylum, known as the "Beneficencia Building," and the buildings and grounds known as the "San Juan Military Hospital," in San Juan, P. R., etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

WITHDRAWAL OF PAPERS—A. J. G. KANE.

On motion of Mr. DEPEW, it was

Ordered, That leave be granted to withdraw from the files of the Senate the papers accompanying Senate bill 6651, Sixty-first Congress, to correct the military record of A. J. G. Kane, there having been no adverse report thereon.

POSTAGE ON PERIODICALS.

Mr. PENROSE submitted the following resolution (S. Res. 351), which was referred to the Committee on Printing:

Resolved, That there be printed 25,000 copies of Senate Document No. 820, Sixty-first Congress, third session, "Letters from the Postmaster General to Hon. BOIES PENROSE relative to the section of the postal appropriation bill that provides for an increase in the postage rate on the advertising portions of periodical publications mailed as second-class matter," for the use of the Committee on Post Offices and Post Roads.

IMPROVEMENT OF THE ANACOSTIA FLATS.

Mr. GALLINGER. Mr. President, I have a letter from the Commissioners of the District of Columbia, transmitting the second report of Mr. Hugh T. Taggart, special counsel, on the ownership of lands and riparian rights along the Anacostia River, in the District of Columbia. Mr. Taggart made a former report, which was printed as a Senate document. I move that the letter and report be referred to the Committee on Printing, with the view to having them printed as a Senate document. I submit the following resolution, which I ask may be read and referred to the Committee on Printing:

There being no objection, the resolution (S. Res. 350) was read and referred to the Committee on Printing, as follows:

Resolved, That the letter from the Commissioners of the District of Columbia transmitting the second report of Mr. Hugh T. Taggart, special counsel, on the ownership of lands and riparian rights along the Anacostia River in the District of Columbia, be printed with accompanying illustrations as a document.

STOREKEEPERS AND GAUGERS.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the amendment of the Senate to the bill (H. R. 27837) to amend the provisions of the act of March 3, 1885, limiting the compensation of storekeepers, gaugers, and storekeeper-gaugers, in certain cases to $2 a day, and for other purposes, which was, in line 4 of the amendment, after the words "compensation is," to insert "now."

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

The motion was agreed to.

LUMBER INDUSTRY OF THE UNITED STATES.

Mr. SMOOT. On February 14 the President sent a message to the Senate transmitting a report of the Commissioner of Corporations on the lumber industry of the United States, and it was ordered to be printed as a public document. I find in that report three illustrations. I ask the Senate for authority to print the illustrations.

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

Ordered, That there be printed with Senate Document No. 818, Sixty-first Congress, third session, "Message from the President of the United States transmitting in response to Senate resolution of January 18, 1907, Part I, of a summary report of the Commissioner of Corporations, on the lumber industry of the United States," the illustrations accompanying the same.

TELEPOST CO.

Mr. GALLINGER. Mr. President, some weeks ago, at the request of the senior Senator from Connecticut [Mr. BULKELEY], I asked that the bill (H. R. 19402) to enable the Telepost Co.

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to construct its plant, operate the same, and transact its business in the District of Columbia, and to make necessary connections with other parts of its system, be placed on the calendar under Rule IX. The Senator from Kentucky [Mr. PAYNTER] was not present on that day. He made the report on the bill, and he feels that it ought to go back under Rule VIII. I make the request that it be placed at the bottom of the first page of the calendar under Rule VII.

The PRESIDENT pro tempore. The Chair hears no objection to the request of the Senator from New Hampshire, and it will be agreed to.

RIGHTS OF THE SENATE.

Mr. HEYBURN. Mr. President, I rise to a question of privilege. I send to the Secretary's desk a paper with a marked article to which I desire to call the attention of the Senate. It is one that reflects upon the integrity and the character of the Senate, and imputes to it motives irreconcilable with honor and dignity.

The PRESIDENT pro tempore. If there be no objection the Secretary will read as requested.

The Secretary read from the Washington Post of Thursday, February 16, 1911, as follows:

TAFT CAN PASS PACT—SENATE WILL ACT ON RECIPROCITY IF PRESIDENT INSISTS—IN FEAR OF EXTRA SESSION—REPUBLICAN LEADERS BELIEVE PRESIDENT IN POSITION TO FORCE ACTION ON AGREEMENT—CONFERS WITH CRANE AT WHITE HOUSE—MAY PICK LODGE TO CONDUCT CAMPAIGN—BURTON TELLS OF MEASURE.

The Canadian reciprocity agreement was received in the Senate yesterday in the ordinary course of business without demonstration and was formally referred to the Committee on Finance, where it will be given consideration and eventually reported back for final action. What its fate will be is problematical. The most determined standpatters freely admit there will be a majority for the agreement if a vote is reached. In the judgment of Senators who have participated in many a long-fought and hotly contested legislative battle there is but one way in which to bring this agreement to a vote.

The President can compel action if he deems it of sufficient importance to crack the whip. If the President lets the Senate know, not by intimation or suggestion, but in language so plain that the most unwilling listener must interpret his message to mean an extraordinary session if the Senate fails to act, there will be a vote. If the President declines to go to that extreme, the agreement will never get further along its legislative road than the calendar.

Left in this fashion as a discredited heritage to the next Congress, the whole battle will have to be fought over again or reciprocity laid aside for general revision of the tariff in accordance with Democratic ideas as to what constitutes revision.

Mr. HEYBURN. Mr. President, the Senate can not pass this over without some attention, unless it has so completely lost its self-respect as to be not entitled to the respect of any other person. A charge that any Member of this body is to be influenced by the crack of the whip of anybody else is a charge of cowardice which would not be received without resentment by anyone but a coward. To charge that a coordinate branch of this Government can compel another of the coordinate branches to act other than in pursuance of its judgment and conscientious duty under oath is to charge that body with corruption. They charge corruption against the coordinate body that would attempt to influence it, and they charge cowardice and corruption against the body that would be influenced by it. Are we going to sit here in silence under such charges? There is no party politics in a matter of this kind; it is one that goes to the question of the honor and the dignity of this body and of every Member of it. That it shall be stated in the public press, that sits and walks upon the floor of this Chamber by the courtesy of the Senate, that the Senate is venal and cowardly, is a thought intolerable to be contemplated. So long as the Senate retains its self-respect and its claim to the high position that it does hold in the Government of the United States and among the nations of the earth, if it fails to resent a statement of this kind made by somebody who is enjoying the courtesy of the Senate, then it will be entitled to just so much respect as is given it by those who are responsible for such statements.

I have heard it charged within a few days on another occasion that the pressure of the White House would be sufficient to swerve men in this body from the performance of their duty under their oaths. I heard it stated and saw it printed that the threat that Members of this body might be called upon for a further consideration of the measures before them in an extra session would be sufficient to make them retreat from their conscience; stamp themselves before the world as without a conscience. For that purpose I have called the attention of the Senate to this publication in order that it may not go unnoticed; that we are being charged by those who are the recipients of courtesy and favor at our hands with crimes that are blacker than those that occupy the attention of the criminal courts of the land.

CIVIL GOVERNMENT FOR PORTO RICO.

Mr. DEPEW. I ask for the consideration of the s order.

The PRESIDENT pro tempore. The Senator from York asks that the Senate proceed to the consideration special order, the title of which will be stated.

The SECRETARY. A bill (H. R. 23000) to provide a civ ernment for Porto Rico, and for other purposes.

The Senate, as in Committee of the Whole, proceeded t sider the bill.

The Secretary proceeded to read the bill, and read to t of section 5.

Mr. ROOT. I rise to inquire whether the reading of t is under such circumstances that there is assumed to assent by the Senate to the portions that are read as along.

The PRESIDENT pro tempore. Not at all. The bill v open to action as in the Committee of the Whole.

Mr. ROOT. I do not wish to interfere at all with the ress of the bill, but lest it might happen that the sixth s of the bill should come up while I am out of the Chan wish now to say that I object to it, and that I shall as Senate to give it the most serious consideration upon its before it is passed upon.

Mr. FLETCHER. What section is that?

Mr. ROOT. It is the sixth section, which confers citiz upon the people of Porto Rico.

The Secretary resumed and concluded the reading of th

Mr. CLARKE of Arkansas. The pending bill is one of importance, and I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Ark suggests the absence of a quorum. The Secretary will ca roll.

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

Bankhead	Crane	Johnston	Root
Borah	Crawford	Jones	Scott
Bourne	Culberson	Kean	Shively
Bradley	Cullom	Lodge	Simmons
Briggs	Cummins	McCumber	Smith, Mich
Bristow	Davis	Nelson	Smith, S. C.
Brown	Depew	Nixon	Smoot
Bulkeley	Dillingham	Oliver	Stephenson
Burkett	Fletcher	Owen	Sutherland
Burnham	Flint	Page	Warner
Burrows	Frazier	Paynter	Warren
Burton	Frye	Penrose	Watson
Carter	Gallinger	Percy	Wetmore
Chamberlain	Gamble	Perkins	Young
Clapp	Gronna	Piles	
Clark, Wyo.	Guggenheim	Rayner	
Clarke, Ark.	Heyburn	Richardson	

The PRESIDENT pro tempore. Sixty-five Senators ha sponded to their names. There is a quorum present.

Mr. DEPEW. Mr. President, the unfinished business w in order in about a minute, and I therefore ask unanimou sent that this bill, having been read through, be taken u morrow morning immediately after the routine business.

The PRESIDENT pro tempore. The Senator from New asks unanimous consent that the Senate proceed to the sideration of the Porto Rican government bill immediately the completion of morning business to-morrow.

Mr. KEAN. Not to interfere with appropriation bills.

The PRESIDENT pro tempore. Not to interfere with a priation bills.

Mr. SMOOT. Or the unfinished business.

The PRESIDENT pro tempore. Is there objection to t quest of the Senator from New York?

Mr. SCOTT. I will say to the Senator from New York am sorry to object, but I want to get the pension bill up I shall insist to-morrow morning, if the opportunity pre itself, upon its being taken up in lieu of the bill for Porto Consequently I shall have to object.

Mr. DEPEW. Objection having been made to to-m morning, I make the same request for Saturday morning.

Mr. OWEN. I object.

The PRESIDENT pro tempore. The Senator makes the request for the Porto Rican bill for Saturday morning. Is objection?

Mr. SCOTT. I shall have to object to that as I did t other, unless I can get the consideration of the pension We have only two weeks left of the session, and that is a portant bill to a great number of people. While I dislike much to object to the request of many friend, the Senator New York, I do not want anything to interfere to prevent ge that bill up.

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

Joint memorial praying that a grant of the land and buildings of the Fort Walla Walla Military Reservation be made to Whitman College.

To the President and Congress of the United States of America:

Your memorialist, the Legislature of the State of Oregon, prays that the land and buildings comprising the Fort Walla Walla Military Reservation and barracks may be granted to Whitman College. The reasons deemed sufficient to justify this memorial are set forth in the following statement:

The War Department has determined that the military service does not require the maintenance of a military post at Fort Walla Walla, and the troops have been withdrawn except a few necessary caretakers, so that in future the preservation of the property will be a burden upon the Government, without any compensating benefit.

The property is, by reason of its situation and character, adapted to the needs of Whitman College; its use by the college will be the best use to which it can be devoted, and the Nation will derive the greatest benefit from the property by intrusting it to an institution in every way worthy and capable of using it in the cause of higher education.

There is within the boundaries of the reservation a soldiers' cemetery, containing the graves of a number of men who died while in the military service of the United States. This cemetery has been well kept by the officers and soldiers heretofore stationed at Fort Walla Walla, and if the prayer of your memorialist shall be granted, the trustees of Whitman College will assume an obligation to so care for this soldiers' cemetery as to show, perpetually, the respect due to our country's defenders.

Texas and Hawaii became annexed to the United States without contributing anything to the wealth of the Nation as a land proprietor, and other acquisitions of territory, except the Oregon country, were purchased and paid for out of the National Treasury, but more than 300,000 square miles of country, comprising the States of Oregon, Washington, Idaho, and parts of Montana and Wyoming, became part of our national domain through the instrumentality of patriotic pioneers, of whom Dr. Marcus Whitman was a type and a leader. They penetrated the wilderness and wrested that country, with its wealth of land, forests, mines, waters, and fisheries, from the grasp of a foreign corporation and held it until the growth of public sentiment forced the Government to bring to a conclusion the diplomatic controversy, with respect to its ownership, by the treaty with Great Britain of 1846, whereby the American title was finally recognized and established.

The scene of one of the tragedies of American history is in the immediate vicinity of Fort Walla Walla. There a monument commemorates the lives of Dr. Whitman and his wife and a dozen of their associates, part of the vanguard of American civilization who were massacred by the aboriginal inhabitants. Our Nation loves to honor those whose names illuminate the pages of its history. For that purpose the Government has willingly expended liberal appropriations in payment for statuary, monuments, and paintings produced by the most talented artists of the world, and the granting of Fort Walla Walla as a contribution to the college founded by an intimate friend and coworker of Dr. Whitman to honor his memory, and which has appealed to the sentiment of public-spirited, patriotic citizens, bringing responses in liberal contributions to its endowment, will be heartily approved by the people at large. In return for the national aggrandizement resulting directly from the exertion, privations, and sacrifices of the Oregon pioneers, the Nation can well afford to bestow one section of land and the buildings which it does not require for use as a gift to an institution of learning which the people of the three Northwestern States have adopted as an object of their solicitude and pride.

Whitman College is a privately endowed, nonsectarian, Christian college, intended to supply the need of those States for such an institution of higher education. It commands the respect and has the earnest sympathy of learned people and good people in every section of the United States, and its destiny is to grow in importance as the country surrounding it shall advance in all the ways that mark the development of arts and sciences. No more fitting monument has been erected, nor to a worthier man.

The State of Washington and its citizens have paid for and donated to the United States the land comprised within two military posts, viz, Fort Lawton, near Seattle, and Fort Wright, near Spokane, each including more than 1,000 acres. These lands were purchased after they had become valuable and after they had been selected for military use, and the acquisition thereof for the use of the Government involved labor and patience on the part of public-spirited citizens in soliciting contributions of land and money and in overcoming objections of owners, and their present value is many times greater than the highest estimate of the value of Fort Walla Walla.

Adopted by the house January 23, 1911.

JOHN P. RUSK, *Speaker of the House.*

Concurred in by the senate February 1, 1911.

BEN SELLING, *President of the Senate.*

—

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 house joint memorial No. 4 with the original thereof, which was adopted by the house January 23, 1911, and concurred in by the senate February 1, 1911, and that it is a correct transcript therefrom and of the whole of such original.

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 4th day of February, A. D. 1911.

F. W. BENSON, *Secretary of State.*

Mr. OLIVER. I present a concurrent resolution of the General Assembly of the State of Pennsylvania, asking for the passage of the Sulloway pension bill. I ask that it may lie on the table and be printed in the RECORD.

Mr. CULBERSON. I suggest that being the resolution of a Legislature of a State it ought to be read.

Mr. OLIVER. I ask that it be read.

There being no objection, the resolution was read and ordered to lie on the table, as follows:

IN THE SENATE, *February 14, 1911.*

Whereas House bill No. 29346, known as the Sulloway bill, granting pensions to certain enlisted men, soldiers, sailors, and officers, who served in the War of the Rebellion and the War with Mexico, has passed the House of Representatives in the Congress of the United States and is now pending in the Senate: Therefore be it

Resolved (*if the house of representatives concur*), That we heartily indorse all of the provisions of said bill, and respectfully request our Senators in Congress to vote for and use every honorable means to secure its passage by the Senate of the United States just as it passed the House of Representatives, without alteration or amendment as to benefits provided.

Resolved, That the secretary of the Commonwealth be authorized to send a certified copy of the foregoing preamble and resolution to Hon. BOIES PENROSE and Hon. GEORGE T. OLIVER, Senators from Pennsylvania in the Congress of the United States.

Approved, the 15th day of February, A. D. 1911.

JOHN K. TENER.

—

COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE SECRETARY,
Harrisburg, February 16, 1911.

PENNSYLVANIA, *ss:*

I do hereby certify that the foregoing and annexed is a full, true, and correct copy of concurrent resolution No. 11 of the general assembly, approved February 15, 1911, as the same remains on file and appears of record in this office.

In testimony whereof I have hereunto set my hand and caused the seal of the secretary's office to be affixed the day and year above written.

[SEAL.] ROBERT MCAFEE,
Secretary of the Commonwealth.

Mr. GORE. I present a concurrent resolution of the Legislature of the State of Oklahoma, which I ask may be printed in the RECORD and referred to the Committee on Indian Affairs.

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

Senate concurent resolution No. 17.

A resolution memorializing Congress to pass an act providing for the sale of the coal and asphalt lands of the Choctaw and Chickasaw Nations.

Whereas there has been introduced in the Congress of the United States a bill providing for the sale of the segregated coal and asphalt lands of the Choctaw and Chickasaw Nations; and

Whereas said bill has been drafted and agreed upon by all interests affected, Indians and white people alike, thereby removing the objections to said legislation that have heretofore existed, and all interest affected is now urging its passage—the Indians because it will carry out the solemn treaty stipulations contained in the supplementary agreement of 1902 for the sale of their coal and asphalt lands and the distribution per capita of the proceeds, and the white people because it would result in the development and taxation of a large area of land now wholly undeveloped and untaxable, thereby lightening the burden of taxation and resulting in great good to the whole people of the State of Oklahoma: Therefore be it

Resolved by the senate (*the house of representatives concurring therein*), That the Congress of the United States be, and the same is hereby, memorialized to pass an act at the present session of Congress that will result in the early sales of the segregated coal and asphalt lands of the Choctaw and Chickasaw Nations and the distribution of the proceeds per capita among the Indians.

Resolved, That a copy of this resolution be forwarded to Hon. T. P. GORE and the Hon. ROBERT L. OWEN and to the Members of Congress of Oklahoma, and that they be requested to present the same to Congress.

Passed by the senate February 6, 1911.

J. ELMER THOMAS,
President pro tempore of the Senate.

Passed by the house of representatives February 6, 1911.

W. A. DURANT,
Speaker of the House of Representatives.

Mr. BURNHAM presented memorials of Friendship Grange, No. 110, of Northfield; Fruitdale Grange, No. 106, of Mason; Carroll Grange, No. 160, of Ossipee; Local Grange No. 93, of Campton; Miller Grange, No. 34, of Temple; and Local Mountain Grange, No. 130, of Ossipee, all of the Patrons of Husbandry, in the State of New Hampshire, and of the Cooperative Milk Producers' Co. and the Home Market Club, of Boston, Mass., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. RAYNER presented petitions of Washington Camp, No. 60, Patriotic Order Sons of America, of Boonsboro; of Banner Council, No. 43, of Keedysville; and of Local Council of Chester, Junior Order United American Mechanics, all in the State of Maryland, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented resolutions adopted by the National Canners' Association, in convention at Milwaukee, Wis., favoring the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented memorials of sundry citizens of Maryland, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

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Mr. OWEN presented petitions of the Board of Trade and Merchants' Association of Fitchburg, Mass.; of the Chamber of Commerce of Allentown, Pa.; of the Chamber of Commerce of Oakland, Cal.; of the Merchants' Association and Chamber of Commerce of Altoona, Pa.; of the Chamber of Commerce of San Jose, Cal.; of the Board of trade of Worcester, Mass.; of the Chamber of Commerce of Merced, Cal.; of the Board of Trade of Pasadena, Cal.; of the Board of Trade of Indianapolis, Ind.; of the Board of Trade of Richmond Hill, New York City, N. Y.; and of the Committee of One Hundred on National Health of New York City, N. Y., praying for the establishment of a national department of health, which were referred to the Committee on Public Health and National Quarantine.

Mr. KEAN presented a petition of Gaddon Grange, No. 38, Patrons of Husbandry, of Haddonfield, N. J., and a petition of Local Grange No. 29, Patrons of Husbandry, of Elmer, N. J., praying for the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented memorials of Local Grange No. 153, of Raritan; of Local Grange No. 51, of Mullica Hill; of Local Grange No. 184, of Plainsboro; and of Local Grange No. 88, of Locktown, all of the Patrons of Husbandry, in the State of New Jersey, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented memorials of sundry citizens of Paterson, Cranford, Plainfield, Rahway, Orange, Newark, Englewood, and Tenafly, in the State of New Jersey, and of the Millville Manufacturing Co., of Philadelphia, Pa., remonstrating against the passage of the so-called Scott antioption bill relative to dealing in cotton futures, which were referred to the Committee on Interstate Commerce.

He also presented a petition of Washington Camp No. 84, Patriotic Order Sons of America, of Gloucester City, N. J., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

He also presented the petition of Adam Aberle, of Union, N. J., praying for the passage of the so-called old-age pension bill, which was ordered to lie on the table.

He also presented a petition of the New Jersey Branch, National German-American Alliance, praying that an appropriation be made for the erection of a monument at Germantown, Pa., to commemorate the founding of the first permanent German settlement in America, which was referred to the Committee on the Library.

He also presented memorials of the Winthrop Press, of New York; the Civics Club of the Oranges, of Orange, N. J.; and of sundry citizens of Elizabeth, Arlington, and Montclair, in the State of New Jersey, and of sundry citizens of Brooklyn, N. Y., and Philadelphia, Pa., remonstrating against any change being made in the rate of postage on periodicals and magazines, which were referred to the Committee on Post Offices and Post Roads.

Mr. WARREN presented a petition of sundry citizens of Pennsylvania, praying for the enactment of legislation to readjust and enlarge the scope of our present parcels-post system, which was referred to the Committee on Post Offices and Post Roads.

POSTAGE ON MAGAZINES.

Mr. YOUNG. I present an editorial appearing in the New York Evening Journal of February 16, which presents from the publishers' standpoint in a conservative and courteous manner the publishers' side of the pending postage question. I ask that it may be printed in the RECORD in order that Senators may have an opportunity to see it. It is, seemingly, a very carefully prepared editorial.

There being no objection, the matter was ordered to lie on the table and to be printed in the RECORD, as follows:

An effort is made to increase the post-office rates on magazines from 1 cent a pound to 4 cents a pound. The increase does not affect newspapers, and is to apply only to the announcements of business men in the advertising pages. In other words, the opinions of writers, including the so-called "muck-rakers," will continue to go through the mails at 1 cent a pound. But the statements issued by business men as to their enterprises in their efforts to reach the public, promote business, give employment, and improve products will be taxed at four times the rate charged for the rest of the magazine.

It is understood that this change is urged by the President and by the Postmaster General, Mr. Hitchcock. We believe sincerely that the President's decision and that of Mr. Hitchcock are not based upon a full understanding of conditions or the inevitable result of the proposed legislation.

And we know quite positively that the opposition as expressed by magazine owners is extremely foolish in many cases, and in one case at least—that of Everybody's Magazine—is disingenuous as well as foolish.

The President has been told by Mr. Hitchcock, who acts unquestionably in good faith, that the post office of the United States loses $60,000,000 a year by the carrying of the magazines at the present prices.

That sounds very impressive at first. But Mr. Hitchcock will that if to-morrow all of the magazines ceased publication absc and no longer went through the mails at all, the Government wo poorer than it is to-day and the post-office deficit would be bigge it is to-day.

For if Mr. Hitchcock were to put all the magazines out of the he would not be able to discharge one letter carrier. He woul be able to dispense with a single mail car. He would not be a cut down his force of clerks. In fact, he could not run the post for $10,000,000 a year less, to say nothing of $60,000,000 a yea than at present if all of the magazines were eliminated.

The machinery of the United States post office, as it stands, is sary to the distribution of the mail, without the magazines.

There can be no question about saving $60,000,000 on the ra transportation of magazines carried by the post office, for the reason that in spite of the extortionate rates paid to railroa services rendered to the post office, the total amount received railroads from the Government does not amount to $60,000,000 a

Mr. Hitchcock is sincerely anxious to represent the people fairl to give them the best results in the management of the post For this we give him credit, and any magazine owner, publish newspaper editor who fails to give him credit is foolish as well just. But Mr. Taft and Mr. Hitchcock, intelligent men, both kno it is possible to economize in ways that are extremely costly.

If, for instance, Mr. Hitchcock suddenly found himself manage large office building in New York City, he would discover that t vators in such a building are run at a dead loss. If, howev started in to make the elevator self-supporting, if he charged 1 ride to the first floor, and 20 cents for a ride to the twentieth sto could very easily make the elevators show a profit, but he woul the income of the office building.

In the post office the condition is somewhat the same, except the efforts to regulate expenses and profit, as planned, would b more disastrous than such a plan as we have suggested in conn with office-building elevators.

The advertisements that go through the mails promote business United States and promote the prosperity of all the people United States.

New businesses, such as those that have built up Battle Cree other American cities, are based largely upon the possibilities of ing the public through intelligent advertising.

Such advertising not only means the employment of labor on a scale, the development of American industry, increase of comfort community, and increase of general prosperity, but it means als mendous increase in the most profitable department of pos business.

Every man who advertises successfully through the magazines pels the writing of many thousands of letters that pay 2 cents eac yield a great profit to the Government.

Mr. Hitchcock is in charge of a gigantic organization, one th volves the spending and the collecting of many tens of millions are convinced that careful investigation will show him that the tising which he thinks is carried at a loss through the mails in far more than pays for itself by stimulating profitable business, a suggest, respectfully, that it would be wise to ascertain exact real effect of this important branch of American business before steps to discourage it and cripple it.

It is stated in behalf of the post office authorities that they wish in any way to interfere with the prosperity of the legi magazines of high class, but that they seek to control and disc illegitimate, dishonest publications that pretend to be organs of pu and are in reality nothing but "catalogues."

The Post Office Department says that it is unjust to com merchant to pay 9 cents per pound for his catalogue and allow who falsely calls himself a magazine editor to mail what is nothi a catalogue for 1 cent per pound.

This would be most just, if it were accurate. But some of t called catalogues are really the great trade papers. And while doubtless true, as has been suggested by post-office officials, th discourage these trade papers and throw them out of the mail add greatly to advertising in the newspapers and in the hig magazines, no honest newspaper editor or magazine owner would to find prosperity or increase advertising in that way.

The great trade papers of the country are absolutely essential business men of the country. The hardware man, the grocer, the all of the men engaged in business, are deeply interested in the pa lar trade papers connected with their line of work, and the ne those trade papers is as vital to them as the news of the gr European events in the daily press.

The fact is that the circulation of business men's announce through the mail is a most important part of the great probl American distribution. Wide distribution of new ideas and inve of business men is essential to the prosperity of the country.

Mr. Taft and Mr. Hitchcock would be very slow to do anyth interfere with the running of water through irrigation pipes to the that need irrigation.

We tell Mr. Taft and Mr. Hitchcock sincerely that what the are to irrigation, magazines and the other important periodicals, i ing the great and legitimate trade newspapers, are to the busines to the prosperity of this country.

It is because we know that Mr. Taft and Mr. Hitchcock and the subordinates of Mr. Taft are as sincere in this as in other matter we feel anxious that before taking or urging any steps that woul vocably interfere with the prosperity of a large class of citizens inform themselves in advance and to the minutest details as t results of such action.

In the first place, if it be true, as it undoubtedly is, that c illegitimate, bogus publications swindle the Government and the masquerading as legitimate publications, why is there not intell enough in the Government to suppress them without suppressin injuring legitimate concerns?

A wise farmer kills the snakes on his farm without finding it sary to kill everything that moves, including pigs and chicken ducks. The present post-office plan is to knock everything ove head first and then see what happens afterwards. That is not a plan.

Mr. Taft and Mr. Hitchcock should inform themselves as t number of important legitimate business men who have built up enterprises, based upon reliance on monthly magazines as agencies. These agencies, actual commercial travelers for these advertisers, go into the millions of homes and tell the stor American business men. It would not be possible in one year, or years, to establish any system of distribution, advertisement, and

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PRINTING OF DISTRICT CODE.

Mr. GALLINGER. From the Committee on the District of Columbia I report back favorably without amendment the joint resolution (S. J. Res. 144) authorizing the printing of 2,500 copies of the Code of Law for the District of Columbia, and I submit a report (No. 1183) thereon. I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It authorizes the Public Printer to print 2,500 copies of the Code of Law for the District of Columbia, as recompiled, indexed, and annotated by William F. Meyers, master of laws, of the executive office of the District of Columbia, under supervision of Edward H. Thomas, Esq., corporation counsel, District of Columbia; 100 copies for the use of the Committee on the District of Columbia, United States Senate; 100 copies for the use of the Committee on the District of Columbia, House of Representatives; and 100 copies for the Commissioners of the District of Columbia; and it authorizes the Public Printer to sell the surplus copies at a rate per copy to be fixed by him approximating but not less than the cost of printing and binding.

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. FRYE:

A bill (S. 10837) for the relief of Joseph P. Davis; to the Committee on Military Affairs.

By Mr. GAMBLE (by request):

A bill (S. 10838) for the relief of John W. Stockett (with accompanying paper); to the Committee on Claims.

By Mr. FRAZIER:

A bill (S. 10839) to provide for an experiment in the improvement of certain highways by the Secretary of Agriculture in cooperation with the Postmaster General, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. GORE:

A bill (S. 10840) granting a pension to Thomas J. Lester (with accompanying papers); to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 10841) for the relief of Frank J. Boudinot; to the Committee on Claims.

By Mr. PAGE:

A bill (S. 10842) for the relief of Victor Beaulac and others; to the Committee on Claims.

By Mr. WARREN:

A bill (S. 10843) for the settlement of claims for damages to and loss of private property; to the Committee on Claims.

By Mr. BURNHAM:

A bill (S. 10844) for the relief of John H. Baker and others (with accompanying paper); to the Committee on Claims.

By Mr. CLAPP:

A bill (S. 10845) granting an increase of pension to Calvin Hitt (with accompanying papers); to the Committee on Pensions.

By Mr. SMITH of Michigan:

A bill (S. 10846) to correct the military record of David Hauk (with accompanying paper); to the Committee on Military Affairs.

By Mr. FLETCHER:

A bill (S. 10847) for the relief of Robert Craig and others; to the Committee on Claims.

By Mr. BRADLEY:

A bill (S. 10848) for the relief of the trustees of the Christian Church of Cadiz, Ky.; to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BRISTOW submitted an amendment relative to the fixing of fees for the grazing of sheep on the national forests, etc., intended to be proposed by him to the agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. DIXON submitted an amendment proposing to increase the appropriation for the improvement of the national forests from $490,000 to $700,000, intended to be proposed by him to the agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. BURROWS submitted an amendment proposing to appropriate $1,656.25 to pay Charles H. McGurrin, being the balance due him for copies of testimony furnished, by order of the chairman of the Committee on Privileges and Elections, to members of the subcommittee making investigation of charges against WILLIAM LORIMER, a Senator from the State of Illinois, 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. OWEN submitted an amendment proposing to appropriate $52,000 for the maintenance, etc., of the Platt National Park, 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. WARREN submitted an amendment proposing to appropriate $22,802.42 for payment of 183 approved claims for damages to and loss of private property belonging to citizens of the United States, Hawaii, and the Philippines Islands that have arisen previous to August 1, 1910, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

WITHDRAWAL OF PAPERS—JOHN B. GARVEY.

On motion of Mr. SCOTT, it was

Ordered, That leave be granted to withdraw from the files of the Senate, without leaving copies, the papers in the case of Senate bill 71 granting a pension to John B. Garvey, Sixty-first Congress, first session, no adverse report having been made thereon.

STENOGRAPHER TO COMMITTEE ON EXPENDITURES IN DEPARTMENT OF STATE.

Mr. ROOT submitted the following resolution (S. Res. 352), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Expenditures in the Department of State be, and it is hereby, authorized to employ a stenographer, at a salary of $1,200 per annum, to be paid out of the contingent fund of the Senate, until March 31, 1911.

Mr. KEAN subsequently, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred the foregoing resolution, reported it without amendment, and it was considered by unanimous consent, and agreed to.

ABSECON INLET, N. J.

Mr. BRIGGS submitted the following resolution (S. Res. 353), which was considered by unanimous consent and agreed to:

Resolved, That the Chief of Engineers of the Army be instructed to transmit to the Senate the estimates of cost for the improvement of Absecon Inlet, in the State of New Jersey, the same being now before the board of review.

CONVEYANCE OF MAIL MATTER BY PRIVATE EXPRESS.

Mr. GORE. I offer the resolution which I send to the desk and ask for its immediate consideration.

The VICE PRESIDENT. The resolution submitted by the Senator from Oklahoma will be read.

The Secretary read the resolution (S. Res. 354), as follows:

Resolved, That the Postmaster General be requested to inform the Senate whether there have been frequent, continuous, and systematic violations of section 181 of the Criminal Code of the United States, effective January 1, 1910, and if so, what steps have been taken to prevent and punish such violations.

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

Mr. HEYBURN. I ask that the resolution may be again read. I did not catch a part of it from the reading.

The VICE PRESIDENT. Without objection, the resolution will be again read.

The Secretary again read the resolution.

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

Mr. HEYBURN. Mr. President, the resolution is so indefinite that one hardly knows whether to object. I wish the Senator from Oklahoma would ask the indulgence of the Senate to state what the violations referred to in the resolution consist of.

Mr. GORE. I think the suggestion is entirely proper, and I will ask to have the section referred to in the joint resolution read to the Senate.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

Mr. BORAH. Mr. President, is the resolution submitted by the Senator from Oklahoma before the Senate?

The VICE PRESIDENT. The request of the Senator from Oklahoma is for unanimous consent for its present consideration.

Mr. BORAH. The resolution is evidently going to lead to debate.

Mr. HEYBURN. Let the section be read so that we may know what it is.

Mr. PENROSE. Mr. President, I ask that the resolution may be again read.

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The VICE PRESIDENT. The resolution has just been read, and the Secretary was about to read the section of the law referred to therein.

The Secretary read as follows:

SEC. 181. Whoever shall establish any private express for the conveyance of letters or packets, or in any manner cause or provide for the conveyance of the same by regular trips, or at stated periods, over any post route which is or may be established by law, or from any city, town, or place, to any other city, town, or place, between which the mail is regularly carried, or whoever shall aid or assist therein shall be fined not more than $500, or imprisoned not more than six months, or both: *Provided*, That nothing contained in this section shall be construed as prohibiting any person from receiving and delivering to the nearest post-office, postal car, or authorized depository for mail matter, any mail matter properly stamped.

Mr. PENROSE. Now I ask to have the resolution again read.

The VICE PRESIDENT. Without objection, the Secretary will again read the resolution.

The Secretary again read the resolution.

The resolution was considered by unanimous consent and agreed to.

TEACHERS' PENSION LAWS.

Mr. GALLINGER. I ask that Senate Document No. 585, Sixtieth Congress, second session, relative to the teachers' pension laws in the United States and Europe, be reprinted as corrected to date, and also that 200 additional copies be printed for the use of the Senate document room.

The VICE PRESIDENT. Without objection, it is so ordered.

COMPILATION OF RECIPROCITY TREATIES.

Mr. JONES. I present a compilation of reciprocity treaties between the United States and foreign countries. I desire to have the compilation printed, and I move that it be referred to the Committee on Printing for its consideration.

The motion was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, Executive clerk, announced that the President had approved and signed the following acts and joint resolutions:

On February 14, 1911:

S. 2469. An act for the relief of Alfred Childers;

S. 7252. An act granting an annuity to John R. Kissinger;

S. 10594. An act to authorize S. G. Guerrier, of Atchison, Kans., to construct a bridge across the Missouri River near the city of Atchison, Kans.; and

S. J. Res. 101. Joint resolution providing for the printing of 2,000 copies of Senate Document No. 357, for use of the Department of State.

On February 16, 1911:

S. 1028. An act to appoint Warren C. Beach a captain in the Army and place him on the retired list;

S. 10595. 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

S. J. Res. 124. Joint resolution reaffirming the boundary line between Texas and the Territory of New Mexico.

On February 17, 1911:

S. 6702. An act 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.

INTOXICANTS AMONGST INDIANS.

The VICE PRESIDENT laid before the Senate the following message from the President of the United States (S. Doc. No. 824), which was read and referred to the Committee on Indian Affairs and ordered to be printed:

To the Senate and House of Representatives:

Half a century ago treaties were entered into with Indian tribes occupying a portion of the present State of Minnesota, in all of which were contained provisions prohibiting the introduction, manufacture, use, and traffic in intoxicants in the country which was the subject of the treaties. In the years which have elapsed since making these treaties conditions have largely changed, the Indian population has been reduced, large white settlements have been made, and great cities like St. Paul and Minneapolis have come to occupy a portion of what, at the date of the treaties, was denominated Indian country.

Notwithstanding these facts, this territory still remains subject to the regulations respecting the traffic in liquors originally imposed for the protection of the Indians. Such an anomalous condition of affairs should no longer continue, and the regulation of traffic in liquors in those areas now almost exclusively occupied by white people should be left to them. In those instances where the treaties authorize the President to repeal or modify the provisions, I have exercised that right. Some of the treaties, however, provide that the provisions ref to shall continue and be in force until otherwise provide Congress.

By the treaty of February 27, 1855 (10 Stat., 1172), wit Winnebago Tribe of Indians that tribe ceded to the U States a tract of land granted to them by the treaty mad tober 13, 1846, within the Territory—now the State—of M sota, lying north of St. Peters River and west of the Missi River, estimated to contain about 897,900 acres, and in par sideration of the cession the United States agreed to gra the said Indians as their permanent home a certain tract selected as therein provided. The treaty contained the fo ing provision:

ART. 8. The laws which have been or may be enacted by Co regulating trade and intercourse with the Indian tribes shall co and be in force within the country herein provided to be selected future permanent home of the Winnebago Indians; and those po of said laws which prohibit the introduction, manufacture, use o traffic in ardent spirits in the Indian country shall continue and force within the country herein ceded to the United States until wise provided by Congress.

As there are but few, if any, Indians residing within area, and the Indian Office reports that there is no occ for the continuance in force and effect of the treaty pro above referred to, I recommend that legislation be enacte claring the treaty provision above quoted to be of no fu force or effect.

By the treaty of September 30, 1854 (10 Stat., 1109), with the Chippewa Indians of Lake Superior and the M sippi, ceding to the United States a large area, comprisin extreme northeastern portion of the State of Minnesota, it provided:

ART. 7. No spirituous liquors shall be made, sold, or used on a the lands herein set apart for the residence of the Indians, and th of the same shall be prohibited in the territory hereby ceded until wise ordered by the President.

No legislation has ever been enacted pursuant to this sti tion, and for this reason the same has remained entirely fective.

According to the latest Indian census reports, there are w the area ceded by this treaty about 1,253 Indians, most of v are located within the portion of said territory hereinafte scribed, whose welfare requires effective laws restricting t in liquor in their neighborhood.

I therefore recommend that appropriate legislation be ena extending the laws of the United States prohibiting the i duction and sale of spirituous liquors in the Indian co throughout that portion of the territory ceded by said tr particularly described as follows:

Beginning at a point where the line between townships 45 a north intersects the line between ranges 15 and 16 west of the f principal meridian; thence north along said line to the northeast of township 53 north, range 16 west; thence west along the li tween townships 53 and 54 north to the point where it intersec western boundary established by said treaty of September 30, thence following the said treaty line in a southwesterly direction point where it intersects the line between townships 45 and 46 n thence due east along said line to the point of beginning, and al portion of the State of Minnesota which lies east of the fourth p pal meridian.

By the treaty of February 22, 1855 (10 Stat., 1165), wit Mississippi bands of Chippewa Indians, an area extendin most entirely across the northern part of the State of M sota and from its northerly boundary practically to its c was ceded to the United States, the provision thereof con ing intoxicating liquor being as follows:

ART. 7. The laws which have been or may be enacted by Con regulating trade and intercourse with the Indian tribes, to continu be in force within and upon the several reservations provide herein; and those portions of said laws which prohibit the introdu manufacture, use of, and traffic in ardent spirits, wines, or other li in the Indian country shall continue and be in force within the boundaries of the country herein ceded to the United States until wise provided by Congress.

The records of the Indian Bureau show that there are w said area, under the jurisdiction of the superintendents o White Earth and Leech Lake Reservations, 7,196 Indians, can be amply protected by limiting the territory as to w said treaty provisions shall remain in force and effect t area within and contiguous to said reservations, particu described as follows:

Beginning at the mouth of the Wild Rice River; thence in a r easterly direction along the line established by said treaty of Feb 22, 1855, to the point where it intersects the line between townshi and 33 west of the fifth principal meridian; thence south along line to the northeast corner of township 146 north, range 33 we the fifth principal meridian; thence east along said line to the nort corner of township 146 north, range 25 west of the fifth pri meridian; thence north along the third guide meridian to the nort corner of fractional township 58 north, range 27 west of the f principal meridian; thence east to the northeast corner of said ship; thence south along the line between ranges 26 and 27 west o fourth principal meridian to the southeast corner of townshi north, range 27 west of the fourth principal meridian; thence we

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much, sufficient in their character in that respect to prevent my voting for the joint resolution if that is put upon it.

Mr. HEYBURN. Mr. President, I gave considerable attention to the authorities that have been discussed to-day affecting the fourteenth and fifteenth amendments to the Constitution. I had thought that I would enter into the consideration of the effect of those amendments to the Constitution to some extent, but I am impressed, whether I have impressed anyone else or not, with the fact that there are greater questions involved that are sufficient to control to my judgment, and, I trust, that of some others in determining this question. I have, therefore, devoted my time to a discussion of the practical side of the measure rather than the technical side. I am familiar with every decision that has been rendered affecting these amendments. I had occasion at other periods of my life to deal with them in a responsible way; but I do not believe it is necessary, in order to discuss and arrive at an intelligent conclusion, to go into the technical distinctions drawn by the courts in regard to the rights of the people in the particular cases considered under these amendments.

I would merely direct the attention of the Senate to the fact that in the fourteenth amendment Congress is given power to extend its hand down as far as the legislature of the State. That opens up rather a large question, one that I think it is not necessary to consider here. Some one has asked the question this afternoon, "What lies beyond that time when a State shall refuse to be a State?" Well, Territory lies beyond that. The Government of the United States, under the terms of the Constitution, may organize new States where no States exist, and a State does not exist that is not represented, or that refuses to be represented, in the Congress of the United States. The Congress of the United States made the States with the exception of the original colonies, and the original colonies by contract submitted to the dominion of the power which they themselves created. They created a power under a contract to submit to it as the governing power over them all. If any State thinks it can secede from the Union by a failure to perform the duties of statehood, let it try it, and it will have a Territorial governor placed over it.

Mr. RAYNER. Mr. President——

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

Mr. HEYBURN. Yes.

Mr. RAYNER. Does the Senator contend that if a State does not send Senators here we can organize it into a Territory?

Mr. HEYBURN. Certainly. If a State is no longer a State it is public domain, a part of the territory of the United States. Anything else is to contend for the right of secession from the Union. Is there a man living to-day who will contend for that?

Mr. RAYNER. But does the Senator contend as a legal proposition that if a State should fail to send Senators here we could organize it into a Territory?

Mr. HEYBURN. Certainly; the Government has had to do it before.

Mr. RAYNER. For a failure to send Senators here?

Mr. HEYBURN. The United States has had to provide for the organization of governments in States where the States refused to organize and maintain a government that was a part of the United States, and they can do it again, and again, if necessary. Why in this case force up a controversy of that kind? We know that the Government can do it, and we know that it has done it. Now, I will not invade that field further than to say that there is no terror in the threat that some State may not send Members of Congress or Senators into the Congress of the United States.

Mr. BACON. I should like to ask the Senator who has ever made such a threat. Does not the Senator know that the condition of a State refusing to send Senators or Representatives to Congress is not one that can possibly exist?

Mr. HEYBURN. Not one; that is impossible.

Mr. BACON. I mean to say there is no possibility——

Mr. HEYBURN. No; not a particle.

Mr. BACON. That such a condition of affairs should arise.

Mr. HEYBURN. Not the slightest. It is discussing an academic question.

Mr. BACON. Then why discuss it?

Mr. HEYBURN. It has been brought into the consideration of this question to-day, and I felt like saying just a few words about it. There are no terrors in it at all for me.

Mr. RAYNER. It was brought in because Mr. Webster declared, in perhaps the greatest debate that ever took place on this floor, that there is no way to coerce a State to do it. That is the reason why it was brought in.

Mr. HEYBURN. Mr. President, I have a high regard for Mr. Webster, but if the generations of to-day are not as competent or more so to determine this question than was that man, great in his day, then the world has not advanced; that is all. We are not bound by any such precedent. There are many men on this floor whose learning and ability would confound the statesmen of that age. Things have happened in this country since that time. We have had to learn sharp lessons under pressure, and we have learned them, and we have proven ourselves capable of maintaining, aye, of defending and saving them, and those who in that day opposed us are to-day with us. As the Senator from Georgia [Mr. BACON] says, there is no possible room for even conjecture as to a State going out of existence. So we pass that by.

The Sutherland amendment, I repeat to the senior Senator from Minnesota, meets with my approval because it simply says that we will not lose that much of the Constitution anyhow if some accident does happen to us in regard to another part of it. Of course, I shall support the Sutherland amendment, just as I would reach out and grab the last of an escaping treasure. If I knew that there rested in the hearts of the Members of this body the same sentiment that will actuate me in casting my vote on the Sutherland amendment I would yield the floor now, or I never would have taken it this afternoon. But I want to know it. I would stay here and fret the ears of the Senate for some time to come if I thought that such labor was demanded as a price for preserving the Constitution of the United States.

I would do more than that, but that I would do. All I want to know is that there are enough patriotic men to save in this hour that portion of the Constitution, and then in the hours that will follow between this and adjournment I propose to fight as I would fight on a field of battle for what is left of that provision of the Constitution. Senators may have due warning of my temper in this matter. I am assured that there is enough strength in this body to adopt the Sutherland amendment. In faith of that I am going to conclude my remarks with the promise that if it is not adopted there will not be much progress in what is left of the amendment.

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

Mr. GALLINGER. The yeas and nays have been ordered.

Mr. BACON. Mr. President, I desire now to call for the yeas and nays rather than to have the question discussed as to whether a call for the yeas and nays some two or three weeks ago is now to be entertained.

The PRESIDING OFFICER. What is the Senator's question?

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

The PRESIDING OFFICER. The Chair is informed that the yeas and nays have already been ordered upon the amendment.

Mr. BACON. I call for the yeas and nays upon it.

The PRESIDING OFFICER. The Senator from Georgia demands the yeas and nays on the amendment of the Senator from Utah.

The yeas and nays were ordered.

Mr. BORAH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

Mr. NELSON. Mr. President, it was my purpose to make a few remarks upon the proposition before the Senate. It is now late. There are other Senators who want to speak on it. I do not expect to take a great deal of time. I suggest to the Senator from Idaho that the joint resolution go over until to-morrow.

Mr. KEAN. Let it go over until Monday.

Mr. NELSON. I have no purpose to delay it.

Mr. BORAH. I am just as anxious to make headway as possible. At the same time, of course, I am anxious to accommodate the Senator from Minnesota and all other Senators. If I can have an agreement that we will vote upon amendments to the joint resolution and upon the joint resolution upon a certain day I should be glad to accommodate Senators. But if we can not have an agreement, there is only one way by which we can make progress, and that is to stay here and talk, and vote as we get a chance.

Mr. SUTHERLAND. Mr. President——

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

Mr. BORAH. I do.

Mr. SUTHERLAND. Let me suggest to the Senator from Idaho that he modify his request for unanimous consent and ask unanimous consent that we may vote upon the pending amendment on Monday.

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Mr. GALLINGER. At a given hour.

Mr. OVERMAN. There are to be memorial exercises on Monday.

Mr. LODGE. Mr. President——

The PRESIDING OFFICER. The Senator from Idaho has the floor. Does he yield to the Senator from Massachusetts?

Mr. BORAH. I yield to the Senator from Massachusetts.

Mr. LODGE. I ask, in furtherance of the suggestion of the Senator from Utah, why can we not agree to vote on the amendment to-morrow at 2 o'clock? The special order does not begin until half past 2. We shall have two hours and a half. We might as well get something done, if possible, in that time.

Mr. BACON. Mr. President——

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

Mr. BORAH. I do.

Mr. BACON. I simply want to make a suggestion. I have no disposition to delay the vote upon the amendment. I would dislike to agree to a specific hour, because in that case we may find that the vote is pressed at a time when possibly a Senator would like to make some rejoinder to what has been said, or would desire an opportunity to say something. I am perfectly willing to agree that on Monday the vote shall be taken. It will be impossible to agree for it to-morrow because of the special order which has been assigned for that day.

Mr. MARTIN. Mr. President——

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

Mr. NELSON. Will the Senator from Idaho yield to me for a minute?

Mr. BORAH. I yield to the Senator from Minnesota.

Mr. NELSON. I suggest that we agree, by unanimous consent, to take up the joint resolution immediately after the morning business to-morrow and go on with its consideration until the time for the special order.

Mr. BEVERIDGE. There are to be eulogies to-morrow.

Mr. GALLINGER. Not until 2.30.

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

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

Mr. SCOTT. I hope it will be the pleasure of the Senate to set a time to-morrow to vote because of the pension bill that is here and that must be taken up. I want to have that bill considered at the very earliest possible moment. It looks to me as though this delay was for the purpose of trying to defeat that bill.

Mr. BORAH. Mr. President——

Mr. SCOTT. I should like to vote now.

Mr. MARTIN. Mr. President——

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

Mr. BORAH. I do.

Mr. MARTIN. I simply want to call attention to the fact that 2.30 on Monday has been assigned and that memorial exercises will then be in order. In fixing a time for the disposition of this measure I call attention to that fact so that there may be no conflict.

Mr. NELSON. Will the Senator from Idaho allow me to make a suggestion, and that is to ask unanimous consent for a vote at 2 o'clock on Monday, or any hour on Monday, on the Sutherland amendment?

Mr. BORAH. No; Mr. President, I do not want to agree to that, but I will ask for unanimous consent to take up this matter on Wednesday and vote upon all amendments and upon the joint resolution before the conclusion of the legislative day.

Mr. NELSON. On what day?

Mr. BORAH. On Wednesday.

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

Mr. BACON. What is the request?

Mr. BEVERIDGE. To vote on Wednesday.

Mr. NELSON. Of next week.

The PRESIDING OFFICER. Will the Senator from Idaho please state his request again?

Mr. BORAH. I ask unanimous consent that the joint resolution now before the Senate may be taken up next Wednesday, immediately after the conclusion of the routine morning business, and that all amendments thereto and the joint resolution itself may be voted on before the adjournment on that day.

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

Mr. HEYBURN. I object.

The PRESIDING OFFICER. Objection is made.

Mr. SCOTT. Before it is agreed to, I ask whether measure will come up as the unfinished business every d haunt those of us who are trying to get up other business.

Mr. BORAH. If I can have a time agreed on to vote will be no necessity of its standing in the way of any measure.

The PRESIDING OFFICER. Objection has been mad the request of the Senator from Idaho.

Mr. GALLINGER. The regular order.

The PRESIDING OFFICER. The regular order is ca the roll to ascertain whether there is a quorum present. Secretary will call the roll.

The Secretary proceeded to call the roll, and called the of Mr. ALDRICH.

Mr. HEYBURN. Mr. President——

Mr. BEVERIDGE. Regular order!

Mr. HEYBURN. There has been no response, and I recognized by the Chair.

Mr. LODGE. This whole debate has been proceeding o order, after the point of no quorum had been made.

Mr. BEVERIDGE. The roll call must proceed.

Mr. LODGE. Nothing else is in order.

Mr. HEYBURN. Then this is a call for a quorum?

Mr. LODGE. Certainly.

The PRESIDING OFFICER. The Secretary will call the

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

Bacon	Cullom	Jones	Richardson
Beveridge	Cummins	Kean	Scott
Borah	Curtis	La Follette	Shively
Bourne	Depew	Lodge	Simmons
Brandegee	Dick	Lorimer	Smith, Md.
Briggs	Dillingham	McCumber	Smith, Mich.
Bristow	Dixon	Martin	Smith, S. C.
Brown	du Pont	Nelson	Smoot
Bulkeley	Fletcher	Newlands	Stephenson
Burnham	Flint	Nixon	Stone
Burton	Foster	Overman	Sutherland
Carter	Frye	Owen	Swanson
Chamberlain	Gallinger	Page	Taylor
Clapp	Gamble	Paynter	Thornton
Clark, Wyo.	Gore	Penrose	Tillman
Clarke, Ark.	Gronna	Percy	Warner
Crane	Guggenheim	Perkins	Warren
Crawford	Heyburn	Piles	Watson
Culberson	Johnston	Rayner	Wetmore

The PRESIDING OFFICER. Seventy-six Senators hav sponded to their names. A quorum is present.

Mr. GALLINGER. I move that the Senate adjourn.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. The question is not deba

Mr. BORAH. I am not going to debate it; I understan rules of the Senate. I ask for the yeas and nays upon motion.

The yeas and nays were ordered; and, being taken, resul yeas 37, nays 44, as follows:

YEAS—37.

Bacon	Curtis	Kean	Stephenson
Brandegee	Depew	Lodge	Sutherland
Briggs	Dick	Lorimer	Taliaferro
Bulkeley	Dillingham	McCumber	Warner
Burnham	du Pont	Nelson	Warren
Burton	Flint	Oliver	Wetmore
Carter	Frye	Page	Young
Clark, Wyo.	Gallinger	Penrose	
Crane	Guggenheim	Richardson	
Cullom	Heyburn	Smoot	

NAYS—44.

Bailey	Cummins	Martin	Shively
Beveridge	Davis	Newlands	Simmons
Borah	Dixon	Nixon	Smith, Md.
Bourne	Fletcher	Overman	Smith, Mich.
Bristow	Frazier	Owen	Smith, S. C.
Brown	Gamble	Paynter	Stone
Chamberlain	Gore	Percy	Swanson
Clapp	Gronna	Perkins	Taylor
Clarke, Ark.	Johnston	Piles	Thornton
Crawford	Jones	Rayner	Tillman
Culberson	La Follette	Scott	Watson

NOT VOTING—10.

Aldrich	Burkett	Hale	Terrell
Bankhead	Burrows	Money	
Bradley	Foster	Root	

So the Senate refused to adjourn.

The PRESIDING OFFICER. The question is upon amendment proposed by the Senator from Utah [Mr. SUTHERLAND] to the joint resolution.

Mr. NELSON. Mr. President, I had hoped that the Sen in charge of this joint resolution would extend to me the u courtesy which has been extended to other Senators and w have allowed the joint resolution to go over until to-mo morning, instead of forcing me to speak now. Of course, i

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Senator insists upon my going on, I shall have to submit a few remarks this evening, but I have been here all day ready to proceed without being able to get an opportunity to do so, and I prefer to go on in the morning.

Mr. BORAH. Mr. President——

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

Mr. NELSON. Certainly.

Mr. BORAH. Mr. President, the Senator from Idaho feels that he has extended every courtesy that is possible in view of the evident disposition on the part of those in opposition that there shall be no vote at all upon the joint resolution. I should be very glad, indeed, to accommodate the Senator from Minnesota [Mr. NELSON], if I could have any assurance that there is any disposition to permit us to take a vote upon this measure. I am forced to conclude, however, that there is only one way to get a vote, and that is to pursue the course which we have been compelled to pursue.

We are now within two weeks of the close of the session, and I do not think this measure ought to stand in the way of other important business. There are a number of measures here which ought to have the consideration of the Senate, and I feel that it is my duty, being in charge of the joint resolution, to get it out of the way just as rapidly as possible. At the same time, I can not place the measure in a position where there is liable to be no vote upon it at all. I think if the Senator from Minnesota will reflect for a moment he will see that I am not in a position, in view of the situation here, to extend any other courtesy than I have done, much as I should like to do so.

Mr. NELSON. I suggest that the Senator might extend the courtesy, if it is agreed to take up the measure to-morrow and go on with it immediately after the routine morning business.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from New Hampshire?

Mr. NELSON. I do.

Mr. GALLINGER. Mr. President, in view of the observations made by the Senator in charge of the joint resolution, I wish to say that I trust he did not apply his remarks to me. I made a motion to adjourn because I felt that we had sat here long enough to-day, and I did not think we would come to an agreement this evening. I am in favor of taking a vote on the joint resolution soon, the sooner the better, and I had hoped we would have taken it an hour ago, when there was a disposition on the part of many Senators to do so. I want the Senator to understand that I did not use any obstructive tactics, and I am not going to do so.

Mr. BORAH. Mr. President, my observations were not personal at all and were not intended for the Senator from New Hampshire; but I have asked for unanimous consent as far in advance as next Wednesday to dispose of this matter, and the fact that that has been denied is convincing proof to anyone that there is a disposition to prevent any vote at all.

Mr. NELSON. Mr. President, it is not my purpose——

Mr. BEVERIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Indiana?

Mr. NELSON. I do.

Mr. BEVERIDGE. For what it may be worth, I make the suggestion that when the Senate adjourns to-day it be to meet at 11 o'clock to-morrow morning. I suppose that we may not be able to hold the session much longer than an hour now, and the adoption of my suggestion would give more time to-morrow. I do not make a motion, but merely a suggestion, and I make it for what it may be worth.

Mr. CULBERSON and others. Regular order!

Mr. NELSON. Mr. President, it is not my purpose to enter into any extended argument upon this measure. I intend for a few moments, briefly, to call the attention of the Senate to the importance of what is known as the Sutherland amendment; but before I go into that question——

Mr. LODGE. Mr. President——

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

Mr. NELSON. I do, temporarily.

Mr. LODGE. Mr. President, it is very unusual at this late hour of the day, when a Senator asks, as the Senator from Minnesota [Mr. NELSON] has asked, that a measure be allowed to go over until morning, to compel him to take the floor and speak. I have been anxious for the Senate to take a vote on this measure at any time. I have another measure which I want to bring before the Senate. I do not believe there is any desire to unduly delay the joint resolution under consideration; but it is very unusual, indeed, to refuse a request such as the Senator from Minnesota has made, and such methods can lead to no promotion of the progress of this measure.

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

Mr. BEVERIDGE. I hope the Senator will withhold that.

Mr. BORAH. Mr. President——

Mr. LODGE. It is the only motion that is open to me, and I make it.

Mr. BORAH. On that motion I ask for the yeas and nays.

The yeas and nays were ordered and taken.

Mr. DILLINGHAM (after having voted in the affirmative). I inquire whether the senior Senator from South Carolina [Mr. TILLMAN] has voted.

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

Mr. DILLINGHAM. The Senator from South Carolina asked me to observe our pair on this question, and therefore I withdraw my vote.

The result was announced—yeas 46, nays 34, as follows:

YEAS—46.

Bacon	Dick	Nelson	Simmons
Brandegee	du Pont	Nixon	Smoot
Briggs	Flint	Oliver	Stephenson
Bulkeley	Frye	Overman	Sutherland
Burnham	Gallinger	Page	Taliaferro
Burton	Guggenheim	Paynter	Thornton
Carter	Heyburn	Penrose	Warner
Clark, Wyo.	Johnston	Perkins	Warren
Crane	Kean	Piles	Wetmore
Cullom	Lodge	Richardson	Young
Curtis	Lorimer	Root	
Depew	McCumber	Scott	

NAYS—34.

Bankhead	Crawford	Gronna	Smith, Md.
Beveridge	Culberson	Jones	Smith, Mich.
Borah	Cummins	La Follette	Smith, S. C.
Bourne	Davis	Martin	Stone
Bristow	Dixon	Newlands	Swanson
Brown	Fletcher	Owen	Taylor
Chamberlain	Frazier	Percy	Watson
Clapp	Gamble	Rayner	
Clarke, Ark.	Gore	Shively	

NOT VOTING—11.

Aldrich	Burkett	Foster	Terrell
Bailey	Burrows	Hale	Tillman
Bradley	Dillingham	Money	

So the motion was agreed to; and the Senate proceeded to the consideration of executive business. After seven 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, Saturday, February 18, 1911, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 17, 1911.

COLLECTOR OF CUSTOMS.

Floyd Hughes, of Virginia, to be collector of customs for the district of Norfolk and Portsmouth, in the State of Virginia. (Reappointment.)

SURVEYOR OF CUSTOMS.

Cadet Taylor, of Nebraska, to be surveyor of customs for the port of Omaha, in the State of Nebraska, in place of Benjamin H. Barrows, deceased.

UNITED STATES ATTORNEY.

Byron S. Ambler, of Ohio, to be United States attorney, district of Porto Rico, vice Jose R. F. Savage, whose term has expired.

SECRETARY OF PORTO RICO.

M. Drew Carrel, of Illinois, to be secretary of Porto Rico. (Reappointment.)

PROMOTIONS IN THE NAVY.

Commander George R. Salisbury to be a captain in the Navy from the 14th day of November, 1910, vice Capt. Thomas B. Howard, promoted.

Commander Frank W. Kellogg to be a captain in the Navy from the 14th day of January, 1911, vice Capt. Walter C. Cowles, promoted.

Lieut. Commander Warren J. Terhune to be a commander in the Navy from the 7th day of January, 1911, vice Commander Robert F. Lopez, promoted.

Lieut. Commander William K. Harrison to be a commander in the Navy from the 14th day of January, 1911, vice Commander Frank W. Kellogg, promoted.

Lieut. (Junior Grade) Nelson H. Goss to be a lieutenant in the Navy from the 1st day of July, 1910, vice Lieut. Fletcher L. Sheffield, promoted.

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Lieut. (Junior Grade) Wilhelm L. Friedell to be a lieutenant in the Navy from the 14th day of October, 1910, vice Lieut. George T. Pettengill, promoted.

Lieut. (Junior Grade) Gordon W. Haines to be a lieutenant in the Navy from the 20th day of November, 1910, vice Lieut. Arthur G. Caffee, deceased.

Boatswain John Davis to be a chief boatswain in the Navy from the 16th day of May, 1910, upon the completion of six years' service as a boatswain.

Boatswain William Jaenicke to be a chief boatswain in the Navy from the 30th day of July, 1910, upon the completion of service as a boatswain of six years plus one year during suspension from promotion after failure at examination.

POSTMASTERS.

CALIFORNIA.

Pierce J. Elliott to be postmaster at Sausalito, Cal., in place of Pierce J. Elliott. Incumbent's commission expired January 23, 1911.

Matthew W. Grace to be postmaster at Lindsay, Cal., in place of Matthew W. Grace. Incumbent's commission expired January 18, 1911.

J. N. Hollis to be postmaster at Gridley, Cal., in place of Renaldo E. Taylor. Incumbent's commission expired February 12, 1911.

COLORADO.

Hockley T. Hamill to be postmaster at Georgetown, Colo., in place of Hockley T. Hamill. Incumbent's commission expired January 30, 1911.

IDAHO.

Jake Horn to be postmaster at Caldwell, Idaho, in place of Sophia Davis, resigned.

ILLINOIS.

George M. Bell to be postmaster at Sherrard, Ill. Office became presidential July 1, 1910.

Robert J. Hemphill to be postmaster at Ridgway, Ill. Office became presidential January 1, 1911.

Grant S. Remsburg to be postmaster at Ohio, Ill. Office became presidential October 1, 1910.

Jeter C. Utterback to be postmaster at Salem, Ill., in place of Jeter C. Utterback. Incumbent's commission expires February 28, 1911.

IOWA.

George T. Clevidence to be postmaster at Humboldt, Iowa, in place of Joseph W. Foster. Incumbent's commission expired January 10, 1911.

William H. McClure to be postmaster at Fontanelle, Iowa, in place of William H. McClure. Incumbent's commission expired January 31, 1911.

KANSAS.

O. F. Falls to be postmaster at Valley Falls, Kans., in place of Frank C. Scott, resigned.

E. D. George to be postmaster at Mankato, Kans., in place of Joseph H. Woollen. Incumbent's commission expired January 10, 1911.

Cliff W. Weeks to be postmaster at Osborne, Kans., in place of James M. Morgan, resigned.

MAINE.

Harry R. Hichborn to be postmaster at Stockton Springs, Me., in place of Harry R. Hichborn. Incumbent's commission expired December 6, 1910.

Varney A. Putnam to be postmaster at Danforth, Me., in place of Varney A. Putnam. Incumbent's commission expires February 20, 1911.

MASSACHUSETTS.

John Huxtable to be postmaster at Wareham, Mass., in place of John Huxtable. Incumbent's commission expired January 7, 1911.

Joseph A. Legare to be postmaster at Lowell, Mass., in place of Albert G. Thompson, deceased.

MICHIGAN.

J. Burt Kiely to be postmaster at Roscommon, Mich., in place of William F. Johnston, resigned.

Flora MacLachlan to be postmaster at Grand Marais, Mich., in place of Flora MacLachlan. Incumbent's commission expires February 28, 1911.

George W. Minchin to be postmaster at Evart, Mich., in place of George W. Minchin. Incumbent's commission expired January 10, 1911.

MINNESOTA.

Alton Crosby to be postmaster at Willmar, Minn., in place of Alton Crosby. Incumbent's commission expired December 20, 1910.

John L. Grady to be postmaster at Cass Lake, Minn., i of John L. Grady. Incumbent's commission expired J 23, 1911.

Mark Swedberg to be postmaster at Luverne, Minn., i of Mark Swedberg. Incumbent's commission expires M 1911.

Edward A. Wasserzieher to be postmaster at Deer Minn. Office became presidential July 1, 1910.

MISSISSIPPI.

Robert Burns to be postmaster at Brandon, Miss., in p Robert Burns. Incumbent's commission expires March

MISSOURI.

Willis E. Flanders to be postmaster at Paris, Mo., in p Willis E. Flanders. Incumbent's commission expired 1910.

Ivan S. Goodwin to be postmaster at Gilman City, Mo. became presidential January 1, 1911.

William L. H. Silliman to be postmaster at Clarksvil in place of William L. H. Silliman. Incumbent's comm expired February 13, 1911.

NEBRASKA.

William L. Bennett to be postmaster at Bladen, Nebr. became presidential January 1, 1911.

Herbert G. Miller to be postmaster at Holbrook, Nebr. became presidential January 1, 1911.

Noble Sanford to be postmaster at Axtell, Nebr. Of came presidential January 1, 1911.

NEW JERSEY.

Edward E. Haines to be postmaster at South Amboy, in place of Frank E. De Graw. Incumbent's commission March 2, 1911.

Charles B. Hunter to be postmaster at Bergenfield, Office became presidential January 1, 1911.

NEW MEXICO.

Thomas Branigan to be postmaster at Las Cruces, N. M place of Thomas Branigan. Incumbent's commission e February 11, 1911.

Robert E. Wherritt to be postmaster at Clayton, N. M place of Robert E. Wherritt. Incumbent's commission e February 11, 1911.

NEW YORK.

Emil A. Peterson to be postmaster at Falconer, N. Y., i of Emil A. Peterson. Incumbent's commission expired ary 2, 1911.

Simon D. Replogle to be postmaster at Roslyn, N. Y., i of Simon D. Replogle. Incumbent's commission expire ruary 28, 1911.

James A. Snell to be postmaster at Fonda, N. Y., in pl James A. Snell. Incumbent's commission expired Janua 1911.

Frank Stowell to be postmaster at Mayville, N. Y., in pl Frank Stowell. Incumbent's commission expires Februa 1911.

James A. Wilson to be postmaster at Sacket Harbor, N. place of James A. Wilson. Incumbent's commission e February 12, 1911.

NORTH DAKOTA.

Niels G. Mosgaard to be postmaster at Scranton, N. Office became presidential October 1, 1910.

Horatio C. Plumley to be postmaster at Fargo, N. Da place of Horatio C. Plumley. Incumbent's commission e March 2, 1911.

OHIO.

Henry H. Coppock to be postmaster at Pleasant Hill, in place of George W. Whitmer. Incumbent's commissi pired February 2, 1911.

Don C. Corbett to be postmaster at Payne, Ohio, in pl Don C. Corbett. Incumbent's commission expired Janua 1911.

Charles R. Crum to be postmaster at Forest, Ohio, in pl Charles R. Crum. Incumbent's commission expired Febru 1911.

Edward J. Lewis to be postmaster at Girard, Ohio, in pl Edward J. Lewis. Incumbent's commission expired Febru 1911.

OKLAHOMA.

Cassius M. Cade, jr., to be postmaster at Shawnee, in place of William S. Cade. Incumbent's commission e March 2, 1911.

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A bill (S. 10853) granting an increase of pension to Thomas Penwarden (with accompanying papers); to the Committee on Pensions.

By Mr. CRAWFORD:

A bill (S. 10854) granting an increase of pension to Lorentz Thoreson (with accompanying papers); and

A bill (S. 10855) granting an increase of pension to John Leister (with accompanying papers); to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 10856) granting an increase of pension to Joseph Garbison; and

A bill (S. 10857) granting an increase of pension to Joseph Antram (with accompanying papers); to the Committee on Pensions.

By Mr. PAYNTER:

A bill (S. 10858) granting a pension to Allie W. Thompson; to the Committee on Pensions.

By Mr. FLETCHER:

A bill (S. 10859) for the relief of the heirs of Matthias Leonardy; to the Committee on Claims.

REGENT OF SMITHSONIAN INSTITUTION.

Mr. BACON. I introduce a joint resolution, which I ask may be considered at this time. It is for the purpose of filling a vacancy on the Board of Regents of the Smithsonian Institution, about which the regents have agreed. It will take but a moment.

The VICE PRESIDENT. The Senator from Georgia introduces a joint resolution, which will be read for the information of the Senate.

The joint resolution (S. J. Res. 145) providing for the filling of a vacancy which will occur on March 1, 1911, in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress, was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the vacancy in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress, which will occur on March 1, 1911, by the resignation of the Hon. John B. Henderson, to take effect on that date, be filled by the appointment of Mr. John B. Henderson, jr., of Virginia.

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.

CONSTRUCTION OF SUBMARINE TENDERS.

Mr. FLINT submitted an amendment proposing to appropriate $250,000 toward the construction of one submarine tender, etc., intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

RECIPROCITY WITH CANADA.

Mr. JONES (by request) submitted an amendment intended to be proposed by him to the bill (H. R. 32216) to promote reciprocal trade relations with the Dominion of Canada, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

PENSIONS TO SURVIVORS OF CIVIL AND MEXICAN WARS.

Mr. FLETCHER submitted an amendment in the nature of a substitute to the bill (H. R. 29346) granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico, which was referred to the Committee on Pensions and ordered to be printed.

DECISIONS RELATING TO OYSTER TRADE.

Mr. CULLOM submitted the following resolution (S. Res. 355), which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Interstate Commerce:

Resolved, That the Committee on Interstate Commerce of the Senate is hereby authorized to investigate the application of pure-food decisions Nos. 110 and 121, issued by the Pure Food Board October 14, 1909, and May 14, 1910, respectively, and report to the Senate proper measures for the relief of oyster producers and shippers under said decisions, in order that the commercial value of said commodity may not be impaired or destroyed.

SENATOR FROM ILLINOIS.

Mr. BAILEY. Mr. President, I rise to a personal statement.

On Tuesday last, when I resumed the discussion of the contested-election case, I exhibited to the Senate an affidavit which the Senator from Iowa [Mr. CUMMINS] had received and which he was kind enough to loan to me. After I had commented on it I handed it to the Senator from South Carolina [Mr. TILLMAN], who sits next to me, for examination, and that Senator handed it to some other Senator, and it was taken across the aisle. I assumed until I looked among my papers that it had been returned to my desk, but that was not done. I am satisfied that no Senator has been careless enough to mislay it, and that some Senator, after inspecting it, put it in his desk. I will ask that those who had it will make a search for it.

I not only want to return it to the Senator from Iowa, who is entitled to the possession of it, but I want to print the signature to the affidavit for comparison. I intended to do that in the speech which was printed in the RECORD this morning, but was unable to do so for the reason which I have stated. I hope the Senators who inspected it will examine their desks, and if they find it deliver it either to the Senator from Iowa or to me.

INCREASE OF PENSIONS.

Mr. SCOTT. I ask unanimous consent to call up the bill (H. R. 29346) granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico.

The VICE PRESIDENT. The Senator from West Virginia asks unanimous consent for the present consideration of the bill indicated by him. Is there objection?

Mr. GALLINGER. Let it be read.

Mr. MONEY. Unless that is a local bill, I will ask the Senator from West Virginia if he will not yield to me for about three minutes, to call up a local bill.

Mr. SCOTT. Just as soon as I understand my bill has been taken up I will yield.

Mr. MONEY. I will ask the Senator if this is a public measure whether he will not yield.

Mr. SCOTT. I yield.

The VICE PRESIDENT. The Senator from West Virginia yields temporarily to the Senator from Mississippi.

DISTRICT JUDGE FOR MISSISSIPPI.

Mr. MONEY. I ask unanimous consent for the consideration of the bill (S. 10185) to provide for the appointment of a district judge in the northern and southern judicial districts in the State of Mississippi, and for other purposes. It has been favorably reported by the Committee on the Judiciary.

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.

INCREASE OF PENSIONS.

Mr. SCOTT. I renew my request.

The VICE PRESIDENT. The Senator from West Virginia asks unanimous consent for the present consideration of the bill (H. R. 29346) granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico. Is there objection?

Mr. OVERMAN. Last night I voted to adjourn in order that the Senator from Minnesota [Mr. NELSON] might make his speech on the joint resolution then pending, with the understanding that he should make his speech to-day. I therefore object.

The VICE PRESIDENT. Objection is made.

Mr. SCOTT. I move that the bill be taken up.

The VICE PRESIDENT. The Senator from West Virginia moves that the Senate proceed to the consideration of the bill the title of which the Secretary has just read.

Mr. SCOTT. 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.

Mr. BEVERIDGE. Mr. President——

The VICE PRESIDENT. For what purpose does the Senator rise?

Mr. BEVERIDGE. I think——

The VICE PRESIDENT. The motion is not debatable.

Mr. BEVERIDGE. A motion to proceed to the consideration——

The VICE PRESIDENT. A motion to proceed to the consideration of a measure is not debatable.

Mr. BEVERIDGE. A parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. BEVERIDGE. If this motion carries, will it displace——

Mr. GALLINGER. No.

Mr. BEVERIDGE. Will it displace the consideration of the business for which we adjourned?

The VICE PRESIDENT. It will not displace the unfinished business.

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Mr. BEVERIDGE. Was there not unanimous consent?

Mr. BORAH. No.

The VICE PRESIDENT. The Secretary will call the roll on the question of agreeing to the motion of the Senator from West Virginia.

The Secretary called the roll; and the result was announced—yeas 49, nays 35, as follows:

YEAS—49.

Beveridge	Clark, Wyo.	Gronna	Piles
Borah	Cullom	Guggenheim	Richardson
Bourne	Cummins	Heyburn	Scott
Bradley	Curtis	Jones	Shively
Briggs	Depew	Lorimer	Smith, Mich.
Bristow	Dick	McCumber	Stephenson
Brown	Dillingham	Nelson	Sutherland
Burkett	Dixon	Nixon	Warner
Burnham	du Pont	Oliver	Wetmore
Burrows	Flint	Owen	Young
Carter	Frye	Page	
Chamberlain	Gallinger	Penrose	
Clapp	Gamble	Perkins	

NAYS—35.

Bacon	Culberson	Money	Stone
Bailey	Davis	Newlands	Swanson
Bankhead	Fletcher	Overman	Taliaferro
Brandegee	Foster	Paynter	Taylor
Bulkeley	Frazier	Percy	Thornton
Burton	Johnston	Rayner	Tillman
Clarke, Ark.	Kean	Simmons	Warren
Crane	Lodge	Smith, Md.	Watson
Crawford	Martin	Smith, S. C.	

NOT VOTING—7.

Aldrich	Hale	Root	Terrell
Gore	La Follette	Smoot	

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 29346) granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico.

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

The Secretary read the bill, as follows:

Be it enacted, etc., That any person who served 90 days or more in the military or naval service of the United States during the late Civil War, or 60 days in the War with Mexico, and who has been honorably discharged therefrom, and who has reached the age of 62 years or over, shall, upon making proof of such facts according to such rules and regulations as the Secretary of the Interior may provide, be placed upon the pension roll and be entitled to receive a pension as follows: In case such person has reached the age of 62 years, $15 per month; 65 years, $20 per month; 70 years, $25 per month; 75 years or over, $36 per month; and such pension shall commence from the date of the filing of the application in the Bureau of Pensions after the passage and approval of this act: *Provided*, That pensioners who are 62 years of age or over, and who are now receiving pensions under existing laws, or whose claims are pending in the Bureau of Pensions, may, by application to the Commissioner of Pensions, in such form as he may prescribe, receive the benefits of this act; and nothing herein contained shall prevent any pensioner or person entitled to a pension from prosecuting his claim and receiving a pension under any other general or special act: *Provided further*, That no person shall receive a pension under any other law at the same time or for the same period that he is receiving a pension under the provisions of this act: *And provided further*, That no person who is now receiving or shall hereafter receive a greater pension under any other general or special law than he would be entitled to receive under the provisions herein shall be pensionable under this act.

SEC. 2. That the benefits of this act shall include any person who served the period of time therein specified during the late Civil War or in the War with Mexico, and who is now or may hereafter become entitled to pension under the acts of June 27, 1890, February 15, 1895, and the joint resolutions of July 1, 1902, and June 28, 1906, or the acts of January 29, 1887, March 3, 1891, February 17, 1897, February 6, 1907, and March 4, 1907.

SEC. 3. That rank in the service shall not be considered in applications filed hereunder.

SEC. 4. That no pension attorney, claim agent, or other person shall be entitled to receive any compensation for services rendered in presenting any claim to the Bureau of Pensions or securing any pension under this act.

The VICE PRESIDENT. There is one committee amendment. It will be read.

Mr. BAILEY. Is there a report with the bill?

Mr. SCOTT. There is a report. I hope it is on the Senator's desk.

Mr. BAILEY. I do not want to read it, but I want the Senate to hear it. I call for the reading of the report.

Mr. SCOTT. Will the Senator from Texas allow the amendment to the bill to be first announced?

Mr. BAILEY. I think the report ought to be read, and then the amendment can be acted on.

Mr. LODGE. Let me ask, if I may, is there no report except the House report?

The VICE PRESIDENT. There is a Senate committee report, which the Secretary will now read.

Mr. LODGE. I have tried to get the Senate committee report, but have as yet been unsuccessful.

Mr. SCOTT. I will hand a copy to the Senator.

Mr. McCUMBER. I ask that the Secretary read not only the majority report, but also the minority report.

Mr. LODGE. Yes.

Mr. BAILEY. Yes; there are two.

Mr. LODGE. For that purpose I think it would be
the Senator does not object, to have the amendment off
the Senator from North Dakota [Mr. McCUMBER] read

Mr. BAILEY. Very well.

Mr. LODGE. And then the minority report.

Mr. SCOTT. I should like very much if Senators
allow the amendment to the original bill to be read.

The VICE PRESIDENT. The amendment of the Co
on Pensions will be read.

The SECRETARY. In section 1, page 2, line 2, before th
"dollars," strike out "thirty-six" and insert "thirty," s
read:

Seventy-five years or over, $30 per month.

The VICE PRESIDENT. The Senator from North
proposes an amendment, which will be read.

The SECRETARY. Strike out all after the enacting cla
insert:

That section 1 of an act entitled "An act granting pensions t
enlisted men, soldiers and officers, who served in the Civil War
War with Mexico," approved February 6, 1907, be, and the
hereby, amended to read as follows:

"That any person who served 90 days or more in the mil
naval service of the United States during the late Civil War,
has been honorably discharged therefrom, shall, upon applicatio
for, be entitled to receive a pension upon reaching the age spe
the following table, in an amount therein mentioned, accordin
days or years of his service, to wit:

"Sixty-two years: Ninety days' service, $12; 1 year's service
years' service, $14; 3 years' service, $15; 4 years' service, $16.

"Sixty-six years: Ninety days' service, $13; 1 year's service
years' service, $15; 3 years' service, $16; 4 years' service, $17.

"Seventy years: Ninety days' service, $15; 1 year's service,
years' service, $17; 3 years' service, $18; 4 years' service, $19.

"Seventy-five years: Ninety days' service, $21; 1 year's servi
2 years' service, $23; 3 years' service, $24; 4 years' service, $25

"That the same provision shall apply to the officers, soldi
sailors of the War with Mexico, except that 60 days' service
title such officers, soldiers, or sailors to the amount that wou
lowed the officers, soldiers, or sailors of the Civil War having
service."

The PRESIDING OFFICER (Mr. KEAN in the chair)
report of the committee will be read.

Mr. GALLINGER. I wish to make a suggestion to t
ator from North Dakota, whether he ought not to insert
3 and 4 of the original bill in his substitute, providing th
shall not be considered and that no pension attorney o
agent shall receive any compensation for services rende

Mr. McCUMBER. I will state to the Senator that my
tute does not interfere with those sections, but is a su
for the other provisions.

Mr. GALLINGER. I think it is a substitute for the
bill.

Mr. LODGE. The amendment proposes to strike out a
the enacting clause.

Mr. GALLINGER. I think the Senator had better mo
amendment by adding sections 3 and 4 of the original bi

Mr. McCUMBER. I did not intend to strike out th
tions.

The PRESIDING OFFICER. The Senator from New
shire offers an amendment to the amendment, which
stated.

Mr. GALLINGER. I will move that sections 3 and 4
bill, to be numbered sections 2 and 3, be added to the su
of the Senator from North Dakota, or the Senator can
his amendment by adding those sections.

Mr. BURKETT. Would it not be better, since this
House bill, to offer the amendment in the nature of a su
for sections 1 and 2 of the House bill? Then we will be
ing the House bill rather than perfecting the substitute.

Mr. GALLINGER. If the Senator wishes to put it
form I have no objection.

The PRESIDING OFFICER. The Secretary will re
report.

The Secretary read the report submitted by Mr. Sco
the Committee on Pensions on the 13th instant, as follow

The report of the Committee on Invalid Pensions of the H
Representatives, hereto appended, is adopted, and the passag
bill is recommended when amended as follows:

On page 1, line 14, strike out the word "thirty-six" and i
lieu thereof the word "thirty."

As the bill passed the House of Representatives it carried a
$36 per month for soldiers who had served 90 days or more a
had arrived at the age of 75 years, increasing the amount al
present rate $16 per month. In the opinion of your commit
great increase on account of greater age is not warranted, a
committee believe that a rate of $30 per month would be more
in view of the fact that at the age of 70 years the rate is
month; and hence recommend making the rate at 75 years a
$30 per month instead of $36 as provided in the bill as it pa
House.

An estimate from the Secretary of the Interior submitted
committee is to the effect that the reduction of this rate to
month would reduce the estimate of total cost of this bill, as s

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THE CLEVELAND CHAMBER OF COMMERCE,
February 21, 1911.

Hon. THEODORE E. BURTON,
United States Senate, Washington, D. C.

DEAR SIR: I have the honor of transmitting to you herewith resolutions favoring the Canadian reciprocity agreement adopted by this chamber unanimously to-day, as follows:

Whereas a reciprocity agreement has been prepared by representatives of the United States and Canadian Governments and submitted to Congress and the Canadian Parliament; and

Whereas in the opinion of the committee on export trade relations of this chamber the ratification of this agreement would tend to widen, strengthen, and improve commercial relations generally between the United States and Canada: Therefore be it

Resolved, That the Celevland Chamber of Commerce hereby records its action in favor of the ratification of the agreement now pending in the United States Senate, and requests the president of the chamber to communicate this action to the Senators from Ohio and other States in the Central West.

Very truly, yours, GEO. W. KINNEY, *President.*

Mr. DEPEW presented memorials of the Central Labor Union of Brooklyn, N. Y., and of sundry citizens of Brooklyn and Syracuse, N. Y., remonstrating against any change being made in the rate of postage on periodicals and magazines, which were ordered to lie on the table.

Mr. GALLINGER. I present telegrams in the nature of memorials remonstrating against the proposed Canadian reciprocal agreement, which I ask may be noted in the RECORD and referred to the Committee on Finance.

There being no objection, the telegrams were referred to the Committee on Finance and ordered to be noted in the RECORD, as follows:

Telegram from Warren Tripp, of Manchester, N. H.;
Telegram from David Lumsden of Durham, N. H.;
Telegram from Roscoe L. Blaisdell, master of Winnisquam Grange, No. 198, Patrons of Husbandry, of East Tilton, N. H.;
Telegram from H. B. Worthern, deputy, New Hampshire State Grange, Patrons of Husbandry, of Bristol, N. H.;
Telegram from Charles H. Brackett, of Greenland, N. H.;
Telegram of Cyrus Downing, of Wentworth, N. H.;
Telegram from R. S. Cross, of West Canaan, N. H.;
Telegram from Ellery E. Rugg, of Keene, N. H.;
Telegram from E. W. Hopkins, master, Newfoundland Lake Grange, Patrons of Husbandry, of Bristol, N. H.;
Telegram from H. D. Merrill, master of Rumford Grange, No. 109, Patrons of Husbandry, of East Concord, N. H.;
Telegram from Freeman G. Smith, of Meredith, N. H.;
Telegram from John E. Eastman, of North Havehill, N. H.;
Telegram from E. Ahrn, master of Plymouth Grange, Patrons of Husbandry, of Plymouth, N. H.;
Telegram from John A. Edgely, of Wolfboro, N. H.; and
Telegram from Daniel C. Westgate, of Windsor, Vt.

Mr. GALLINGER presented a memorial of Local Grange No. 44, Patrons of Husbandry, of Londonderry, N. H., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which was referred to the Committee on Finance.

He also presented the petition of A. F. Howard, of Portsmouth, N. H., praying that an increased appropriation be made for the quay wall at that city, which was referred to the Committee on Commerce.

Mr. DILLINGHAM presented a memorial of the State Grange, Patrons of Husbandry, of Vermont, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which was referred to the Committee on Finance.

Mr. GUGGENHEIM presented a petition of sundry citizens of Kit Carson County, Colo., praying for the passage of the so-called parcels-post bill, which was referred to the Committee on Post Offices and Post Roads.

Mr. OWEN presented a petition of the temperance committee of the General Assembly of the Presbyterian Church, 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. FRYE. I present a memorial of the Legislature of the State of Maine, which I ask may lie on the table and be printed in the RECORD.

There being no objection, the memorial was ordered to lie on the table and to be printed in the RECORD, as follows:

State of Maine—A memorial to the Members of Congress to promote the efficiency of the Life-Saving Service.

Whereas the United States has passed Senate bill 5677, entitled "A bill to promote the efficiency of the Life-Saving Service," and said bill is now in the Committee on Interstate and Foreign Commerce of the House of Representatives in Congress; and

Whereas we believe that the officers and members of the United States Life-Saving Service should receive from the Government the same treatment in regard to retirement, long-service pay, etc., as is given to the rank and file of the Army and Navy of the United States, and in lieu of the fact that from the hazardous and valuable work the life-savers perform, the vast amount of value and the great number of lives which they save from the perils of the sea, and that said service is a branch of the Government service which pays back to the public a great profit of what it costs to maintain it; and that articles of enlistment compel them to serve with the Army and Navy during war: Be it

Resolved, That they should be entitled to all privileges as given to the aforesaid bodies; and be it

Resolved, That we earnestly request early and favorable action upon Senate bill 5677 by the House of Representatives in Congress assembled, for retirement and relief, as recommended by the Hon. S. I. Kimball, general superintendent of the United States Life-Saving Service, and approved by the honorable Secretary of the United States Treasury; and be it further

Resolved, That the secretary of state be, and hereby is, directed to immediately transmit a copy of these resolutions to the Hon. S. I. Kimball and to the honorable Secretary of the Treasury, Washington, D. C., and to Members of Congress from this State.

In house of representatives February 13, 1911: Read and passed finally.
FRANK A. MOREY, *Speaker.*

In senate February 14, 1911: Read and passed finally.
NATHAN CLIFFORD, *President.*

Approved, February 15, 1911.
FREDERICK W. PLAISTED, *Governor.*

A true copy.
Attest: CYRUS W. DAVIS, *Secretary of State.*

Mr. FRYE. I present resolutions adopted by the Legislature of the State of Maine, which I ask may be printed in the RECORD and referred to the Committee on the Library.

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

State of Maine—Resolution in favor of a monument at Annapolis in memory of the late Commodore John Paul Jones.

Resolved, That the Maine delegation in Congress be requested to use their influence for the passage of a bill now pending before Congress for the erection of a proper monument at Annapolis in memory of the late Commodore John Paul Jones.

Resolved, That a copy of this resolve be sent to each of our Senators and Representatives in Congress.

In house of representatives February 13, 1911: Read and passed finally.
FRANK A. MOREY, *Speaker.*

In senate, February 14, 1911: Read and passed finally.
NATHAN CLIFFORD, *President.*

Approved, February 15, 1911.
FREDERICK W. PLAISTED, *Governor.*

A true copy.
Attest: CYRUS W. DAVIS, *Secretary of State.*

Mr. FRYE presented a memorial of Local Grange, Patrons of Husbandry, of Manchester, Me., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which was referred to the Committee on Finance.

He also presented memorials of Local Grange No. 215, of Chelsea; of Local Grange of Ripley; of Eastern Star Grange, No. 473, of Calais; and of Prestile Grange, No. 50, of Westfield, all of the Patrons of Husbandry, in the State of Maine, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. SCOTT presented a petition of Local Council No. 7, Junior Order United American Mechanics, of Grafton, W. Va., and the petition of C. E. Gardner, of Newcreek, W. Va., praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

INCREASE OF PENSIONS.

Mr. SCOTT. I present a newspaper article, which I ask may be read and referred to the Committee on Pensions.

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

PLEA FOR THE OLD SOLDIERS.

To the EDITOR OF THE NORTH AMERICAN:

I notice in the columns of the newspapers of February 15 that the Sulloway pension bill met with considerable opposition by some members of the Senate, and also an intimation that if it passed it was the intention of President Taft to veto the same.

Can it be possible that a Senator, who receives from $5,000 to $8,000 for six months' services, and a President, who receives from $50,000 to $75,000 a year, and whose positions and environments are the result, in a great measure, of the soldier, who sacrificed home and comfortable surroundings and risked his life and obtained therefor $14 per month, while the common day laborer received $20 per month at home, with the comforts and privileges that the soldier was deprived of, while the business man acquired a competence and many became rich during the war, must now, in his declining days, when health is broken and many in limited circumstances, be provided with a mere pittance for their reward?

Can it be that our statesmen and those who have control of these things have no gratitude in their hearts for blessings that have been brought to them and this great Commonwealth, and will turn their backs on those who have preserved this country and placed them where they are? God forbid that the heart of any man may be seared and hardened that he would forget his most worthy benefactor.

The old soldiers are dying at the rate of about 100 a day, and the sum that is now needed to reward them will be lessened greatly every year.

C. W. AMMERMAN,
Company E, Two hundred and ninth Regiment Pennsylvania Volunteer Infantry.

GREENWOOD, DEL., *February 17.*

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Mr. SCOTT. I present a letter signed by J. H. Brown, of Pittsburg, Pa., an old soldier, together with a newspaper article, which I ask may be read and referred to the Committee on Pensions.

There being no objection, the letter and accompanying newspaper article were read and referred to the Committee on Pensions, as follows:

PITTSBURG, PA., *February 22, 1911.*

Hon. Senator SCOTT.

DEAR SIR: I will inclose a clipping out of a Cleveland paper. Please read it to the Senate; ask the gentleman how many of them would like to come to that day to have to offer their bodies for sale after being broke down sleeping on the cold ground and exposed to all kinds of weather and hardships. We hope they will change their minds—those who are fighting against the old soldier.

Yours, truly, OLD SOLDIER J. H. BROWN.

VETERAN TO SELL BODY TO SCIENCE—"WHY SHOULDN'T I GET $50 FOR MY OLD BONES? WE NEED THE MONEY NOW."

CLEVELAND, *January 20.*

Fred Beach, aged 66 years, Civil War veteran and resident of Nottingham, suburb of Cleveland, offers his body for sale for $50. He is induced to make this offer because of inability to find any kind of work that he can do and want of money to support himself and his aged wife. Besides, he believes, his body would prove valuable to medical science for dissection because of a peculiar disease with which he has been afflicted all his life and which doctors have been unable to help.

"I've not long to live, and why shouldn't I get $50 for my old bones?" asks Beach. "I'll have no use for them after I am dead, and we need the money now."

His wife approves the offer of sale.

REPORTS OF COMMITTEES.

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

H. R. 32440. A bill authorizing the Moline, East Moline & Watertown Railway Co. to construct, maintain, and operate a bridge and approaches thereto across the south branch of the Mississippi River from a point in the village of Watertown, Rock Island County, Ill., to the island known as Campbells Island;

H. R. 31652. A bill to authorize the Central Vermont Railway Co. to construct a bridge across the arm of Lake Champlain between the towns of Alburg and Swanton, Vt.; and

H. R. 32213. A bill to authorize the city of Portsmouth, N. H., to construct a bridge across the Piscataqua River.

He also, from the same committee, to which was referred the bill (S. 10785) to legalize a bridge across the Pend Oreille River in Stevens County, Wash., reported it with an amendment and submitted a report (No. 1228) thereon.

Mr. PENROSE, from the Committee on Naval Affairs, to which was referred the bill (S. 10792) to promote the erection of a memorial in conjunction with a Perry's victory centennial celebration on Put in Bay Island, during the year 1913, in commemoration of the one hundredth anniversary of the Battle of Lake Erie and the northwestern campaign of Gen. William Henry Harrison, in the War of 1812, reported it without amendment and submitted a report (No. 1229) thereon.

He also, from the Committee on Post Offices and Post Roads, to which was referred the bill (S. 4246) for the relief of the Georgia Railroad & Banking Co., reported it without amendment.

Mr. JONES, from the Committee on Public Lands, to which was referred the bill (H. R. 32082) limiting the privileges of the Government free bathhouse on the public reservation at Hot Springs, Ark., to persons who are without and unable to obtain the means to pay for baths, reported it without amendment and submitted a report (No. 1230) thereon.

Mr. PERKINS, from the Committee on Commerce, to which was referred the bill (S. 10026) for a flashing light, fog signal, and keeper's quarters at the Point Pinos Light Station, Cal., reported it without amendment and submitted a report (No. 1231) thereon.

Mr. GALLINGER, from the Committee on Naval Affairs, to which was referred the bill (S. 3202) to authorize the President to place Ensign John Tracey Edson on the retired list of the Navy with the rank of lieutenant, reported it with amendments and submitted a report (No. 1232) thereon.

Mr. OVERMAN, from the Committee on Public Buildings and Grounds, to which was referred the amendment submitted by himself on the 16th instant, proposing to increase the cost for the United States post-office and customhouse building at Wilmington, N. C., by the sum of $200,000, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon and moved that it be printed, and, with the accompanying paper, referred to the Committee on Appropriations, which was agreed to.

Mr. WARREN, from the Committee on Irrigation and Reclamation of Arid Lands, to which was referred the bill (S. 10808) authorizing the Greeley-Arizona Irrigation Co. to build a [illegible] across the Colorado River at or near Head Gate Rock, [illegible] Parker, in Yuma County, Ariz., reported it with amendm[illegible] and submitted a report (No. 1233) thereon.

DELAWARE RIVER BRIDGE, PENNSYLVANIA.

Mr. MARTIN. From the Committee on Commerce I re[illegible] back favorably, without amendment, the bill (H. R. 32400) authorize the North Pennsylvania Railroad Co. and the D[illegible] ware & Bound Brook Railroad Co. to construct a bridge ac[illegible] the Delaware River from Lower Makefield Township, Bu[illegible] County, Pa., to Ewing Township, Mercer County, N. J.

Mr. PENROSE. Mr. President, a bill identical with the [illegible] just reported by the Senator from Virginia has passed the S[illegible] ate and gone to the other House. I ask unanimous consent [illegible] the present consideration of the House bill just reported, so t[illegible] the matter may be disposed of.

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

The bill was reported to the Senate without amendm[illegible] ordered to a third reading, read the third time, and passed.

Mr. PENROSE. I desire to enter a motion to reconsider [illegible] votes by which the Senate ordered to a third reading and pas[illegible] the bill (S. 10632) to authorize the North Pennsylvania Railr[illegible] Co. and the Delaware & Bound Brook Railroad Co. to constr[illegible] a bridge across the Delaware River, from Lower Makef[illegible] Township, Bucks County, Pa., to Ewing Township, Me[illegible] County, N. J.

The VICE PRESIDENT. The motion to reconsider wil[illegible] entered.

Mr. PENROSE. I move that the House of Representat[illegible] be requested to return the bill to the Senate.

The motion was agreed to.

DEFECTIVE RECORDS IN MILITARY OR NAVAL SERVICE.

Mr. WARREN. From the Committee on Military Affai[illegible] report back favorably with an amendment the joint resolu[illegible] (H. J. Res. 276) modifying certain laws relating to the milit[illegible] records of certain soldiers and sailors, and I submit a re[illegible] (No. 1223) thereon. I ask unanimous consent for the pre[illegible] consideration of the joint resolution.

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

The amendment reported from the Committee on Mili[illegible] Affairs was, in line 3, after the words "during the," to st[illegible] out "year 1910, and" and insert "Sixty-first Congress," s[illegible] to make the joint resolution read:

Resolved, etc., That in all laws approved during the Sixty-first [illegible] gress having for their object the removal of disabilities accruing [illegible] defective records in the military or naval service of the United St[illegible] the words "*Provided*, That, other than as above set forth, no bo[illegible] pay, pension, or other emolument shall accrue prior to or by reas[illegible] the passage of this act" shall not prohibit or prevent the granting [illegible] pension on an application made after the approval of this act, [illegible] accruing only from the date of said application.

The amendment was agreed to.

The joint resolution was reported to the Senate as amen[illegible] and the amendment was concurred in.

The amendment was ordered to be engrossed and the j[illegible] resolution to be read a third time.

The House joint resolution was read the third time and pas[illegible]

HENRY HALTEMAN.

Mr. BROWN. From the Committee on Military Affai[illegible] report back favorably, with an amendment, the bill (H. R. 20[illegible] for the relief of Henry Halteman, and I submit a report [illegible] 1226) thereon. I ask unanimous consent for the present co[illegible] eration of the bill.

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

The amendment reported by the Committee on Military [illegible] fairs was, in line 8, after the word "in," to strike out "C[illegible] pany" and insert "Battery," so as to make the bill read:

Be it enacted, etc., That in the administration of the pension [illegible] and the laws governing the National Home for Disabled Volunteer [illegible] diers, or any branch thereof, Henry Halteman, now a resident of [illegible] shall hereafter be held and considered to have been honorably [illegible] charged from the military service of the United States as a privat[illegible] Battery F, Second Regiment United States Artillery, on the 18th da[illegible] August, 1865: *Provided*, That no pension shall accrue prior to [illegible] passage of this act.

The amendment was agreed to.

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

The amendment was ordered to be engrossed and the bil[illegible] be read a third time.

The bill was read the third time and passed.

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Office, 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. OWEN submitted an amendment proposing to appropriate $6,000 for the salary of the Surgeon General of the Public Health and Marine-Hospital Service, 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 $4,586.50 to pay the claims of the Eastern Cherokee Councilors, 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. SMITH of Maryland submitted an amendment proposing to appropriate $125,000 for the establishment of range lights at Fort McHenry, Md., 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.

RECIPROCITY WITH CANADA.

On motion of Mr. NELSON, it was

Ordered, That 25,000 copies of the bill (H. R. 32216) to promote reciprocal trade relations with the Dominion of Canada, and for other purposes, be printed for the use of the Senate.

THE PANAMA CANAL.

Mr. FLINT submitted the following resolution (S. Res. 367), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Interoceanic Canals, or any subcommittee thereof, be authorized to visit the Panama Canal and investigate the work and progress thereof during the recess of the Senate, and to employ such clerical assistance as may be deemed necessary, and that the expense of such investigation shall be paid from the contingent fund of the Senate, upon vouchers to be approved by the chairman of the committee or subcommittee.

USE OF HAND-ROLLER PRESSES.

Mr. SMOOT. I present a number of newspaper clippings taken from the New York Sun, the Independent, and the Boston Transcript relative to the cost of running hand-roller presses in the Bureau of Engraving and Printing. I ask that the clippings lie on the table and be printed in the RECORD.

The VICE PRESIDENT. The Senator from Utah asks that certain newspaper clippings be printed in the RECORD. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

[From the New York Sun, Wednesday, Nov. 23, 1910.]

UNION COSTS UNITED STATES $778,000 A YEAR—PLATE PRINTERS KEEP POWER PRESSES OUT OF THE ENGRAVING BUREAU—HAND PRESSES STILL USED, ALTHOUGH MEN AT POWER PRESSES EARN $9 A DAY AND OTHERS MAKE ONLY $6.

WASHINGTON, *November 22.*

Unionism exacts an annual tribute of $778,000 from one bureau alone of the United States Government. Each year this large sum is contributed from the Federal Treasury to the union plate printers employed in the Bureau of Engraving and Printing.

This $778,000 represents the amount that would be saved annually by the Federal Government if power presses were introduced into the bureau in place of the old hand-roller presses now used in turning out bonds, notes, and checks. An act of Congress passed in 1898 at the instance of union labor has prevented the introduction of this economy.

Not only has this act cost the Federal Government many hundreds of thousands of dollars each year in excess wages, but it has necessitated the throwing of power presses, for which the Government itself had paid more than $15,000, into the junk heap. The immediate introduction of power machinery to do the work now performed on hand presses would reduce the force of printers in the bureau by 450 and the printers' assistants by 350.

The Plate Printers' Union for 20 years has successfully blocked efforts to have the Government notes, bonds, and checks printed by the steam or power process. For 10 years prior to 1908 this union had sufficient power in Congress to prevent the printing of internal-revenue stamps by power presses, and the introduction of this reform in the interest of economy was finally accomplished only through resort to a joker in the sundry civil bill passed in 1907. The bill had been signed by the President before the union realized that one of its provisions authorized the printing of internal-revenue stamps by power presses.

The union is supposed to be more strongly intrenched in Congress now than it ever has been. It maintains a legislative agent and an assessment of $3 a month is levied on members for the raising of a fund to protect their interests. The union is credited now with having a fund of this character amounting to about $40,000. The plate printers in the Bureau of Engraving and Printing constitute a local branch of a national organization which belongs to the American Federation of Labor, and they have had the support of the federation in their fight against the introduction of modern machinery into the bureau.

The local plate printers have been adroit in the methods they have adopted to intrench themselves in Congress. They have sent speakers out to aid Members of the House of Representatives in Congress, and on several occasions have presented to influential Members of both the House and the Senate beautifully engrossed resolutions certifying that said Member or Senator was a friend of union labor.

Such resolutions have been presented to Speaker CANNON, Representative JAMES A. TAWNEY, chairman of the House Appropriations Committee, and Representative WALTER I. SMITH, of the same committee. James A. Hemenway, of Indiana, when he was in the United States Senate received a similar set of resolutions and used them in his campaign to be returned to the Senate. It is understood that Members of Congress availed themselves of such resolutions to promote their candidacy in the recent elections.

The legislative record alone tells the story of how union labor has for years fought against the introduction of economic reforms in the Bureau of Engraving and Printing. In view of the present administration's desire for economy and the talk of Congress itself along this line, the record is exceedingly interesting. As regards Congress it is illuminating.

As far back as 1886 Congress authorized the installation of new and improved plate-printing presses in the Bureau of Engraving and Printing. The sundry civil act of that year contains the following clause:

"*Provided*, That any part of this sum may be used for purchasing and operating new and improved plate-printing presses."

The same provision was incorporated in the sundry civil bill passed in 1887.

With the appearance of this legislation on the statute books, organized labor began an active campaign which resulted in the incorporation of this clause in the sundry civil act of 1888:

"*Provided*, That there shall not be an increase of the number of steam plate-printing machines in the Bureau of Engraving and Printing."

This was the first check the unions obtained against the use of steam presses in the bureau. They were, however, by no means satisfied and continued an active campaign for the repeal of the laws permitting the introduction of the power presses. Another year's effort brought about a further yielding on the part of Congress, and in the sundry civil act of 1889, after appropriating $466,000 for the payment of royalty on the steam plate-printing machines already installed in the bureau, there appeared this clause:

"*Provided*, That no portion of this sum shall be expended for printing United States notes of larger denomination than those that may be canceled or retired: *Provided further*, That no part of this appropriation shall be used for the repair or reconstruction of steam-plate printing presses: *Provided further*, That there shall not be an increase of steam-plate printing machines in the Engraving and Printing Bureau."

The director of the bureau, under the authority conferred upon him by the acts of 1886 and 1887, had installed 25 power presses in the bureau. The above provision in the sundry civil act of 1889 practically restricted the use of the machines to the printing of internal-revenue stamps.

In 1898 there was a revival of the talk about turning out the Government notes and bonds by power-press methods. The plate printers again brought their influence to bear upon Congress, with the result that the sundry civil act of 1898 contained this clause:

"*Provided further*, That hereafter all bonds, notes, and checks shall be printed from hand-roller presses."

This provision effectively blocked and continues to block any effort to economize in the turning out of this class of Government printing. Seven power presses which had been bought by the Director for use in printing notes, bonds, and checks, at a cost of about $15,000, were sold as junk for about $350.

Not content with the above prohibition, the plate printers directed their attack on the statutory authorization which allowed the director of the bureau to print internal-revenue stamps by the power method. The director had been turning out stamps from the power presses from 1889 until the following provision in the sundry civil act, approved March 3, 1899, legislated the presses out of the bureau:

"*Provided further*, That the faces of all tobacco stamps for use on packages of 2 pounds and upward, and all beer, whisky, cigars, snuff, oleomargarine, and special liquor tax stamps shall hereafter be printed from engraved plates upon hand-roller plate-printing presses."

With the incorporation of this provision in the sundry civil act of 1899 the union victory for the retention of the hand-press method was complete.

Revenue stamps, as well as notes, bonds, and checks, were by statute now to be printed exclusively by the hand method. That condition of affairs continued unbroken until 1907, when a joker was slipped into the sundry civil bill. This joker was placed in the bill by the House Committee on Appropriations, and did not become known to the union printers or to anyone outside of a few members of the committee until after the bill had received the President's signature. The joker was entirely blind as to its purpose and read as follows:

"And the second provision under this head in the sundry civil appropriation act approved March 3, 1899, is hereby repealed."

The proviso repealed was the one which declared that the faces of all internal-revenue stamps should be printed on the hand-roller presses. The bill containing this joker was signed by President Roosevelt on March 4, 1907.

The repeal of this provision permitted the introduction of power presses for the printing of internal-revenue stamps and a contract was immediately made by the director of the bureau for 20 of these presses. The bureau is now operating 25 of the presses in turning out internal-revenue stamps, all of this work being done by that method.

This has, of course, resulted in a big saving to the Government, and at the same time has worked no hardship on the plate printers, who for so many years combated the reform. The plate printer at the power press makes more money than did the plate printer who turned out internal-revenue stamps under the old method. The increased demand for the stamps and the gradual introduction of the machines have taken care of the men without having thrown any out of employment.

Of course there are not as many men employed now in turning out internal-revenue stamps from the electric machines as would have been employed if the old hand-press method had been retained, but all those who were on the pay roll of the bureau when the change was made have been cared for. It is the fact that the introduction of the machines has reduced the possibilities for the employment for plate printers that the union objects to.

It is likely that in the coming session of Congress an effort will be made to extend the steam-press method in the printing of notes, checks, and bonds, and thus end the unnecessary drain of $700,000 a year on the Federal Treasury.

The point that the plate printers have raised against the introduction of the power presses for printing United States notes, checks, and bonds is that this method will turn out an inferior product, lacking the beautiful, artistic features of notes printed by the hand process. They have added that the power-press notes and bonds also will be more easily counterfeited. This is the stock argument that the unions have advanced in Congress whenever the subject has come up there. It was the argument that they raised against the introduction of steam presses for the printing of internal-revenue stamps. The steam presses are to-day, however, turning out internal-revenue stamps perfectly satisfactory to the Government and equal in every way, it is said, to those that were formerly printed by hand.

As far back as 1889 this subject of the relative merits of the hand and power press methods was thoroughly investigated by Congress. In 1889 the Bureau of Engraving and Printing started to print the backs of some silver certificates and of United States notes on steam presses.

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The attack by the union on this method led to an investigation, and the Senate Committee on Finance, after listening to testimony which filled a good-sized volume, brought in a report sustaining the steam process. The committee cited the opinion of C. S. Fairchild, then Secretary of the Treasury, that the notes and greenbacks printed by power presses were satisfactory. They also quoted James W. Hyatt, then Treasurer of the United States, who said:

"The character of the printing on both the backs and faces of all the notes and certificates received from the Bureau of Engraving was perfectly satisfactory to this office and, so far as I am informed, to the banking community and the general public. No difference in quality is observable between the backs said to be printed by hand and those said to be printed by steam. All of them appear to be of excellent quality, the color being good, and the printing sharp and distinct."

Treasurer Hyatt added that he had been unable to discover anything in the engraving and printing of these notes which makes it easy to counterfeit them.

The committee also quoted several bankers in support of the greenbacks that had been turned out partly by the steam process. One of the bankers quoted was George F. Baker, president of the First National Bank of New York, who said:

"The silver certificates of the series of 1886 seemed to me an improvement over all other issues of notes since the original legal-tender greenbacks, and I see nothing in them to facilitate counterfeiting more than in other series."

Since then there have been conflicting views expressed by Congress, but Government experts now declare that the successful experience in turning out internal-revenue stamps on power machinery could be duplicated in the printing of notes, bonds, and checks if the change were authorized by Congress. In viewing specimens the Government experts will not undertake to say now which is the product of the power and which comes from the hand presses. All of Canada's paper money is printed by the steam process by the American Bank Note Co.

As was done in the case of the introduction of power presses for the printing of internal-revenue stamps, the change in regard to notes, bonds, and checks could be brought about, it is said, without working any hardship on the union men now employed in the bureau. The Government's business at the Bureau of Engraving and Printing is increasing at the rate of 15 per cent a year, and by gradually introducing the steam presses it is estimated that it would be only a comparatively short time when the present drain would be checked without any printers being thrown out of work. If only the backs of United States currency and national-bank currency were printed on power presses to begin with it would result in a saving of $396,000 a year.

It is estimated that it would cost $420,000 to install power presses sufficient to print United States notes, bonds, and checks. This amount is only a little more than half of what the United States now contributes yearly to the members of the union in excess wages.

The plate printers employed in the Bureau of Engraving and Printing make good money. They are paid by the sheets turned out. The internal-revenue stamp printers at power machines average $9 a day. They work 8 hours a day, have 30 days' leave a year with pay, all national holidays, and half Saturdays in July, August, and September.

The man on the hand press, on the other hand, averages only about $6 a day.

But the strong union objection to the introduction of power presses for the printing of notes, bonds, and checks is the same that was advanced against the introduction of internal-revenue power presses—that the possibilities for the employment of union plate printers will be curtailed. To maintain this field uncurtailed the Federal Government apparently is expected to sacrifice $778,000 a year.

[From The Independent, Nov. 24, 1910.]

THE TREASURY'S TRIBUTE OF A MILLION A YEAR TO ORGANIZED LABOR.

If the United States Government were as free as a private establishment to institute reforms in its various departments, to hire and discharge at will, to introduce labor-saving machinery, to adopt improved methods, and, in a word, to avail itself of the economies which private business concerns adopt with such readiness, millions of dollars a year could be saved over the present cost of administration. Not only, however, is the Government not a private employer, with its main concern a balance sheet showing profit or loss, but Government service is hedged in with traditions and practices limiting to an almost incredible extent the initiative of the higher officials who are responsible for the operations of the departments.

The civil-service laws have thrown over most Government employees the wide blanket of protection against loss of position through any cause but death or illness. Political influence, often ingeniously maintained intact whatever changes may take place in White House or Congress, stands ready to resist innovations which threaten beneficiaries with loss of position or demotion. The theory that the Government is morally bound to keep on its pay roll clerks whom age has incapacitated, instead of filling their places with younger and more capable persons, is practically recognized by the Government itself, as probably it is approved by public opinion. The absence of a civil service retirement system, due partly to the belief of many employees that some time the Government will adopt a "straight" (noncontributory) civil-pension system, tends to continue conditions of inefficiency and sloth which would not be tolerated a week in any well-managed private establishment. Organized labor, too, while keeping and kept on good terms with Uncle Sam by means of diplomatic concessions, is ever suspicious of plans aiming to improve existing methods in mechanical establishments like the navy yards, the Government Printing Office, and the Bureau of Engraving and Printing, and is alert to oppose them.

Despite all these handicaps to progress, the administrative departments of the Government are doing their work better, more economically and more rapidly every day. It is not credible that an administration should make its draft upon the best legal and business talent of the country practically once in four years without securing managers and superintendents—for such Cabinet officers are—of up-to-date mind and practice. Long ago, perhaps with the abolition of the spoils system, the ancient practice was reversed, and social duties became secondary to work—continuous, grueling, brain-racking, body-destroying work. From Cabinet officer to chief clerk, no man in responsible position with the United States Government has an easy position. Every step forward is beset with perplexities and hampered by discouraging traditions. Progress is made only by main force, and often with a complete sacrifice of personal popularity; often only after a fight of which the public knows little or nothing, yet which makes the victor wonder whether or not the game was worth the candle.

This possibly illuminating and perhaps needless introduction is suggested by the perplexity in which the United States Treasury Department finds itself in the midst of the most successful attempt to improve antiquated methods that has been made in that institution for ma decades. Secretary Franklin MacVeagh, one of the two business m of the Taft Cabinet, and the corps of able young men with which has surrounded himself, already have worked wonders in simplifyi systematizing, and making less expensive the complicated processes the Treasury. An estimated saving of almost $1,900,000 per annu is expected from improved business methods already authorized. T proposition to change the designs and reduce the size of United Stat and national bank notes would save the Government an estimat $900,000 a year more, and greatly increase the mechanical efficien of the Bureau of Engraving and Printing. But the plans in this dir tion, making possible a third estimated saving of $900,000 a ye threaten to stop there, through the silent but none the less effecti operation of the traditions referred to in the opening of this artic The facts are a matter of public record, but the public, outside t labor unions, knows nothing of the actual conditions underlying t peculiar situation, and these of themselves make a story which is little short of sensational.

Ever since the institution of the Government the paper currency the United States has been printed upon hand presses, except for few months about 14 years ago. This process was necessary the early days, before the invention of power presses that would the work equally well, but in modern printing plants, outside the G ernment service, these have long been discarded for work of identi character and the rapid power press used.

Not only does the Government continue the use of a process wh retention costs $900,000 a year more than need be paid, but Congr has more or less deliberately, if unwillingly and under duress, le itself to the scheme to perpetuate the antiquated practice. Not o has every effort to introduce improved devices been resisted by la organizations within and without the Government employ, but issue has been taken into politics.

The legal authority by which the use of the old hand presses is c tinued is of an exceedingly indirect, if not ambiguous, character. originated, in fact, in an obscure proviso tucked away in a sundry ci bill of more than 20 years ago, and exists now in a brief proviso of law making sundry civil appropriations, dated July 1, 1898, as follow *"Provided further,* That hereafter all bonds, notes, and checks sh be printed from hand-roller presses."

As long ago as 1886 the Government first attempted to bring Bureau of Engraving and Printing up to date by the use of pow presses. The sundry civil act of that year was the first to permit installation of new and improved plate-printing presses, which it did the following language applicable to the appropriation for the use the bureau:

"Provided, That any part of this sum may be used for purchasing a operating new and improved plate-printing presses."

Some presses were bought and installed, and the same provision w repeated in the sundry civil act for the fiscal year ending June 30, 18 but by that time organized labor had begun an active campaign agai the proposed economy, not unlike that which the old hand shoemak before they had begun to take the larger view, waged against the int duction of machinery in shoe factories. A frightened and complais Congress came to the rescue, and the sundry civil bill of October 1888—this was preceding the presidential election—nullified the p missive legislation as far as it could by providing that "there shall be an increase of the number of steam plate-printing machines in Bureau of Engraving and Printing."

This prohibition, of course, effectually checked the efforts of Un Sam to have his paper money printed quicker and more economical but organized labor, not content, then started a movement to repeal law of 1887–88 permitting the introduction of power presses and restrict the use of the machines already in operation. The sundry c act for the fiscal year of 1889–90 limited the payment of royalty the presses to 1 cent per thousand impressions and also directed no part of the appropriation should be expended for printing Uni States notes of larger denominations than those that might be cance or retired. The law again prohibited the purchase of more machi and contained, in addition, a fatal clause refusing money for the re or reconstruction of the power presses already installed.

Under the authority originally granted and despite the opposit described, the director had succeeded in buying and operating 25 po presses. As the labor organizations closed in on him with law a law, he finally discontinued the use of the machines for printing mo and operated them in the printing of internal revenue stamps. unions finally legislated the power presses out of the bureau altoget by a law approved March 3, 1889, providing that the faces of tobacco stamps for use upon packages of 2 pounds and upward, and beer, whisky, cigar, snuff, oleomargarine, and special liquor tax sta should thereafter be printed from engraved plates "upon hand ro plate printing presses."

Meantime, changes have occurred in Congress and men have c in who either stand on their own feet at home or believe in giving Government a square deal, or both, for the sundry civil act of March 1907, contained a "joker" which outwitted the enemies of the po presses and allowed at least a limited opportunity for their use. joker was placed in the bill before it left the committee room of House and was not noticed nor was its purpose suspected until the had been signed by the President. The joker read as follows:

"And the second proviso under this head in the sundry civil ap priation act, approved March 3, 1889, is hereby repealed."

This was the proviso whereby organized labor had succeeded in hibiting the use of power presses for printing internal-revenue sta The director immediately bought 20 power presses, and 25 are operated in that work. But the prohibition of the act of July 1, 1 still stands, and it would be illegal for the Government to print no bonds, or checks upon anything but hand-roller presses, notwithsta ing that more than $900,000 a year could be saved if power pre were used. In the face of approaching elections Congress always been timid, and this year has not been one to encourage congressi audacity, except upon certain "popular" issues supposedly closer the people in the districts at home.

Another tidy item is that of checks and drafts, of which the ernment printed about 10,000,000 last year for its own use, all f engraved plates and by the hand-roller process. This work could done equally well by power presses from a rubber "offset," at an mated saving of $37,000 a year. By the old process the cost of che per thousand, bound, is $8.29. By the improved process it would $2.93. Warrants now cost $9.94 a thousand and could be pri equally well for $2.34 a thousand. The hand printers turn out sheets a day, and 45,000 a day could be printed by the offset proces

At the close of the first session of the Sixty-first Congress, in unwonted burst of courage, the Senate Committee on Appropriat decided to repeal the appropriation against the power printing of no

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Mr. BEVERIDGE. It was the year 1909, in June, and it was one day after, according to White's story, that he met Browne in Chicago and got $850 from him and the day on which Browne swears he met White in Chicago and loaned him $50. That was in 1909.

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

Mr. BEVERIDGE. That is all right. I am much obliged to the Senator. This transaction that three witnesses swear to—Kirkpatrick, in St. Louis; Mollie Vandeveer, in O'Fallon; and Dennis, in O'Fallon—occurred in June; but when White—this infamous scoundrel whom Browne called "Dear old pal"—tried to sell the story—which, by the way, White says he did not try to sell—to the sitting Member was months after this transaction.

Mr. GALLINGER. Of course, Mr. President, the Senator will not say that White did not try to sell the story when we have his addressed to Senator LORIMER.

Mr. BEVERIDGE. We have his letter; but he swore in his examination that it was not for the purpose of sale but for exposure. My own opinion about it is that he would have both sold and exposed after his experience with his "dear old pal."

Mr. GALLINGER. I think so.

Mr. BEVERIDGE. And yet the Senator thinks badly of White. I do not care how badly the Senator thinks of White. What does he think of Mollie Vandeveer and Kirkpatrick and Dennis, who saw White with the money immediately after White swore he got it? Were they, too, in this far-reaching "conspiracy" that embraced bank officers in Chicago and stenographers in O'Fallon and clerks in a St. Louis department store and State's attorneys of two counties in Illinois?

Mr. GALLINGER. Now, Mr. President, if the Senator will permit me?

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from New Hampshire?

Mr. BEVERIDGE. Certainly.

Mr. GALLINGER. Suppose he had the money and suppose two or three parties saw him handle the money, has the Senator any suggestion to make as to where it came from?

Mr. BEVERIDGE. It is explained where it came from. White said he got it from Browne.

Mr. GALLINGER. Where did Browne get it?

Mr. BEVERIDGE. I do not know where Browne got it.

Mr. GALLINGER. Ah, that is different.

Mr. BEVERIDGE. What does the Senator think about that himself?

Mr. GALLINGER. I am not quite sure.

Mr. BEVERIDGE. It was asked yesterday—I did not say a word, for I make it a rule not to interrupt, although I invite and like interruptions—it was asked yesterday, why had not we traced this money to its source; why did not the subcommittee do so? Why did they not ask the bank of the sitting Member to produce its books? The Senator from Texas said we ought to have gone to the sitting Member's bank.

Well, if some person was bribing these people, do you suppose they would have taken the money out of the sitting Member's bank? That would have been just as stupid as are other parts of this conspiracy, if it is a "conspiracy," as the Senator from Tennessee has pointed out.

Mr. GALLINGER. I think the sitting Member did not have a bank at that time, did he?

Mr. BEVERIDGE. No; of course not. That bank was not in existence then or for months afterwards; but it was suggested by the Senator from Texas [Mr. BAILEY], you will remember, why were not the books of the sitting Member's bank produced. And now the Senator calls attention to the fact that the sitting Member's bank was not in existence at that time, which shows that even the Senator from Texas can make an unintentional mistake, although he could not overlook possibly some little irrelevant mistake that the Senator from New York and one the Senator from Iowa made.

Mr. GALLINGER. I think the Senator from Texas corrected that.

Mr. BEVERIDGE. Oh, no. The habit in this case of trying to destroy testimony on some little absurd inconsistencies is so ridiculous that I am not going into it.

I fasten this down again. Holstlaw swears he got the money, and the money is traced. Beckemeyer swears he got the money, and the money is traced. White swears he got the money, and the money is traced.

"DIAMOND JOE" CLARK.

Now we come to Clark. "Diamond Joe" let us call him. His name is Joe and he bought diamonds as we shall see. Also, he has a close friend, a saloon keeper, named Joe Diamond. Clark's testimony is the most curious testimony in this case. He was one of the furniture rascals. He was one of Lee O'Neil Browne's followers. He was a police magistrate, and mark this—it might be important in this case—and "*interested in the lumber business.*" I do not emphasize "lumber business;" I just mention it.

He first voted for the sitting Member May 26. He had made up his mind, he swears, three or four days before, but "Prudent Joe" told nobody that he was going to vote for the sitting Member, not even his adored leader, "Abraham Lincoln" Browne.

Here is the thing to which I call the attention of the Senator from New Hampshire: Joe Clark was one of the men who met Lee O'Neil Browne in St. Louis with Beckemeyer and Link and Luke and Shephard. Clark swears he did not. Browne swears he did; and then said, "Well, I believe Joe says he didn't meet me there. I thought he did meet me there; but if Joe says he didn't why, I guess he didn't."

Mr. GALLINGER. A nice bunch.

Mr. BEVERIDGE. A nice bunch. What does the Senator think of Browne—Browne, the man of "marvelous intellect," as the Senator from Kentucky says? Well, Clark also met Wilson at St. Louis July 15, the date of the second distribution. He met Wilson with White—well, with all of the rest of them; what the Senator from New Hampshire calls the "nice bunch."

Then, Mr. President, when it was noised about—and I have often wondered what my engaging friend, the Senator from New York [Mr. DEPEW], thought of that—that this thing was going to be exposed, what happened? Beckemeyer telephones Clark to meet him in Carlyle. Clark responded, "Can not meet you in Carlyle, but I am going to Centralia to visit a friend of mine"—Joe Diamond, a saloon keeper. The names in this drama read like a 10-cent novel. Beckemeyer was going to Centralia to the funeral of a friend.

So these two disinterested patriots, one upon a funereal visit and the other upon a journey to see a friend, a saloon keeper named Joe Diamond, met on the train going to Centralia; and there is where it is said that Joe Clark, the police magistrate, the person schooled in the craft of standing pat on a story, was to advise him as to whether or not Beckemeyer should deny he was in St. Louis.

Then Clark goes, by mere accident, to Springfield, and there, by mere accident—and mark this—he meets Wilson. It was the surprise of his life that he met Wilson. But he met Wilson there.

A MERE "ACCIDENT," YOU SEE.

When Wilson saw Clark, Wilson must have exclaimed "to what happy accident is it that we owe so unexpected a visit?" or else Clark must have so exclaimed. For, of course, both Wilson and Clark were familiar with Goldsmith.

What do the Senators think about that? Clark says he talked to Wilson maybe only three minutes, *and yet in that three minutes he told Wilson of White and Tierney's visit to him, Clark.* Does the Senator believe—does anybody believe—that they spent only three minutes together with what the Senator from South Dakota calls the "minions" and sleuths on their track?

More than this, Clark told Beckemeyer that one way he had of covering up the money he got from this transaction was through the fact that he was chairman of the committee to bury his fellow representative, Powers; that the money which was coming to the widow was paid to Clark, and he took this voucher and put it in the bank in his name and then took the cash he got from Browne and Wilson and paid Mrs. Powers; and that is the way he had of covering it up.

Clark was there in St. Louis. He admits that. The other fellows got the money. The only difference in the world in the testimony is that Clark stubbornly denies it. He testifies that he never knew anything about the sitting Member having a chance to be elected until the morning of the 26th, and that nobody said a word to him about it. He said he saw men flitting about, but "they passed Joe Clark by." No one notified him; and yet so important a man was Joe Clark that when he voted for the sitting Member he swears there was more applause at his vote than there was at anybody else.

CLARK WITH CONFESSED BRIBE TAKERS WHEN LATTER GOT THEIR BRIBE MONEY.

Suppose, Senators, you found one man coming out of a house he had burglarized with two other men at 1 o'clock in the morning; suppose stolen property taken from that house that night was found in the possession of these two men; suppose none was found in the possession of the third man who came with them out of the house that had been burglarized.

Would he be acquitted in any court in the land, especially if he could not explain how it was that he was with them; especially if he admitted that he was in the house when the bur-

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glary occurred; especially if he had means of concealing the stolen goods? I do not know how anyone else may feel, but as for me the evidence shows that Joe Clark was about the worst of the "nice bunch," because he was the nerviest and cleverest.

The fact that this police magistrate in a little country town bought diamonds—a hundred and fifteen dollars' worth—has been made light of. I sat amused at the way Senators wafted it away. "Why," they said, "that is not so very much—a person buying $115 worth of diamonds."

Of course, not with Senators. It would not be so strange a thing with us. Many here can afford to buy diamonds. Many here buy diamonds frequently. The Senator, no doubt, buys $115 worth of diamonds quite frequently.

Mr. GALLINGER. The Senator is not pointing to me, I hope. [Laughter.]

Mr. BEVERIDGE. Does not the Senator buy diamonds? It was said here the other day that the purchase of diamonds by a member of the Legislature of Illinois was so trivial an affair that nobody ought to notice it. What does the Senator think of a police justice in a little country town buying $115 worth of diamonds? It is not so insignificant a thing after all. And he testified to——

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from New Hampshire?

Mr. BEVERIDGE. Certainly.

Mr. GALLINGER. It does seem to me that that might occur and yet not be a dishonest transaction.

Mr. BEVERIDGE. It might—it just might, possibly.

Mr. GALLINGER. Yes.

Mr. BEVERIDGE. Certainly it might. If it only appeared that Hon. Joe Clark, who was engaged in the "lumber business," had bought $115 worth of diamonds in the middle of the legislative session—well, that would be singular, but it would not be convincing of any crime.

But when we find that Joe was with the other members of the "nice bunch," as the Senator from New Hampshire so well says, who got the other money; when it appears that he was the man who helped set up the alibi to which I am going to refer in a moment, it does begin to look rather conclusive.

Mr. GALLINGER. It shows he got some diamonds.

Mr. BEVERIDGE. It shows he got some diamonds, and if he got diamonds, he had money to get diamonds with, and if he could afford to buy diamonds he must have had a little excess of money. Men do not buy diamonds every day—not unless they are engaged in a lucrative business.

[At this point Mr. BEVERIDGE yielded the floor for the day.]

Friday, February 24, 1911.

"BATHROOM" SHEPHARD.

Mr. BEVERIDGE. I wish now to resume at the point of Mr. Shephard's testimony. Shephard was one of Lee O'Neil Browne's faction. He is a banker in Jerseyville, Ill., I believe. It is curious how many bankers there were in this legislature. He testified that he was approached by Browne to vote for the sitting Member a week before the election occurred.

That will be found on page 318 of the record; and yet, although Shephard was approached a week before the election occurred, he never appears to have said a word about it. Later on, I think on the day of the election, he was again approached by Browne and by Alschuler a second time. I will, lest there be any doubt, read that. This is the second visit.

He [Browne] said, calling me by my first name, Harry—of course, my real name is Henry—but he says, "Harry, aren't you going to vote for LORIMER to-day?" and I said, "No; indeed I am not." "My soul," he said, "are you going to throw us down that way? All of your friends are going to vote for LORIMER," etc.

Then came up the conversation concerning the post office, which, I believe, is admitted by everyone, and therefore requires no further extended comment. Shephard testified that the promise of influence concerning preventing two men being appointed postmaster and assistant postmaster was "the only consideration for his vote." I am not going to enlarge upon that. As a strict matter of law, nobody will deny that that is bribery. That is bribery in law, but I am not going to enlarge upon it. It is not so serious, because it is not uncommon.

Mr. BAILEY. Mr. President——

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

Mr. BEVERIDGE. Yes.

Mr. BAILEY. Do I understand the Senator from Indiana to declare that as a matter of law it is bribery to say that you will not recommend or indorse a certain man?

Mr. BEVERIDGE. No; that is not what was said—that he would use his influence to prevent their appointment. I say that as a matter of law, although I am not going to enlarge upon it, that is as illegal a thing in elections as the promi that he would use his influence affirmatively. What is t difference?

Mr. BAILEY. As a matter of law, I think it perfectly tr that if Shephard had said, "If you will give me this office, give my son or my brother this office," it would have been corrupt agreement. But a promise that he would not give it somebody else was not.

Mr. BEVERIDGE. No——

Mr. BAILEY. Let me put this case to the Senator fr Indiana.

Mr. BEVERIDGE. The Senator has inadvertently stated t facts incorrectly. It was not that the sitting Member would u use his influence in favor of some one. It was that he wou use his influence against some one.

Mr. BAILEY. I stated that. If that was not exactly wha said, then I did not say what I intended to say.

Let me ask the Senator this question: Does the Senator lieve that if the name of a postmaster, which had been sent the Senate under a recommendation, was afterwards withdra on the demand of a legislator and that legislator predicated th demand upon a threat to vote against a Senator in the legis ture, it would be corrupt to withdraw the nomination or to wi draw the recommendation?

Mr. BEVERIDGE. Corrupt on the part of the President?

Mr. BAILEY. On the part of the Senator.

Mr. BEVERIDGE. I think that the decisions, although th is not this case by any manner of means, leave no doubt abo it. Certainly it would be corrupt in law. But as I have sa I do not enlarge upon it very much. I had not heard it d puted heretofore that this was the law.

Mr. BAILEY. Does the Senator understand that I say if t sitting Member had promised an office to a man for his vote, would have been a corrupt agreement; but if he simply promis that some man objectionable should not have the benefit of influence, it was just such an agreement as every Senator a every other man engaged in politics make? But in a case wh a Senator had recommended the appointment of a postmas and where under the threat of a member of the legislature th recommendation was withdrawn, does the Senator think that corrupt?

Mr. BEVERIDGE. Mr. President, although I am obliged the Senator for asking my opinion, I do not think that my op ion or anybody else's on that statement would be important, cause that is not this case as I understand the facts here to and I can turn to them if there is any dispute. I have them marked down here and I shall read them if the Senator says

Mr. BAILEY. That is not this case, but the case I cite i case where the record of the Senate may show is an exist case which I may call attention to later.

Mr. BEVERIDGE. It may be an existing case, but it wo not be pertinent unless it was this case. The practice on th matter is loose. I am talking about the law. I ask the Sena from Texas if he does not agree to this proposition: It is agre that if a candidate for office secures a vote by promising to his influence to get an office for that legislator or a friend anybody else, and the legislator makes the getting of the of for him the consideration of his vote, that is corrupt.

Take the converse of the proposition then. If the legisla is more deeply interested in preventing a man from hold office than in getting some man appointed to an office, and makes it a consideration for his vote that the man for whom votes will use his influence to prevent that appointment, wo not that be just as corrupt as if it were done affirmative However, Mr. President, I pass that.

Mr. OWEN. Mr. President——

The VICE PRESIDENT. Does the Senator from India yield to the Senator from Oklahoma?

Mr. BEVERIDGE. Certainly.

Mr. OWEN. Will the Senator permit me to call attention the statute of Illinois?

Mr. BEVERIDGE. Certainly.

Mr. OWEN. It is as follows:

31. Whoever corruptly, directly or indirectly, gives any money or ot bribe, present, reward, promise, contract, obligation, or security the payment of any money, present, reward, or any other thing, to judge, justice of the peace, sheriff, coroner, clerk, constable, jai attorney general, State's attorney, county attorney, member of general assembly, or other officer, ministerial or judicial, or to legislative, executive, or other officer of any incorporated city, town village, or any officer elected or appointed by virtue of any law of State, after his election or appointment, either before or after he qualified, with intent to influence his act, vote, opinion, decision, judgment on any matter, question, cause, or proceeding which may then pending, or may by law come or be brought before him in official capacity, or to cause him to execute any of the powers in vested, or to perform any duty of him required, with partiality favor, or otherwise than is required by law, or in consideration t

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such officer being authorized in the line of his duty to contract for any advertising, or for the furnishing of any labor or material shall directly or indirectly arrange to receive, or shall receive, or shall withhold from the parties so contracted with, any portion of the contract price, whether that price be fixed by law or by agreement, or in consideration that such officer hath nominated or appointed any person to any office or exercised any power in him vested, or performed any duty of him required with partiality or favor, or otherwise contrary to law, the person so giving, and the officer so receiving, any money, bribe, present, reward, promise, contract, obligation, or security, with intent or for the purpose or consideration aforesaid, shall be deemed guilty of bribery, and shall be punished by confinement in the penitentiary for a term not less than one year nor more than five years.

Mr. BEVERIDGE. Mr. President, passing that, because while it may be legal bribery, if I can use such an expression—I mean bribery in law—the Senator from Texas accurately says there is a good deal of that going on around. Nobody pretends there is not. That might not be sufficient in practice. It is sufficient in law. In law it is bribery, and in practice it is essentially immoral. Both law and public morals are clear on that.

"BATHROOM" SHEPHARD WITH THE OTHERS.

After this transaction, and after the election of the sitting Member, Mr. Shephard testifies that he met Browne in St. Louis on the 21st of June in response to a letter from Browne asking him to come there. This was the first celebrated meeting, the meeting where the first distribution occurred. Shephard admits he was there.

It was there that Browne paid out the $1,000 to Link and Beckemeyer and Luke. Link and Beckemeyer confessed; and I think I shall show that Luke did confess, although he had no opportunity of doing it before the committee. He was there with the rest of these men when this money was distributed.

If Senators believe that Link got his $1,000 there, if they believe that Beckemeyer got his $1,000 there, and it was traced immediately afterwards to a bank away from his town, and that the others got their money there, they must conclude that Shephard got his money there also. Otherwise, why was Shephard there?

The fantastic story that Browne gives as to why this meeting was called I shall demonstrate to the satisfaction of the most reluctant mind is so grotesque as to offend common sense. So Shephard was there. Shephard was with the other men who confessed that they got the money, and Shephard admits that he was called into the "jack-pot" bathroom by "Jack Pot" Wilson. Not only that, but White testifies to it.

I call the attention of the Senate to the fatal defect of this testimony. Shephard admits that he met Browne by appointment. He admits that he met Wilson and all the others; and the others testify that they met Wilson by appointment. But Shephard says that he met Wilson by pure accident, and that the reason why he was in St. Louis on that fatal day is because he ran in to get some automobile packing. A banker ordinarily would have the chauffeur attend to buying automobile packing. Also Shephard visited the safety-deposit box that he owned on the very forenoon he himself admits having met Wilson.

I repeat, and shall repeat again, that Shephard was seen going into the bathroom with Wilson. It was in this bathroom that the other money was distributed, and Shephard admits that he was called into the bathroom. I ask Senators to consider the excuse that Shephard gives:

Q. Did Wilson take you into the bathroom?—A. He called me into the bathroom; yes, sir.

Later on he testifies, as all will concede—I have the pages marked here—that although he was called into the bathroom, the reason why Wilson called him into the bathroom, Shephard swears, *was to ask him the name of a lady he saw Shephard dining with two months before in Springfield.* Is that credible? Is it possible that Wilson met Shephard down there in St. Louis and called him into the bathroom to ask the name of a lady he had seen him dining with in Springfield two months before?

Mr. President, when Mr. Shephard gave that excuse every lawyer here knows that he was trumping up an excuse, and he admits having been in the bathroom only because convincing testimony was at hand to show that he did go there. He had only missed indictment himself by not denying that he was in St. Louis, as the others did.

Now, Mr. President, I do not think it is necessary to take much of the time of the Senate on this creature Shephard.

LUKE AND HIS MYSTERIOUS $950.

Mr. President, the next man involved is Representative Luke. Representative Luke had died before this investigation came about, but it is established, and, I believe, not denied, that he, too, like White and Beckemeyer and Link and Clark and Shephard, met Wilson on the 15th of July, and that he, like all of them except White, met Browne at St. Louis at the Southern Hotel on the occasion of the first distribution of putrid cash.

The testimony of Luke's wife has been read here so many times that I will not read it again, but she testifies, although evidently an unwilling witness, that at one time when he had been away he returned home with $950, as I remember it, in twenty-dollar bills, or bills of unusual denomination at least.

She says it was before he went to St. Louis, but I ask Senators to read her testimony as to whether she knows it was before or after he had been to St. Louis. Is not that one of a piece with the tracing of the money, as in the case of Beckemeyer, who deposited it in a bank in a town which was not his home, where he had to be identified; as in the case of White, and deposited it with the cashier of a department store in St. Louis, and exhibited it to Mr. Dennis and Miss Vandeveer; as in the case of Holstlaw, who deposited his money in the State Bank of Chicago?

This man Luke was there about this time. After an unexplained absence from home he returned home with the unusual sum of $950 in bills. Luke was a member of the Browne faction. He was the man who had nominated Stringer, either in the caucus or in the legislature. And he was a "jolly, sociable fellow," so Browne testifies; and Browne of the "marvelous intellect" ought to know such a man when he sees him.

Now, Mr. President, Mr. Murray was produced. I wish the Senator from Tennessee [Mr. FRAZIER] was here, because he was present at that time and he can tell us all about it.

He was the State's attorney, as I remember, in Luke's county, to whom Luke had made a statement as to where this money came from, or at least about this whole transaction. He was produced before the committee, *but was not permitted to testify.* No Senator who was a member of that subcommittee has been able to tell us upon what legal ground the declarations of Beckemeyer to his schoolboy friend, Gray, to Murray, and to Ford were not admitted in view of the fact that they were declarations against interest, but we do not need it.

In this case, however, Mr. President, I assume that the committee must have refused to let Mr. Murray, the State's attorney, tell what Luke told him about this transaction on the ground that it was hearsay. And yet it was directly in violation of the precedents in the Clark case. Here is what happened in the case of the declaration of Mr. Flinn in the Clark case.

Clark's attorneys objected to the declaration of Flinn being admitted in evidence upon the ground that Flinn was dead and that it was hearsay testimony. The chairman ruled as follows—and it does not appear that any member of the committee, which at that time was composed of unusually good lawyers, objected to this rule; the record shows that it was the unanimous view of the committee, because there was no objection—

The CHAIRMAN. Anything Mr. Flinn said to him. Mr. Flinn is shown to have changed his vote. Now, the suggestion appears to be that, possibly, he may have been influenced to change it. That is what we are investigating. He is going to state what Mr. Flinn said to him about methods being used to influence votes.

"A WEIRD RULING."

I was very curious, Mr. President, to know why this committee, which is not now composed of the same Senators who composed the committee that made the Clark ruling, could possibly have made such a ruling, and I was even more astounded when I recalled what occurred in the election case from Utah, in a matter not of the validity of the election of the senior Senator [Mr. SMOOT], but of his expulsion.

In that case members of that committee, who at that time served as I did upon it, will remember that not only hearsay was freely admitted, if indeed it was not invited, but rumors were freely admitted, if indeed they were not invited, and testimony as to what a newspaper had said was admitted, if not invited.

I have all of these instances here, Mr. President, more than 40 in number, where this committee, composed largely of the same members who now compose it and with the same chairman, under the chairman's ruling admitted hearsay, rumor, and newspaper statements. I shall not, of course, take your time to read all of them, but I am going to give you one example, which impressed itself on me.

It appears, Mr. President—I do not want to be harsh, but it would seem that in the exclusion of the testimony of Gray and Ford and Murray as to a declaration of Beckemeyer against interest and in the refusal to permit State Attorney Murray to testify as to Luke's statement about this transaction, when contrasted with the rulings of this same committee in the Smoot case—that it depends a good deal on whose ox is gored. It was a weird ruling—the exclusion of Beckemeyer and Luke's confession to others.

I will give you a ruling of our committee in the Smoot case. It impressed itself very much on me at the time, and Senators who were on that committee will remember it, and it is only one of scores. I have them marked. This was a case where a man by the name of Critchlow was testifying that a Mormon bishop had a revelation from the Lord on an electric-light plant.

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When cross-examination came, it did not appear even that this witness was testifying that the Mormon bishop told him that. No! But that the attorney on the losing side of the case had told witness Critchlow that some person had told him, the attorney, that the Mormon bishop had a revelation from the Lord; and here is how it was summed up. I put this question to Mr. Critchlow at the end—and I want the Senate to pay attention to it, in view of the subcommittee's action in the present case:

Senator BEVERIDGE. So that that testimony amounts to this: That you say that a man said to you that somebody else said to him that the president of the stake had a revelation on the subject of an electric-light plant at this place, that he laid it before the council, and there was a disruption, and so forth?
Mr. CRITCHLOW. A disruption?
Senator BEVERIDGE. Between the council, or the people, or somebody?

Mr. Critchlow, the witness, who was himself a lawyer, replied:

I take it, in a legal sense that is as close as it comes to being evidence.

Now, if that kind of testimony could be admitted in the Smoot case, if the declaration of the dead man, Flinn, could be proved in the Clark case, what do Senators think of excluding the declarations of Mr. Luke in this case? The Senator from Tennessee [Mr. FRAZIER] was present at that time. He is not here now, or I should ask him—as I think I shall hereafter—to rise and tell the Senate what occurred in that connection.

Luke was there. He met Browne at the time Browne distributed the money at the place Browne distributed the money to the others. He met Wilson at the time Wilson distributed money to the others at the same place. He came home after having been absent, his wife did not know where—I want Senators to mark that—did not know where, with $950, $50 less than the first distribution and $50 more than the last distribution, and in $20 bills.

His wife says that this was before he went to St. Louis, but she also said that it was after Luke had been away—she did not know where. So that if he had been away, *and she did not know where*, how does she know that it was not to St. Louis where he had been?

So, Mr. President, I was convinced when I read this testimony that Mr. Luke shared the plunder. When the Senator from Tennessee arrives I think I shall take the responsibility of saying that Luke stated that he had gotten it.

So, Mr. President, we have Holstlaw, White, Link, Beckemeyer, Shephard, Clark, and Luke—7 who received money from Browne, Wilson, and Broderick, who gave them the money. That makes 10, but exclude Luke, Shephard, and Clark, and you still have 7 filthy votes; and I trust that I will have the attention of any Senator who thinks that 7 are not enough to vitiate this election under any view of the law when I come to discuss the Senate cases on that.

But is this all of this transaction? No, Mr. President. Three other men testified that they were corruptly approached. In view of the fact that the Senator from Texas [Mr. BAILEY] the other day gave a good deal of attention to these three men, I shall ask the Senate to permit me for a time to beg its attention to that matter.

Mr. President, the first is Meyers. Meyers was a banker. The Browne gang, it appears, thought bankers easy and willing game. Holstlaw, banker; Sheppard, banker; Beckemeyer, son of banker, etc. But Meyers, banker, fooled them.

Mr. LA FOLLETTE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Wisconsin?

Mr. BEVERIDGE. For what purpose?

Mr. LA FOLLETTE. As there are only seven Senators in the Chamber at this time, I make the point of no quorum.

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

The PRESIDING OFFICER. The absence of a quorum being suggested, the Secretary will call the roll.

Mr. BEVERIDGE. Senators are at luncheon, and, besides, I guess we will have to speak to the American people. Senators perhaps do not want to hear the testimony, the facts, and the law, but to vote without them. It is no matter of mine. I hope the Senator will not call for a quorum.

Mr. LA FOLLETTE. I press the point.

The PRESIDING OFFICER. The Secretary will call the roll.

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

Bacon	Chamberlain	La Follette	Shively
Beveridge	Clapp	Martin	Smith, S. C.
Borah	Cullom	Newlands	Stephenson
Bourne	Curtis	Nixon	Sutherland
Bradley	Dillingham	Oliver	Swanson
Brandegee	Flint	Overman	Taliaferro
Briggs	Foster	Owen	Taylor
Brown	Frazier	Page	Thornton
Bulkeley	Gallinger	Percy	Warner
Burkett	Gamble	Perkins	Warren
Burnham	Jones	Rayner	Wetmore
Burton	Kean	Richardson	

Mr. BEVERIDGE. Senators who have paid any attention the testimony doubtless think that they have heard it all; yet I call the attention of Senators now to the fact that Luke said that she saw her husband in the possession of $ after he had been away—*she did not know where*, and th fore, of course, *if she did not know where he had been he mi have been in St. Louis or any place else.* Taking her testim to be true, that this was before he went to St. Louis on *the that she knew about*, how does she know that he was not St. Louis on *the trip she says she did not know about?*

There was quite an animated discussion here the other between the Senator from Texas and the Senator from Id about the fact that Mrs. Luke's testimony exculpated L because she testified that this money was in his possess before he went to St. Louis, but she says it was after he returned—I hope I will get the attention of the Senator fr Kentucky [Mr. PAYNTER] to that—*after* he had returned fr a trip *to some place*, SHE DID NOT KNOW WHERE IT WAS. S that is true he may have been at St. Louis. Anyhow, he ca back from that trip with this money, and he HAD BEEN TO LOUIS TWICE. She only testifies to one trip to St. Louis.

Mr. OWEN. Mr. President——

The PRESIDING OFFICER. Does the Senator from diana yield to the Senator from Oklahoma?

Mr. BEVERIDGE. Yes.

Mr. OWEN. I want to call the attention of the Senator the fact that Mrs. Luke, in referring to the visit to St. Lo was referring to the visit in July, the last visit, where the $ apiece was distributed, and was not referring to his previ trip, and her evidence plainly shows that, as the Senator fr Indiana has pointed out.

Mr. BEVERIDGE. That, then, establishes this beyond question of a doubt, because if the St. Louis trip, to which refers when she says it was before he went there, was Wilson trip where $900 was given, then the trip that he did t when she did not know where he was, was the first St. Lo trip where he met Browne and got $1,000, and came back w $950 of it. We hear from the testimony of Mr. Browne that L was a very sociable fellow—Charley Luke—and he was en ing himself, as the record shows, down in St. Louis. Ap ently he got rid of $50 of the $1,000. Mr. President, did distinguished occupant of the Chair ever hear of a more clusive tracing of the spoils of corruption?

"APPROACHED" BUT NOT CORRUPTED.

We come now to three witnesses whom nobody can denou with reason or without it, and these are the three men swear that they were corruptly approached. The first one whom I wish to call attention is Representative Meyers.

Representative Meyers was a Democratic representative member of the Browne faction, a banker, 49 years old, a for county treasurer. I want to call the attention of the Sen particularly to Meyers's character. Nothing has ever been s against him. Evidently he was a man of high repute am his people until, as the Senator from Wisconsin suggests, got into this debate. He had been their county treasurer position of the highest trust. Evidently he served well honorably in that office, because the people elected him as t representative in the legislature.

Meyers swears that Browne approached him. You will the record of it on page 312. I will read it:

Q. How long have you been engaged in the banking business?—The last time about two and one-half years.
Q. Prior to that, what business were you engaged in?—A. Wel was in the banking business and county treasurer of the county at same time, about six years ago.

Then he testifies to being elected to the legislature.

Q. Mr. Meyers, who was the minority leader of the Democratic P of the house?—A. Lee O'Neil Browne.
Q. Were you a member of the Browne minority faction?—A. I
* * * * * * *
Q. Mr. Meyers, do you recall the election on the 26th day of M 1909, of WILLIAM LORIMER to the United States Senate?—A. Yes,
Q. Prior to the time of that vote on the 26th of May, 1909, when joint assembly were in session, did you have any conversation with O'Neil Browne?—A. I had.
Q. Where?—A. In the house there.
Q. While the two houses were in joint session?—A. Yes, sir.
Q. How long before the taking of the vote for United States S tor?—A. Fifteen or twenty minutes, I do not know just how long; a short time.
Q. Will you tell the committee who sent for you, if any one?—Well, there was a page came to me and said Mr. Browne wanted see me.
Q. Where were you when he came to you and told you Mr. Bro desired to see you?—A. I was at my desk.
Q. How far removed from Mr. Browne's desk was your desk?—A. desk was three rows back of Mr. Browne's.
Q. Pursuant, or in response to that message, did you go to Browne's desk?—A. I did.
Q. Will you tell the committee what, if any, conversation you had with Mr. Browne?—A. I went down to his desk and sat down a chair right beside him, and he says, "We are going to put this to-day, and I would like you to go with us." I says, "Lee, I c do it."

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Mr. LODGE. I present a letter from Prof. Hornaday, of the New York Zoological Park, on the same subject, which I shall be glad to have printed in connection with the telegram which has been read.

There being no objection, the letter was ordered to lie on the table and to be printed in the RECORD, as follows:

NEW YORK ZOOLOGICAL PARK,
ONE HUNDRED AND EIGHTY-FIRST STREET AND SOUTH BOULEVARD,
New York, February 14, 1911.

Hon. HENRY CABOT LODGE,
United States Senate, Washington, D. C.

DEAR SIR: This appeal is addressed to you, because you are a member of the Committee on Forest Reservations and the Protection of Game, and I have been informed that the chairman of that committee, Senator BRANDEGEE, is ill.

I have just been informed by a reliable person in Jacksons Hole, Wyo., Mr. S. N. Leek, that "5,000 elk will perish in Jacksons Hole within the next two weeks unless fed." I have been personally acquainted with Mr. Leek for the past 13 years, and I know that he would not thus appeal for outside help in behalf of the starving elk unless the need for it was very great. I am aware of the fact that the Legislature of Wyoming is about to appropriate $5,000 for the purchase of hay for the distressed elk herds; but that will be only half sufficient to meet the necessittes of the case.

I respectfully point out to you, and to Congress, the fact that the 30,000 elk from the Yellowstone Park, and now wintering in Jacksons Hole, belong, at least one-half of them, to the people of the United States. If our vested right in that elk herd were attacked, our National Government would be quick to defend it. Does it not now become the imperative duty of the National Government to contribute something to save those elk from perishing by thousands, even as occurred in the winter of 1908 and 1909, in spite of the help that was afforded by the State of Wyoming? At that time $7,000 were expended by the State, and the conditions to-day are much more serious than they were then.

I respectfully suggest that the Senate Committee on Forest Reservations and the Protection of Game should at once procure the passage of a joint resolution, appropriating $5,000 for immediate use by the Bureau of Forestry in the purchase of hay for the starving elk. It will be an easy matter for Congress to safeguard the whole transaction.

The final settlement of all questions pertaining to the permanent conservation of the Wyoming elk herds in winter can be taken up in the future; and it now seems clear that the problems involved can not be solved a day too soon. It is, however, utterly impossible for anyone to say, just at this moment, what should be done to place our great elk herd on a basis that hereafter will be permanently satisfactory all the year around. I think the questions involved can best be settled by the Biological Survey and the Forestry Bureau, after a thorough investigation of all conditions. The need of the hour, however, is for an emergency measure that will avert an impending calamity.

Very respectfully, yours, W. T. HORNADAY,
Chairman Committee on Game Protective Legislation and Preserves.

Mr. BRANDEGEE. In connection with the matter just presented by the Senator from Massachusetts, as the writer of the letter suggested that the Committee on Forest Reservations and the Protection of Game should report a joint resolution in accordance with his recommendation, I desire to say that the committee thought, upon consultation with the Senators from Wyoming, it would be much more likely to pass at this stage of the session if the course indicated by the Senator from Wyoming were adopted.

NATIONAL ARCHIVES BUILDING.

Mr. LODGE. I present a memorial from a committee of the executive council of the American Historical Association relative to the construction of a national archives building. I move that the memorial be printed as a public document and referred to the Committee on Public Buildings and Grounds (S. Doc. No. 838).

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. SCOTT, from the Committee on Public Buildings and Grounds, to which was referred the amendment submitted by Mr. GALLINGER on the 22d instant, proposing to appropriate $65,000 toward the erection of an armory building for the National Guard of the District of Columbia, etc., intended to be proposed to the sundry civil appropriation bill, reported it with an amendment and moved that it be printed and, with the accompanying paper, referred to the Committee on Appropriations, which was agreed to.

Mr. NIXON. From the Committee on Coast Defenses I report back favorably with amendments the amendment submitted by the senior Senator from Virginia [Mr. MARTIN] on the 6th instant, proposing to appropriate $150,000 for the acquirement by the Secretary of War of certain lands at Cape Henry, Va., and so forth, intended to be proposed to the fortifications appropriation bill, which I ask may be printed and referred to the Committee on Appropriations. I submit a letter from the Acting Secretary of War in reference thereto, which I ask may accompany the amendment to the Committee on Appropriations.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. DILLINGHAM, from the Committee on Immigration, to which was referred the amendment submitted by Mr. FOSTER on the 20th instant relative to the proposed enlargement, equipment, and effective operation of the immigrant station at New Orleans, La., etc., intended to be proposed to the sundry civil appropriation bill, reported it with amendments, submitted a report (No. 1248) thereon, and moved that it be printed and referred to the Committee on Appropriations, which was agreed to.

Mr. OWEN. I submit my views as a member of the minority of the Committee on Post Offices and Post Roads on House bill 31539, the Post Office appropriation bill, relating to the item of the rate of postage on second-class matter, which I ask may be printed.

The VICE PRESIDENT. Without objection, the request of the Senator from Oklahoma will be complied with. (Rept. No. 1242).

M. H. PLUNKETT.

Mr. GALLINGER. From the Committee on Naval Affairs I report back favorably with an amendment the bill (S. 1342) placing M. H. Plunkett, assistant engineer, United States Navy, on the retired list with an advanced rank, and I submit a report (No. 1241) thereon. I call the attention of the Senator from Maryland [Mr. SMITH] to it.

Mr. SMITH of Maryland. 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 amendment was, in line 9, to strike out the words "June 29, 1906," and insert "the passage of this act," so as to make the bill read:

Be it enacted, etc., That M. H. Plunkett, assistant engineer, United States Navy, retired with the rank of lieutenant (junior grade), may, in the discretion of the President, by and with the advice and consent of the Senate, be placed on the retired list of the Navy in the grade of passed assistant engineer with the rank of lieutenant, and that this promotion and the increased pay incident thereto shall take effect from 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.

MARINE BIOLOGICAL STATION IN FLORIDA.

Mr. OVERMAN. From the Committee on Fisheries I report back favorably, without amendment, the bill (H. R. 10430) to authorize the establishment of a marine biological station on the Gulf coast of the State of Florida, and I submit a report (No. 1246) thereon.

On behalf of the Senator from Florida [Mr. TALIAFERRO] I ask for its present consideration. I wish to say that a similar bill passed the Senate, except the Senate bill carried an appropriation. This House bill has exactly the same provisions in it except the appropriation as passed by the Senate.

The VICE PRESIDENT. The Secretary has not the correct print of the bill at his desk.

Mr. OVERMAN. The chairman of the committee handed me the bill. Is it not with the papers?

Mr. CLARKE of Arkansas. While looking for that bill, I ask unanimous consent for the present consideration of Order of Business No. 1140.

The VICE PRESIDENT. The bill is not here. It is necessary for the Secretary to have the correct print of the bill at the desk. Unless the Senator from North Carolina objects, the Chair will leave the matter on the desk until the Senator has found the correct bill.

Mr. CLARKE of Arkansas. Mr. President——

Mr. BURKETT. I ask for the regular order.

The VICE PRESIDENT. The Senator from Nebraska asks for the regular order, which is equivalent to an objection.

OUACHITA RIVER BRIDGE, ARKANSAS.

Mr. MARTIN. From the Committee on Commerce I report back the bill (S. 10882) to authorize the county of Ouachita, Ark., to construct a bridge across Ouachita River, and I submit a report (No. 1243) thereon. I ask for its present consideration.

Mr. BURKETT. I ask for the regular order. There was unanimous consent given for the Senator from North Dakota [Mr. MCCUMBER] to proceed at the conclusion of the morning business.

The VICE PRESIDENT. The regular order is demanded. The bill will go to the calendar.

H. S. ROBINSON.

Mr. OLIVER. From the Committee on Claims I report back the bill (H. R. 18512) for the relief of H. S. Robinson, of Allegheny County, Pa. I should like to have unanimous consent——

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The VICE PRESIDENT. The Senator from Nebraska has requested that the regular order be proceeded with, which is equivalent to an objection.

BILLS INTRODUCED.

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

By Mr. WARREN:

A bill (S. 10889) granting an increase of pension to Isabella S. Snyder (with accompanying papers); to the Committee on Pensions.

A bill (S. 10890) for the payment of certain claims for damages to and loss of private property; to the Committee on Claims.

By Mr. FOSTER:

A bill (S. 10891) granting a pension to Clementine Chapman (with accompanying papers); to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 10892) granting an increase of pension to Christopher C. Showalter (with accompanying papers); to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BRIGGS submitted an amendment proposing to appropriate $45,000 for improving Absecon Inlet, N. J., 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. DIXON submitted an amendment relative to the protection of game in Alaska, etc., intended to be proposed by him to the sundry civil appropriation bill, which was ordered to be printed and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. BANKHEAD submitted an amendment relative to the commissions of pharmacists in the Navy, etc., intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

He also submitted an amendment relative to the status of mates in the Navy, etc., intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

He also submitted an amendment proposing to appropriate $3,650.05 in settlement of the claim of Rittenhouse Moore, 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 Appropriations.

Mr. MARTIN submitted an amendment proposing to appropriate $35,000 for establishing an adequate system of lighting in the channel leading to Norfolk Harbor, Va., 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. GUGGENHEIM submitted an amendment relative to the settlement of the accounts of volunteer officers of the Navy who served in the War with Spain, etc., intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

Mr. JONES 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 sundry civil appropriation bill, which was referred to the Committee on Territories and ordered to be printed.

Mr. MARTIN submitted an amendment authorizing the Attorney General to institute suit against all persons and corporations or others who may have or pretend to have any right, title, claim, or interest to land along any part of the Anacostia River or Eastern Branch, etc., intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

Mr. OWEN submitted an amendment proposing to appropriate $50,000 to investigate and test the underflow of the streams, and also the artesian waters, in western Oklahoma, etc., intended to be proposed by him to the Agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

He also submitted an amendment relative to the issuance and publication of periodical publications, etc., intended to be proposed by him to the Post Office appropriation bill, which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

INSURANCE COMPANIES IN THE DISTRICT OF COLUMBIA.

Mr. GALLINGER submitted the following resolution (S. R 369), which was considered by unanimous consent and agre to:

Resolved, That the Committee on the District of Columbia be, and hereby, directed to continue, during the Sixty-second Congress, the p aration of the Code of Law for the regulation and control of insura companies doing business within said District, authorized by Sen resolution of May 16, 1910, with all the powers conferred therein.

INDIAN DEPREDATION CLAIMS.

Mr. HALE submitted the following resolution (S. Res. 37 which was considered by unanimous consent and agree to:

Resolved, That the Attorney General be directed to transmit to Senate a list of judgments rendered by the Court of Claims in favo claimants in Indian depredation cases, not heretofore reported, req ing an appropriation by Congress.

ELECTION OF SENATORS BY DIRECT VOTE.

Mr. BORAH. I ask that the joint resolution (S. J. Res. 1 proposing an amendment to the Constitution providing t Senators shall be elected by the people of the several Sta which was reported by me from the Committee on the Judici on the 11th ultimo, be printed with the amendments omitted.

The VICE PRESIDENT. Without objection, it is so orde

TRIBUTE TO THE LATE SENATOR DOLLIVER.

Mr. YOUNG. On the 18th instant, when I submitted my marks in memory of the late Senator DOLLIVER, I was una to procure a copy of a letter which I desired to incorporat order that it might be in the permanent volume. I now h that letter in print, written by Gen. James S. Clarkson, knew Mr. DOLLIVER better than any other one living knew I ask leave to present it, not to be read, but to become a p of the memorial volume when it is printed, it being necess to its completion.

The VICE PRESIDENT. Without objection, the letter sented by the Senator from Iowa will be printed as requeste

Mr. YOUNG. I ask that it may be printed in the RECOR

There being no objection, the letter was ordered to be pri in the RECORD, as follows:

MR. CLARKSON'S FAREWELL TRIBUTE TO DOLLIVER.

[From the Des Moines (Iowa) Register and Leader.]

In a telegraphic dispatch I have already responded in part to request of the Register and Leader for "an expression on the deat Senator DOLLIVER." In that I expressed my sense of the Nation's and of my own personal grief in this untimely end of his great ca There will be those who will think that his death, largely if not wh due to his incessant and faithful overwork in the cause of the pe will have contributed even more than he could have done if livin the cause that he espoused so earnestly and powerfully, and this ma true. Yet, for my part, I believe that he was plainly in the lin destiny to serve a still greater part in this cause than he had yet able to do, much as he had done. He had already become the lead the public thought of the Nation on the great reforms so imperat demanded in some of our leading national policies and in our bus systems, and to me he was becoming plainly the choice of the peopl the supreme leader in the final action which will put these demand change and reform in the national statutes, or such reforms as bring the country and its business and its people back to normal bal with corporations and property having all the protection that the serve and yet with human rights always having preeminence over erty and all material things.

DOLLIVER'S heart was as much the embodied heart of the Ame people, the struggling and "uncounted millions," as he so fondly a felicitously termed them, or the great masses who in their rel poverty have a fairer and larger life in this Republic than the class of people have in any other country of the world, just as as the heart of Lincoln was the embodied heart, not only of all struggling and suffering millions but also of all patriotic America the years before the Civil War. Besides this almost divine symp for the people at large and his desire to save the working people of country from being degraded to a peasantry similar to the peasan of Europe, as Lincoln desired to free the millions of human beings slavery at that time, he also spent long years of studious and ince investigation into all economic questions and learned to know the basis on which the readjustment in this country should and must will finally be made. He was among the earliest to see the force o resistless evolution which has been going on in this country particu and also all over the world in a lesser degree, and among the fir know that the tide could not longer be resisted.

Instead of his views as so conspicuously announced in his spe of unequalled power and persuasion in the debates in the Senate o Payne tariff bill—the speeches which so unprejudiced an authori the Springfield Republican, first of all political and literary criti New England, pronounced as having brought the Senate debates o time to be judged as equal in merit with the debates of the da Webster, Clay, Randolph, and Calhoun—being the zealous view a new convert, I personally know them to have been in fact his personal views for many years, for these views long have bee own, and I often talked them over with him in the intimacy ex between us, and we both agreed, over 20 years ago, that no duty should any longer be imposed, except in such measure as protect the American laborer in the difference between American European wages. These were not only his private views but oft frankly expressed public views. In fact I have always felt that i the plank in the Iowa Republican platform in 1895, as I remembe date, in the State convention held in Cedar Rapids, declaring "the tariff shall never be allowed to become a shelter of mono and which was presented by George Roberts and DOLLIVER, tha Iowa in the lead of a rising revolt against any further high or in ing tariff. It was this plank that ushered in what finally be

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Mr. BURROWS. I presume there will be no objection to fixing a time to vote on the matter, and that might relieve the situation somewhat. I therefore ask unanimous consent that a vote may be taken next Wednesday before adjournment.

The VICE PRESIDENT. The Senator from Michigan asks unanimous consent that on Wednesday next, before adjournment, a vote be taken upon Senate resolution 315. Is there objection?

Mr. OWEN. Mr. President, I recall the attention of the Senate and of the Senator from Michigan to the suggestion made by the Senator from Wisconsin [Mr. LA FOLLETTE] that he desired to present some views with regard to this matter, and that he did not feel willing to give consent at this time. For that reason I feel that in his absence I am justified in objecting.

The VICE PRESIDENT. The Senator from Oklahoma objects.

Mr. STONE. Let me inquire of the Senator from Oklahoma if he would object to fixing a later day in the week for taking the vote.

Mr. OWEN. I was simply giving voice to the expression of the Senator from Wisconsin, who is not present.

Mr. BURROWS. Does the Senator object?

Mr. OWEN. At this time I object.

Mr. BURROWS. Then I see no way except to proceed with this matter.

Mr. HALE. Mr. President——

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Maine?

Mr. BURROWS. Certainly.

APPROPRIATION BILLS.

Mr. HALE, from the Committee on Appropriations, to which was referred the bill (H. R. 32866) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1912, reported it with amendments and submitted a report (No. 1244) thereon.

Mr. PERKINS, from the Committee on Appropriations, to which was referred the bill (H. R. 32865) 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, reported it with amendments and submitted a report (No. 1245) thereon.

Mr. HALE. I give notice that at as early a time as possible next week the Committee on Appropriations will call up these two bills for consideration.

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

SENATOR FROM ILLINOIS.

Mr. WARREN. I ask the Senate to take up House bill 31596, the agricultural appropriation bill.

Mr. OVERMAN. Will the Senator yield to me a moment?

Mr. WARREN. I ask the Senator to wait until I get the bill up.

The VICE PRESIDENT. Does the Senator from Wyoming request that the unfinished business be temporarily laid aside?

Mr. NELSON. I request that the unfinished business be temporarily laid aside.

Mr. WARREN. I had assumed that that matter had been arranged; but the Senator from Michigan is here and can tell us whether he wishes to proceed with the resolution.

Mr. BURROWS. I am exceedingly anxious, as I am sure the Senate must be, to proceed with and close this matter. May I ask the Senator from Oklahoma whether he will consent to a vote on Thursday at 5 o'clock?

Mr. OWEN. I have already advised the Senator from Michigan that I was merely giving voice to the expressed wish of the Senator from Wisconsin, who is not here. He did not feel at that time yesterday afternoon that he was prepared at this time to agree upon a fixed time for the vote.

Mr. BURROWS. That would leave four days for debate next week.

Mr. OWEN. He doubtless will be in the Chamber in a few minutes, and he can speak for himself.

Mr. BURROWS. I think we had better proceed, then, with the matter.

Mr. PENROSE. Regular order!

The VICE PRESIDENT. The question is on agreeing to the resolution. Senators in favor of the resolution will say aye.

Mr. BEVERIDGE. Mr. President——

Mr. CRAWFORD. Mr. President, I object.

The VICE PRESIDENT. An objection does not prevail.

Mr. CRAWFORD. I desire to address the Senate.

The VICE PRESIDENT. Very good. The Chair recognizes the Senator for that purpose. The Chair did not understand the Senator to ask for recognition. He thought the Senator simply objected. The Chair, of course, recognizes the Senator to discuss the resolution.

Mr. CRAWFORD. Mr. President——

Mr. STONE. If the Senator will yield to me, I move that the Senate adjourn.

The VICE PRESIDENT. Does the Senator from South Dakota yield for that purpose?

Mr. CRAWFORD. I yield to the Senator.

The VICE PRESIDENT. The Senator from South Dakota yields to the Senator from Missouri, who moves that the Senate do now adjourn. [Putting the question.] The noes appear to have it.

Mr. STONE. Upon that I ask for the yeas and nays.

The yeas and nays were ordered and taken.

Mr. BACON. I will inquire if the junior Senator from Maine [Mr. FRYE] has voted.

The VICE PRESIDENT. He has not voted.

Mr. BACON. I am paired with that Senator, and therefore withhold my vote.

Mr. OVERMAN (after having voted in the negative). I wish to state that I am paired with the senior Senator from Washington [Mr. PILES], and therefore I withdraw my vote.

The result was announced—yeas 6, nays 70, as follows:

YEAS—6.

Bristow	Rayner	Taliaferro	Taylor
Owen	Stone		

NAYS—70.

Bailey	Crane	Gronna	Penrose
Bankhead	Crawford	Guggenheim	Percy
Beveridge	Culberson	Hale	Perkins
Bourne	Cullom	Heyburn	Richardson
Bradley	Cummins	Johnston	Root
Brandegee	Curtis	Jones	Scott
Briggs	Davis	Kean	Shively
Brown	Depew	La Follette	Smith, Mich.
Bulkeley	Dick	Lodge	Stephenson
Burkett	Dillingham	McCumber	Sutherland
Burnham	Dixon	Martin	Thornton
Burrows	du Pont	Money	Tillman
Burton	Fletcher	Nelson	Warner
Carter	Flint	Newlands	Warren
Chamberlain	Foster	Nixon	Watson
Clapp	Gallinger	Oliver	Young
Clark, Wyo.	Gamble	Page	
Clarke, Ark.	Gore	Paynter	

NOT VOTING—15.

Aldrich	Frye	Simmons	Swanson
Bacon	Lorimer	Smith, Md.	Terrell
Borah	Overman	Smith, S. C.	Wetmore
Frazier	Piles	Smoot	

So the Senate refused to adjourn.

Mr. WARREN. Assuming that the Senator from Michigan——

The VICE PRESIDENT. The Senator from South Dakota [Mr. CRAWFORD] has the floor. Does he yield to the Senator from Wyoming?

Mr. CRAWFORD. I yield to the Senator.

Mr. WARREN. If the Senator is about to proceed with a speech, I will not make the motion I was going to make.

Mr. CRAWFORD. I will yield if the Senator desires.

Mr. WARREN. I was about to move to take up the agricultural appropriation bill, but I am perfectly willing to defer that motion if the Senator wishes to proceed.

Mr. CRAWFORD. I will yield for that purpose.

Mr. STONE. If I can have a moment——

The VICE PRESIDENT. Does the Senator from South Dakota yield to the Senator from Missouri?

Mr. CRAWFORD. I do.

Mr. STONE. I desire to say by way of apology that when I made the motion to adjourn I did not for the moment have in mind the special order for eulogies at 5 o'clock. If I had my motion would have been to take a recess until 5 o'clock instead of moving to adjourn.

Mr. CRAWFORD. Mr. President, I prefer not to go on to-day. The remarks I expected to make will not be extended. I had requested simply that I be given an opportunity briefly to speak on this matter before it is disposed of. I have not been feeling well to-day and I would prefer not to go on now.

Mr. BURROWS. Mr. President——

Mr. CRAWFORD. But I will do it if it is necessary to be whipped into it now——

Mr. BURROWS. Mr. President——

Mr. CRAWFORD (continuing). Instead of having an opportunity to say a few words on Monday.

The VICE PRESIDENT. Does the Senator from South Dakota yield to the Senator from Michigan?

Mr. CRAWFORD. I do.

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Mr. BURROWS. The Senator from South Dakota advised me some hours ago that he was not feeling well and would prefer not to go on to-day. In view of that and the statement he now makes, I ask unanimous consent that the unfinished business be laid aside so that the Senator from Wyoming may call up the agricultural appropriation bill.

The VICE PRESIDENT. The Senator from Michigan asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection?

Mr. BAILEY. Mr. President, I want to say that, in my judgment, no matter of higher importance is before or can come before the Senate than the question which affects the right of a Member to his seat. We are now within one week of final adjournment, and while I do not think it vital that this question shall be disposed of to-day or Monday or even the next day, I do think the Senate owes it to itself and owes it to the country to settle the question before the present Congress expires. I can not bring myself yet to believe, in spite of what seems to be evidence of a purpose to filibuster against the decision that Senators who must act as judges in this matter desire to prevent a judgment being rendered on it; but unless we can have some agreement for a vote, I shall insist on the regular order, if every appropriation bill fails. With that notice, I will not now interfere with the arrangement proposed for this particular bill.

Mr. HALE. I hope the Senator does not mean in any way to convey the idea that he believes the pressure for the consideration of the appropriation bills, which of course must be passed and under the practice of the Senate have precedence, is in any way connected with a filibuster against the Lorimer matter.

Mr. BAILEY. I do not.

Mr. HALE. It is just the reverse.

Mr. BAILEY. I do not. Mr. President, I cheerfully acquit those in charge of the appropriation bills of such a purpose, but I have simply made what I believe to be a fair statement of the situation.

Mr. STONE. Will the Senator from Texas yield to me a moment?

Mr. BAILEY. Certainly.

Mr. STONE. I wish to say that so far as I am concerned I am not engaged in any filibuster. I have said that I am entirely willing now to fix a day or an hour next week to vote upon this resolution. I have not interposed any objection to fixing a day to vote.

Mr. BAILEY. Mr. President, it was not even necessary for the Senator from Missouri to say that, because the RECORD shows just exactly what he has stated—that he consented to any reasonable time for a vote, reserving only the right to address the Senate. I had no thought of including the Senator from Missouri in the suggestion of a filibuster, and I do not make that suggestion against any Senator, because I will not merely make a suggestion when I become satisfied that a filibuster is intended, but I will declare it without using soft words.

I do not now declare that Senators are now ready to indulge in a filibuster on this question. I confidently believe that it will come to a vote, and that it will be decided before the present Congress adjourns exactly as the majority of Senators think it ought to be decided.

But I felt it was due to those in charge of the appropriation bills to give them notice that I deem it just as important, or more important, to decide this question than to pass the appropriation bills, because, notwithstanding the country may not agree with me in that respect, I am not sure an extraordinary session of Congress will be a public calamity. We have been ordered by the people of the United States to do certain things, and if they are to be done, then, in my opinion, it is well to do them with as little delay as possible. I am willing to come back to do it.

The VICE PRESIDENT. Does the Senator from Texas object to laying aside the unfinished business informally?

Mr. BAILEY. I do not.

The VICE PRESIDENT. Is there objection to laying aside the unfinished business temporarily? The Chair hears no objection and the unfinished business——

Mr. PENROSE. I should like to make an inquiry. Does that interfere with its remaining the unfinished business?

The VICE PRESIDENT. It does not. The Chair hears no objection, and the unfinished business is temporarily laid aside.

AGRICULTURAL APPROPRIATION BILL.

Mr. WARREN. I ask unanimous consent that the Senate proceed to the consideration of the agricultural appropriation bill.

The VICE PRESIDENT. The Senator from Wyoming a unanimous consent that the Senate proceed to the considerat of the agricultural appropriation bill. Is there objection?

There being no objection, the Senate, as in Committee of Whole, proceeded to consider the bill (H. R. 31596) making propriations for the Department of Agriculture for the fis year ending June 30, 1912, which had been reported from Committee on Agriculture and Forestry with amendments.

Mr. WARREN. I ask unanimous consent that the forr reading of the bill be dispensed with and that the bill be re for amendment, the committee amendments to be first c sidered.

The VICE PRESIDENT. Is there objection to the requ of the Senator from Wyoming? The Chair hears none, and is so ordered.

Mr. WARREN. I should now like to have read a statemc which I send to the Secretary's desk.

The VICE PRESIDENT. Without objection, the Secret will read the statement which the Senator from Wyoming se to the desk.

The Secretary read as follows:

AGRICULTURAL APPROPRIATION BILL.

Official estimate for fiscal year 1912		$16,012,
Amount carried by the Senate bill	$16,980,196	
Amount carried by House bill	16,723,511	
Actual increase of the Senate bill over House bill		256,
Estimate for the fiscal year 1911		13,367,
House bill carried last year		13,330,
Senate bill carried last year		13,512,
Net increase in appropriation over last year		3,492,
This bill carries for Forestry Service		6,523,
(This does not include amount in Appalachian Forest bill, ten or eleven million dollars.)		
Amounts carried in this bill for appropriations under the Hatch and Adams Acts		1,440,
Amount carried in other bills for aid of agricultural colleges, under Morrill Acts, for fiscal year 1912		2,500,

The Secretary proceeded to read the bill.

The first amendment of the Committee on Agriculture Forestry was, under the head of "Department of Agricultu on page 2, line 2, before the word "dollars," to strike out "f thousand five hundred" and insert "five thousand," so as read:

Salaries, office of the Secretary of Agriculture: Secretary of A culture, $12,000; Assistant Secretary of Agriculture, $5,000; solici $5,000; chief clerk, $2,500, and $500 additional as custodian buildings.

The amendment was agreed to.

The next amendment was, in the item for salaries in office of the Secretary of Agriculture, on page 2, line 21, bef the word "hundred," to strike out "four" and insert "si and on page 3, line 4, before the word "hundred," to strike "six" and insert "eight," so as to read:

One telegraph and telephone operator, $1,600; 2 clerks, class 4 clerks, class 3; 10 clerks, class 2; 18 clerks, class 1; 8 clerks, at $1, each; 5 clerks, at $900 each; 10 clerks, messengers, or laborers, at $ each; 16 clerks, assistant messengers, or laborers, at $720 each; 1 c engineer, who shall be captain of the watch, $1,800.

The amendment was agreed to.

The next amendment was, on page 4, line 12, to increase total appropriation for the maintenance of the office of Secretary of Agriculture from $275,550 to $276,450.

The amendment was agreed to.

The next amendment was, under the head of "Weather reau," on page 6, line 11, before the word "preservation," strike out "and," and in line 12, before the word "of," wh it occurs the first time, to insert "and improvement," so as make the clause read:

Contingent expenses, Weather Bureau: For fuel, lights, repairs, other expenses for the care, preservation, and improvement of public buildings and grounds of the Weather Bureau in the city Washington; for stationery and blank books, furniture and repairs same, and freight and express charges; for subsistence, care, and chase of horses and vehicles, and repairs of harness, for official poses only; for advertising, dry goods, twine, mats, oils, paints, gl lumber, hardware, ice, washing towels, and other miscellaneous supp and expenses not otherwise provided for in the city of Washing $25,000.

The amendment was agreed to.

The Secretary continued the reading of the bill to the of line 7, on page 7.

Mr. HALE. Mr. President, before passing from the part of bill relating to the Weather Bureau and meteorological matt I wish the Senator in charge of the bill would inform the Sen what is the scope of the bill relating to the Weather Bureau. Senator at my right suggests there is nothing that we can do control the weather, which is undoubtedly true, but if we h

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Mr. CLARK of Wyoming. I present a joint memorial of the Legislature of the State of Wyoming, which I ask may be printed in the RECORD, and referred to the Committee on Post Offices and Post Roads.

There being no objection, the joint memorial was referred to the Committee on Post Offices and Post Roads, and ordered to be printed in the RECORD, as follows:

Senate joint memorial No. 4.

Memorial to the Senate and House of Representatives of the United States, requesting Congress to pass the Mondell bill, providing for a parcels post on the rural and star routes of the United States.

Be it resolved by the senate of the State of Wyoming (the house of representatives concurring), That the Congress of the United States be memorialized as follows:

Whereas the people of the State of Wyoming are sorely in need of quicker, cheaper, and more adequate transportation facilities, whereby they can receive and transmit small packages over the rural and star routes; and

Whereas the Mondell bill, now pending before the Congress of the United States, whereby parcels up to 11 pounds may be transmitted over said routes for the sum of 25 cents per package, thus offering greatly increased accommodations to our people, appears to promise just the relief desired: Therefore be it

Resolved, That the Congress of the United States is hereby earnestly petitioned to pass the said parcels-post bill; and be it further

Resolved, That a certified copy of this memorial be sent to the United States Senators and Representative in Congress from Wyoming.

Approved February 18, 1911.

STATE OF WYOMING,
OFFICE OF THE SECRETARY OF STATE.

UNITED STATES OF AMERICA, *State of Wyoming, ss:*

I, Frank L. Houx, secretary of state of the State of Wyoming, do hereby certify that the annexed has been carefully compared with senate joint memorial No. 4 filed in this office, and is a full, true, and correct copy of the same and of the whole thereof.

In testimony whereof, I have hereunto set my hand and affixed the great seal of the State of Wyoming.

Done at Cheyenne, the capital, this 24th day of February, A. D. 1911.

[SEAL.] FRANK L. HOUX, *Secretary of State,*
By C. P. MACGLASHAN, *Deputy.*

Mr. MCCUMBER. I present a concurrent resolution of the Legislature of the State of North Dakota, which I ask may be printed in the RECORD and referred to the Committee on Agriculture and Forestry.

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

Twelfth Legislative Assembly, State of North Dakota—Concurrent resolution, introduced by Mr. Bessesen.

Whereas about 90 per cent of the grain handled at terminals is interstate; and

Whereas it is an injustice for any one State, by reason of its having terminal points within its borders, to exercise the absolute power of inspection over the grains of the numerous grain-growing States which regularly ship all the grain to its terminals; and

Whereas the shipping of grain is in reality interstate commerce and the inspection thereof should be controlled by the Federal Government, so as to give more absolute justice and equality to all and so as to result in the least discrimination against any particular State or locality; and

Whereas the Federal inspection of meats and foods has resulted in uniformity and far-reaching benefit to the people of this country; and

Whereas the interests of the State of North Dakota are agricultural and its chief source of wealth is its grain crop; and

Whereas the grain crop is annually shipped through the terminals of other States and is dependent for its grading and inspection upon the laws of other States; and

Whereas it is apparent that the highest degree of efficiency and uniformity in grain grading and inspection can be attained only under Federal supervision; and

Whereas a concurrent resolution for an amendment to the constitution of this State providing for the erection, leasing, purchase, and operating of terminal elevators in the States of Minnesota and Wisconsin has passed the legislative assembly of 1909, and is again before this assembly for passage; and

Whereas in order to make it effective in the highest degree a Federal law providing for Federal inspection of grains is desirable: Now therefore be it

Resolved by the senate of the State of North Dakota (the house of representatives concurring), That this legislative assembly puts itself on record in favor of a just system of Federal inspection of grains, and that the early passage by the Congress of the United States of a Federal law for the Federal inspection of grains is urged and earnestly recommended, and that our Senators and Representatives in Congress be requested and urged to work and vote for the speedy passage of such a bill in Congress providing for such Federal inspection of grain; and be it further

Resolved, That a copy of this resolution be forthwith sent to each of our United States Senators and Representatives in Congress.

This certifies that the foregoing concurrent resolution originated in the senate and was concurred in by the house of representatives of the Twelfth Legislative Assembly of the State of North Dakota.

MOHER L. BURDICK,
President of the Senate.
JAS. M. HANLEY,
Speaker of the House.

Mr. BRIGGS presented memorials of Rancocas Grange, Somerset Grange, Mercer Grange, Lincoln Grange, Bridgeport Grange, Blue Anchor Grange, Franklin Grange, and of the New Jersey State Grange, Patrons of Husbandry; John A. McBride, of the board of managers of the State Hospital, Morris Plains; and of sundry citizens of Hamilton Square, all in the State of New Jersey, remonstrating against the proposed reciprocal agreement between the United States and Canada, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Hackensack, N. J., praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented a petition of the Hat Finishers' Union of Newark, N. J., praying for the construction of all United States battleships in Government navy yards, which was referred to the Committee on Naval Affairs.

He also presented the petition of Edward D. Fox, of Trenton, N. J., and the petition of Joe Hooker Post, Department of New Jersey, Grand Army of the Republic, of Atlantic City, N. J., praying for the passage of the so-called old-age pension bill, which were ordered to lie on the table.

Mr. OWEN. I present a concurrent resolution of the State of Oklahoma, which I ask may lie on the table and be printed in the RECORD.

There being no objection, the concurrent resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

House concurrent resolution No. 34.

Whereas section 3, article 16, of the constitution of Oklahoma authorizes the legislature to provide for a system of levees and drains in the State; and

Whereas owing to the legislation upon the alienation or incumbrance of land owned by members of the Five Civilized Tribes, in many sections which should be embraced in levy or drainage districts, it is impossible to organize such districts; and

Whereas thousands of acres of the most fertile lands lying in the east side of the State are, for the reasons above set forth, now nonproductive, which would, if properly protected by levees or drainage, produce annually thousands of dollars of wealth and would greatly enhance in value, thus materially benefiting the owners of such lands and the entire country: Therefore be it

Resolved by the house and senate of the Oklahoma Legislature, That Congress be, and is hereby, memorialized to grant such relief to such districts at the earliest possible date by adequate legislation as will empower the members of the Indian tribes owning lands in districts subject to levee and drainage to participate in the formation of such districts and the issuance of bonds as provided by the laws of the State of Oklahoma, to the end that justice may be done the owners of said lands, and that thousands of acres of our best lands, which are now nonproductive, may be converted into happy, prosperous homes, and that said lands may contribute their share to the support and welfare of the entire country; be it further

Resolved, That a copy of these resolutions be immediately forwarded to each of the United States Senators and Representatives in Congress from Oklahoma, and that copies be sent to the chambers of commerce of the most important cities in the neighboring States, with a request that they urge their Representatives in Congress to aid in procuring the relief herein prayed for.

Passed the house of representatives February 16, 1911.

W. A. DURANT,
Speaker of the House of Representatives.

Passed the senate February 16, 1911.

J. ELMER THOMAS,
President pro tempore of the Senate.

Mr. OWEN. I present a concurrent resolution of the Legislature of the State of Oklahoma, which I ask may lie on the table and be printed in the RECORD.

There being no objection, the concurrent resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

Senate concurrent resolution No. 20.

Whereas a bill (H. R. 29346) known as the Sulloway bill, granting pensions to certain enlisted men, soldiers and officers who served in the Civil War and the War with Mexico, has passed the House of Representatives in the Congress of the United States and is now pending in the Senate: Therefore be it

Resolved by the senate of the State of Oklahoma (the house of representatives concurring therein):

1. That we heartily approve all the provisions of said bill, and that we hereby respectfully request our Senators in Congress to vote for and use every honorable means to secure its passage by the Senate of the United States just as it passed the House of Representatives, without alteration or amendments as to benefits provided.

2. That copies of this resolution, signed by the respective officers of both the senate and house, when properly engrossed, be sent each of the Senators from the State of Oklahoma in the Congress of the United States.

Passed by the senate this 16th day of February, 1911.

J. ELMER THOMAS,
President pro tempore of the Senate.

Passed by the house of representatives this 17th day of February, 1911.

W. A. DURANT,
Speaker of the House of Representatives.

Mr. WARREN presented a petition of the Industrial Club of Cheyenne, Wyo., praying for an increase in the salary of railway mail clerks, and remonstrating against the reported policy in failing to fill vacancies in the railway mail service, which was ordered to lie on the table.

He also presented the memorial of Carl F. Rakow, of Wheatland, N. Dak., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which was ordered to lie on the table.

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Mr. JONES. I present a large number of telegrams in the nature of memorials, signed by business firms in the State of Washington, remonstrating against the ratification of the proposed reciprocal agreement with Canada. I ask that the first telegram be read.

There being no objection, the Secretary read the telegram, as follows:

SEATTLE, WASH., *February 18, 1911.*

Hon. WESLEY L. JONES,
United States Senate, Washington D. C.:

The banking and business interests Seattle deem reciprocity measure of especial menace to Pacific coast industries. Lumber, coal, fish, fruit, shipping, wheat, and Alaska trade seriously jeopardized without any compensating feature from Canada. Lumber valued at $20,000,000 to California yearly jeopardized because of being shipped in American bottoms as against lesser wages in foreign bottoms from Canada. Northwest Canada territory wheat best in world and will seriously compete with Washington. Seattle's Alaska business will be divided with Vancouver and Prince Rupert. Fish business will be diverted to Frazer River and eastern British Columbia. Apples will be diverted to Wenatche, Yakima, and Hood River. British Columbia coal will harm our coal mines. We are simply turning over resources this country to Canada without recompense. Urge you to vote and work against reciprocity; if passage bill imperative it should provide removal duty on Canadian logs and make absolute free trade.

Northern Bank & Trust Co., W. L. Collier, cashier; Citizens National Bank, per E. W. Campbell, assistant cashier; American Savings Bank & Trust Co., by J. P. Gleason, manager; The Mercantile Bank, by O. S. Harley, manager; The State Bank of Seattle, H. H. Sailberg, vice president; Washington Trust & Savings Bank, W. H. Parsons, vice president; Metropolitan Bank, by J. T. McVay, cashier; The Dexter Horton National Bank of Seattle, by N. H. Latimer, president; Seattle National Bank, by J. F. Furthe; The Scandinavian American Bank, J. F. Lane, cashier; Commercial State Bank, W. B. Shoemaker, cashier; The Bank for Savings, by D. E. Kellcher, president; German American Bank, I. J. Riley, cashier; James D. Hoge; First National Bank, by M. H. Arnold, president.

The VICE PRESIDENT. The telegrams will lie on the table.

Mr. JONES. I ask that the names attached to the other telegrams be noted in the RECORD, and that the telegrams be ordered to lie on the table.

There being no objection, the telegrams were ordered to lie on the table and the names attached thereto to be noted in the RECORD, as follows:

Telegram from the legislative committee, Nation of the Lakotah, of Olympia, Wash.

Telegram from the Chamber of Commerce of Seattle, Wash.

Telegram from the Chamber of Commerce of Bellingham, Wash.

Telegram from the Commercial Club of South Bend, Oreg.

Telegram from the Commercial Club of North Bend, Oreg.

Telegram from the Business Men's Association of Everett, Wash.

Telegram from the Bank of California, of Seattle, Wash.

Telegram from the stationary firemen of Bellingham, Wash.

Telegram from the Preston Mill Co., of Preston, Wash.

Telegram from the Pugett Mill Co., of Seattle, Wash.

Telegram from Galbraith, Bacon & Co., of Seattle, Wash.

Telegram from G. N. Skinner, of Seattle, Wash.

Telegram from the Altoona Packing Co., of Astoria, Oreg.

Telegram from the Simpson Lumber Co., of North Bend, Oreg.

Telegram from the North Bend Manufacturing Co., of North Bend, Oreg.

Telegram from The Moran Co., of Seattle, Wash.

Telegram from the O'Connell Lumber Co., of Winlock, Wash.

Telegram from the S. E. Slade Lumber Co., of Vancouver, Wash.

Telegram from the Tacoma Mill Co., of Tacoma, Wash.

Telegram from the Wheeler Osgood Co., of Tacoma, Wash.

Telegram from the Western Pine Manufacturing Association, of Spokane, Wash.

Telegram from Everett G. Griggs, of Tacoma, Wash.

Telegram from the Shepard Traill Co., of Seattle, Wash.

Telegram from W. H. Decan, of Bellingham, Wash.

Telegram from the Stimson Milling Co., of Seattle, Wash.

Telegram from J. H. Bloedel, of Bellingham, Wash.

Telegram from Victor E. Beckman, of Seattle, Wash.

Telegram from the Robert S. Wilson Lumber Co., of Seattle, Wash.

Telegram from John McMasters, of Seattle, Wash.

Telegram from the Atlas Lumber & Shingle Co., of Seattle, Wash.

Telegram from the Seattle Lumber Co., of Seattle, Wash.

Telegram from the Day Lumber Co., of Seattle, Wash.

Telegram from the Jamison Shingle Co., of Everett, Wash.

Telegram from the Building Managers' Association, of Seattle, Wash.

Telegram from the Alaska Pacific Steamship Co., of Tacoma, Wash.

Telegram from the Central Labor Council of Seattle, Wash.

Telegram from Local Union No. 288, International Brotherhood of Stationary Firemen, of Bremerton, Wash.

Telegram from the Typographical Union of Seattle, Wash.

Telegram from Charles H. Frye, of Seattle, Wash.

Telegram from the Washington Clay Works Association, Seattle, Wash.

Telegram from Lester, Herrick & Herrick, of Seattle, Wash.

Telegram from M. J. Batchelder, Aaron Jones, and T. C. Jackeson, legislative committee of the National Grange, of Concord, N. H.

Telegram from J. S. Goldsmith, of Seattle, Wash.

Telegram from the Everett Pulp & Paper Co., of Everett, Wash.

Telegram from the Ship Owners' Stevedoring Co., Rothschild & Co., Bartlett & Co., and Brown & McCabe, of Seattle, Wash.

Telegram from the Pacific Coast Steamship Co., of San Francisco, Cal.

Telegram from the Occidental Fish Co. (Inc.), of Seattle, Wash.

Telegram from the Blom Codfish Co., Western Codfish Co., Matheson Fisheries Co., King & Winge Codfish Co., and Seattle & Alaska Fish Co., of Seattle, Wash.

Telegram from Fred S. Stimson, of Seattle, Wash.

Telegram from the Northwest Lumber Co., of Seattle, Wash.

Mr. JONES. I present telegrams in the nature of petitions signed by citizens of the State of Washington, praying for the ratification of the proposed reciprocal agreement with Canada. I ask that the first telegram be read.

There being no objection, the Secretary read the telegrams, as follows:

SEATTLE, WASH., *February 23, 1911.*

Senator JONES, *Washington, D. C.:*

The undersigned earnestly urge you to support the reciprocity agreement and to oppose any amendment thereof that will endanger its adoption. We heartily approve of the wise and patriotic action of the President in negotiating this agreement, believing with him that great good to the peoples of both countries will follow its adoption.

English Lumber Co., by E. G. English, president; The Moore Boom Co., by W. H. McEwan, treasurer; Campbell Lumber Co., by James Campbell, president, J. A. Campbell, secretary, George H. Snowden; Continental Mill Co., by M. Thompson; Ferguson-Dugan Investment Co., by Joseph Ferguson, president; Frederick H. White; E. C. Million; P. C. Leonard Lumber Co., by W. W. Hamilton, secretary; Tyee Logging Co., E. C. Million, secretary; Peters & Powell, by W. Peters; The J. M. Coleman Co., by L. J. Coleman, president.

The VICE PRESIDENT. The telegram will lie on the table.

Mr. JONES. I ask that the names attached to the other telegrams be noted in the RECORD, and that they be ordered to lie on the table.

There being no objection, the telegrams were ordered to lie on the table and the names attached thereto to be noted in the RECORD, as follows:

Telegram from the Kennewick Commercial Club, by R. Mitchell, secretary, of Kennewick, Wash.

Telegram from the Wenatchee Commercial Club, by R. Ellinwood, L. J. Crollard, W. O. Parr, special committee, Wenatchee, Wash.

Telegram from W. A. White, manager of the Yakima Improvement Co., of North Yakima, Wash.

Telegram from the Mitchell Lewis & Staver Co., by J. Posson, manager, of Spokane, Wash.

Telegram from W. R. Criffield, manager of the J. H. Morris Implement Co., of Walla Walla, Wash.

Telegram from W. L. Taylor, manager of John Deere Plow Co., of Spokane, Wash.

Telegram from the Northwest Trust & Safe Deposit Co., Sherrock, president, of Seattle, Wash.

Mr. JONES. I present a joint memorial of the Legislature of the State of Washington, which I ask may be printed in the RECORD and referred to the Committee on Public Lands.

There being no objection, the joint memorial was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

House joint memorial No. 7.

To the honorable the Senate and House of Representatives of United States in Congress assembled:

Your memorialists, the senate and house of representatives of the State of Washington in legislative session assembled, being the twelfth regular session, respectfully represent in petition as follows:

There are over 300,000 acres of arid land in Benton, Yakima, Klickitat Counties in the State of Washington, lying in the valley of the Columbia River, and commonly known as the "Horse Heaven" district, which are capable of irrigation. About three-fourths of said land is now held in private ownership and the remainder has been taken upon under the desert-land acts.

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Mr. LA FOLLETTE. I present a joint resolution adopted by the Legislature of the State of Wisconsin, which I ask may lie on the table and be printed in the RECORD.

There being no objection, the joint resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

Joint resolution (65a) asking the Congress of the United States to refuse to enact the measure now pending relating to United States pension agencies.

Whereas it has come to the notice of the Legislature of the State of Wisconsin that a measure is pending before the Congress of the United States which aims at the removal of 17 United States pension agencies from their present locations throughout the country to the city of Washington, D. C.; and

Whereas these pension agencies were established years ago for the convenience and accommodation of then only 232,000 pensioners of the United States; and

Whereas the number of pensioners has since that time increased to nearly 1,000,000 (being 921,083 June 30, 1910); and

Whereas this legislature is informed that all of the pensioners of the United States are vigorously protesting against this proposed centralization, consolidation, and removal to Washington, D. C., of these 17 pension agencies as inimical to their interests and convenience: It is therefore

Resolved by the assembly (the senate concurring), That the Legislature of the State of Wisconsin respectfully asks the Congress of the United States to refuse to enact such a measure, being fully convinced that the system at present in use, to which all pensioners have now become accustomed, will better subserve the interests of this vast body of pensioners, who, owing to their services to the country as well as to their advanced age, are certainly entitled to consideration of their views and wishes on a measure that so vitally affects them.

Resolved, That a copy of these resolutions be transmitted by the secretary of state to the Senate of the United States and to the House of Representatives of the United States and to each of the Senators and Representatives from this State.

C. A. INGRAM,
Speaker of the Assembly.
H. C. MARTIN,
President pro tempore of the Senate.
C. E. SHAFFER,
Chief Clerk of the Assembly.
F. M. WYLIE,
Chief Clerk of the Senate.

Mr. SWANSON. I present resolutions signed by the president and secretary of the Farmers' Educational and Cooperative Union of Virginia, which I ask may be printed in the RECORD and referred to the Committee on Immigration.

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

Whereas the United States Immigration Commission, after four years investigation involving the expenditure of almost $1,000,000, reports that restriction is demanded by "economic, moral, and social reasons," specifically recommends a reading and writing test, "as the most feasible single method for excluding undesirable immigration," and suggests also an increased head tax, a limitation of numbers, a money qualification, and other measures that are law in other countries and which have been urged by the Farmers' Educational and Cooperative Union of America in National and State convention; and

Whereas the United States is the only country with any considerable net foreign immigration, as a result of her feeble immigration laws; and

Whereas it is proposed in order to permit the foreign steamships to bring more and to relieve the Northeast of its immigration evils, that the present enormous annual alien influx of over a million, of whom less than 15,000 last year were "farmers," be diverted and distributed over the agricultural sections, and a Federal Division of Information and Display has been established for accomplishing such purpose: Therefore be it

Resolved by the Farmers' Educational and Cooperative Union of Virginia in State convention this 7th day of February, That we earnestly urge upon Congress the immediate passage of H. R. 15413, and such other measures as will give this country some such protection from undesirable immigration as is recommended by the Immigration Commission and is in force in other civilized countries, such as Canada, Australia, and Natal; and be it further

Resolved, That the State secretary send at once a copy of this resolution to the entire Virginia congressional delegation with the request that it be presented to Congress, and to the President, at Washington, D. C.

Passed unanimously and enthusiastically indorse action of legislative committee at Washington last March before the House Committee on Immigration and Scott bill.

D. M. GANNAWAY, *President*,
H. L. PETTY, *Secretary*,
Farmers' Educational and Cooperative Union of America.

Mr. SHIVELY presented a memorial of Pine Lake Grange, Patrons of Husbandry, of La Porte, Ind., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which was ordered to lie on the table.

He also presented petitions of the Journal, the Chronicle, the Republican, and the Miami County Sentinel, all of Peru, in the State of Indiana, praying for the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which were referred to the Committee on Post Offices and Post Roads.

He also presented the petition of George Harmon and 14 other ex-soldiers, residents of Brownsburg, Ind., and the petition of George W. Rodenbaugh and 16 other ex-soldiers, residents of Cayuga, Ind., praying for the passage of the so-called old-age pension bill, which were ordered to lie on the table.

Mr. STONE presented a memorial of the American Federation of Catholic Societies in convention at New Orleans, La., remonstrating against any appropriation being made for the extension of the work of the Bureau of Education, which was referred to the Committee on Appropriations.

He also presented a petition of sundry citizens of Missouri, praying for the construction of all United States battleships in Government navy yards, which was referred to the Committee on Naval Affairs.

He also presented petitions of Evergreen Camp, No. 4, Woodmen of the World, of Carthage; of Botree Camp, No. 26, Woodmen of the World, of West Plains; of Linden Camp, No. 565, Woodmen of the World, of Maplewood; and of Defiance Lodge, No. 850, Modern Brotherhood of America, of Defiance, all in the State of Missouri, 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 Local Lodge No. 363, International Association of Machinists, of Queen City; of the Central Trades and Labor Council of Cape Girardeau; of Local Union No. 1827, United Mine Workers of America, of Lexington; and of the Sedalia Federation of Labor, all in the State of Missouri, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented petitions of Journeymen Tailors' Local Union No. 6, of Sedalia; of the Culture Club, of Edina; of the United States History Class, of St. Louis; and of Local Union No. 26, United Garment Workers of America, of St. Louis, all in the State of Missouri, praying for the repeal of the present oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

He also presented petitions of sundry citizens of St. Louis, Mo., 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 Colonel Grover Post, No. 78, Department of Missouri, Grand Army of the Republic, of Warrensburg, Mo., and a petition of Captain John Mathews Post, No. 69, Department of Missouri, Grand Army of the Republic, of Springfield, Mo., praying for the passage of the so-called old-age pension bill, which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Schuyler County, Mo., remonstrating against the creation of a Civil War volunteer officers' retired list, which was ordered to lie on the table.

He also presented memorials of sundry citizens of Missouri, remonstrating against the passage of the so-called rural parcels-post bill, which were ordered to lie on the table.

He also presented petitions of sundry citizens of New Hamburg and Benton, in the State of Missouri, praying for the passage of the so-called parcels-post bill, which were referred to the Committee on Post Offices and Post Roads.

Mr. WETMORE presented a memorial of Local Grange No. 39, Patrons of Husbandry, of North Scituate, R. I., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which was ordered to lie on the table.

Mr. BURNHAM presented memorials of Local Grange No. 156, of Surry; of Hillsborough County Pomona Grange, No. 1, of Bedford; of John Hancock Grange, No. 33, of Hancock; of Mount Prospect Grange, No. 242, of Lancaster; and of Merrimack County Pomona Grange, of North Boscawen, all of the Patrons of Husbandry, in the State of New Hampshire, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were ordered to lie on the table.

Mr. OWEN. I present the memorial of Moncena Dunn, of La Crosse, Wis., setting forth the coupon ballot as authorized by the laws of Wisconsin. It is an improved method of assuring an honest ballot, which I understand has been adopted by the State of Wisconsin. I move that the memorial be printed as a Senate document (No. 840).

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. PENROSE, from the Committee on Naval Affairs, to which was referred the bill (S. 10379) to promote the efficiency of the Naval Militia, and for other purposes, reported it without amendment.

Mr. BURNHAM, from the Committee on Claims, to which was referred the bill (S. 10668) to satisfy certain claims against the Government arising under the Navy Department, reported it with an amendment and submitted a report (No. 1252) thereon.

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Mr. CURTIS, from the Committee on Pensions, to which was referred the bill (H. R. 32675) 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, reported it with amendments and submitted a report (No. 1253) thereon.

He also, from the same committee, to which was referred the bill (H. R. 32822) 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, reported it with an amendment and submitted a report (No. 1254) thereon.

He also, from the same committee, to which was referred the amendment submitted by Mr. MCCUMBER on the 23d instant, proposing to appropriate $1,200 to pay Robert W. Farrar for indexing and extra services as clerk to the Committee on Pensions, Sixty-first Congress, third session, and also to appropriate $1,200 to pay Dennis M. Kerr for services as assistant clerk by detail to the Committee on Pensions, Sixty-first Congress, third session, 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. FOSTER, from the Committee on Military Affairs, to which was referred the bill (S. 2328) to grant an honorable discharge to Alfred L. Dutton, reported it with amendments and submitted a report (No. 1255) thereon.

Mr. PERKINS, from the Committee on Naval Affairs, to which was referred the bill (H. R. 19010) authorizing proper accounting officers of the Treasury Department to reopen pay accounts of certain officers of the Navy, reported it without amendment and submitted a report (No. 1256) thereon.

Mr. SMOOT, from the Committee on Claims, to which was referred the bill (H. R. 19685) to compensate William P. Williams for losses sustained by him while assistant treasurer of the United States at Chicago, Ill., reported it without amendment and submitted a report (No. 1257) thereon.

Mr. BRANDEGEE, from the Committee on the Judiciary, to which was referred the bill (H. R. 23826) to amend section 13, chapter 252, entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes," approved May 28, 1896 (29 Stats. L., p. 183), reported it without amendment and submitted a report (No. 1258) thereon.

Mr. CLARKE of Arkansas, from the Committee on the Judiciary, to which was referred the bill (H. R. 31806) to amend section 1 of the act approved March 2, 1907, being an act to amend an act entitled "An act conferring jurisdiction upon United States commissioners over offenses committed on a portion of the permanent Hot Springs Mountain Reservation, Ark.," reported it without amendment.

Mr. MARTIN, from the Committee on Commerce, to which was referred the bill (S. 10863) to give the consent of Congress to the building of a bridge by the city of Northport, Wash., over the Columbia River, at Northport, reported it with an amendment and submitted a report (No. 1259) thereon.

S. H. ROBINSON.

Mr. OLIVER. From the Committee on Claims I report back favorably the bill (H. R. 18512) for the relief of S. H. Robinson, of Allegheny County, Pa., and I submit a report (No. 1249) thereon. It is the unanimous report of the committee, 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. It proposes to pay to S. H. Robinson, of Allegheny County, Pa., $26,985.63, as compensation for the injury sustained by him because of a flood in the Allegheny River in January, 1907, that being the amount recommended to be paid him by the Chief of Engineers, United States Army.

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

HACKENSACK RIVER CANAL, NEW JERSEY.

Mr. FRYE. From the Committee on Commerce I report back favorably with an amendment the bill (S. 10883) authorizing the Erie Railroad Co. to construct a canal connecting the Hackensack River and Berrys Creek, Bergen County, N. J., as an aid to navigation, and for other purposes, and I submit a report (No. 1251) thereon. I call the attention of the Senator from New Jersey [Mr. KEAN] to the bill.

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

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

The amendment reported by the Committee on Commerce to add as a new section the following:

SEC. 2. 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.

DEVIATION IN WEIGHT OF SILVER COINS.

Mr. SMOOT. I am directed by the Committee on Finance, which was referred the bill (H. R. 24885) to amend section 3536 of the Revised Statutes of the United States, relating to the weighing of silver coins, to report it favorably, and I ask for its immediate consideration.

The VICE PRESIDENT. The Senator from Utah asks for the immediate consideration of a bill, which the Secretary will read for the information of the Senate.

The Secretary read the bill, as follows:

Be it enacted, etc., That section 3536 of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

"SEC. 3536. In adjusting the weight of the silver coins the following deviations shall not be exceeded in any single piece: In the dollar, half and quarter dollar, and in the dime, 1½ grains."

Mr. HEYBURN. Let the bill be again reported.

The Secretary again read the bill.

Mr. HEYBURN. I should like to know the necessity for the proposed legislation.

Mr. SMOOT. I can state it in a very few words, Mr. President. In the present law there is an accepted deviation from the standard weight of 1½ grains in the case of an individual half dollar, an individual dollar, an individual quarter, and an individual 10-cent piece. But in the mints, where the coins are weighed together, there is entirely a different acceptable deviation, and every dime and every quarter and every half and every dollar has to be counted now separately at the mint. This makes the deviation of a grain and a half for all the same whether it be an individual piece or in bulk.

Mr. HEYBURN. You can not recognize the right of the mint to grow careless in the coinage.

Mr. SMOOT. This has nothing to do with the coinage.

Mr. HEYBURN. Coins in the mint ought to be absolutely true to the weight, and whenever we recognize laxity on the part of the mint we are opening the door to greater carelessness. I object to the consideration of the bill.

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

NATIONAL DEFENSE SECRETS.

Mr. BRANDEGEE. I am directed by the Committee on the Judiciary, to which was referred the bill (H. R. 26656) to prevent the disclosure of national defense secrets, to report it favorably, and I submit a report (No. 1250) thereon. I ask 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.

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. PAYNTER:

A bill (S. 10893) granting a pension to Samuel G Hilli... to the Committee on Pensions.

By Mr. CARTER:

A bill (S. 10894) to accept the cession by the State of Montana of exclusive jurisdiction over the lands embraced within the Glacier National Park, and for other purposes (with accompanying paper); to the Committee on Public Lands.

By Mr. FLINT:

A bill (S. 10895) to set apart a certain tract of land in the State of California as a public park, such lands, together with those set aside by the act of September 25, 1890, to be known as Sequoia National Park; to the Committee on Public Lands.

By Mr. PENROSE:

A joint resolution (S. J. Res. 146) directing the Commission on Universal Peace to report upon a plan for commemorating the one hundredth anniversary of the signing of the treaty of Ghent; to the Committee on Foreign Relations.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. PENROSE submitted an amendment proposing to appropriate $12,000 for the purchase of 15 portraits of Justices of the Supreme Court of the United States, intended to be proposed

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The VICE PRESIDENT. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CULBERSON (when Mr. FRAZIER's name was called). The Senator from Tennessee is unavoidably absent on account of a death in his family. If he were present he would vote "yea."

Mr. BACON (when Mr. TERRELL's name was called). My colleague [Mr. TERRELL] is detained from the Chamber necessarily by personal illness. If my colleague were present he would vote "nay."

The roll call was concluded, and resulted as follows:

YEAS—54.

Bailey	Clarke, Ark.	La Follette	Smith, Md.
Beveridge	Culberson	McCumber	Smith, Mich.
Borah	Cullom	Martin	Smith, S.C.
Bourne	Cummins	Nelson	Stephenson
Bradley	Curtis	Newlands	Stone
Briggs	Davis	Nixon	Sutherland
Bristow	Dixon	Overman	Swanson
Brown	du Pont	Owen	Taylor
Burkett	Frye	Paynter	Thornton
Burton	Gamble	Perkins	Warner
Carter	Gore	Piles	Watson
Chamberlain	Gronna	Rayner	Young
Clapp	Guggenheim	Shively	
Clark, Wyo.	Jones	Simmons	

NAYS—33.

Bacon	Dillingham	Lodge	Scott
Bankhead	Fletcher	Lorimer	Smoot
Brandegee	Flint	Money	Taliaferro
Bulkeley	Foster	Oliver	Tillman
Burnham	Gallinger	Page	Warren
Burrows	Hale	Penrose	Wetmore
Crane	Heyburn	Percy	
Depew	Johnston	Richardson	
Dick	Kean	Root	

NOT VOTING—4.

Aldrich	Crawford	Frazier	Terrell

The VICE PRESIDENT. Upon this question the yeas are 54, the nays are 33. Two-thirds not having voted therefor, the nays have it and the joint resolution is not passed.

Mr. CRAWFORD subsequently said: Mr. President, I rise to a matter of personal privilege.

The VICE PRESIDENT. The Senator will state it.

Mr. CRAWFORD. As the Senate well knows, I left here this morning at quite a late hour. I went to my apartment and I did my very best to reach here in time to vote on the special order this morning, but was unable to get a car. I did not reach here until about two minutes after the roll call was closed.

I desire to state that had I been present I would have voted for the joint resolution, but I was unavoidably absent on account of what I have said. I understand that my vote would not have saved the joint resolution, which I very much regret.

CONVEYANCE OF MAIL MATTER BY PRIVATE EXPRESS.

The VICE PRESIDENT laid before the Senate a communication from the Postmaster General, stating, in response to a resolution of the 17th instant, that there have not been for many years, nor are there now, frequent, continuous, and systematic violations of section 181 of the Criminal Code of the United States, effective January 1, 1910, etc. (S. Doc. No. 843), which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

LAWRENCE M. SIZER.

The VICE PRESIDENT laid before the Senate a communication from the Postmaster General, transmitting, in response to a resolution of the 27th ultimo, copies of all papers, charges, etc., in the matter of the dismissal from the service of Lawrence M. Sizer, formerly a clerk in the post office at Seattle, Wash. (S. Doc. No. 845), which, with the accompanying papers, was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

THE IRON AND STEEL INDUSTRY.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of Commerce and Labor submitting an estimate of appropriation for inclusion in the sundry civil appropriation bill to complete the investigation and compilation of the report relative to the conditions of employment prevailing in the iron and steel industry of the United States, etc. (S. Doc. No. 844), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

CREDENTIALS.

Mr. JOHNSTON presented the credentials of JOHN HOLLIS BANKHEAD, chosen by the Legislature of the State of Alabama a Senator from that State for the term beginning March 4, 1913, which were read and ordered to be filed.

Mr. FLETCHER presented the credentials of NATHAN P. BRYAN, appointed by the governor of the State of Florida a Senator from that State from the 3d day of March, 1911, until the next meeting of the Legislature of Florida, which were read and ordered to be filed.

Mr. MARTIN presented the credentials of CLAUDE AUGUSTUS SWANSON, appointed by the governor of the State of Virginia a Senator from that State from the 3d day of March, 1911, until the next meeting of the Legislature of Virginia, which were read and ordered to be filed.

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 bill (S. 10457) to amend section 6 of the currency act of March 14, 1900, as amended by the act approved March 4, 1907.

The message also announced that the House had passed the joint resolution (S. J. Res. 145) providing for the filling of a vacancy which will occur on March 1, 1911, in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress, with an amendment, in which it requested the concurrence of the Senate.

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

H. R. 30292. An act to change the name of the Public Health and Marine-Hospital Service to the Public Health Service, to increase the pay of officers of said service, and for other purposes; and

H. J. Res. 290. Joint resolution authorizing the President to appoint a competent person to investigate the manufacture of white phosphorus matches and report to the next session of Congress.

The message also announced that the House had agreed to a resolution authorizing the Speaker of the House to cancel his signature to the enrolled joint resolution (S. J. Res. 145) providing for the filling of a vacancy which will occur on March 1, 1911, in the Board of Regents in the Smithsonian Institution of the class other than Members of Congress, and that the Clerk of the House be directed to return the joint resolution to the Senate and request the Senate to reenroll the joint resolution as amended.

REGENTS OF SMITHSONIAN INSTITUTION.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the joint resolution (S. J. Res. 145) providing for the filling of a vacancy which will occur March 1, 1911, in the Board of Regents in the Smithsonian Institution of the class other than Members of Congress, which was, in line 8, to strike out "Virginia" and insert "the city of Washington."

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

The motion was agreed to.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented resolutions adopted at the second annual convention of the Jewish Community of New York City, N. Y., favoring the ratification of a new treaty between the United States and Russia, which were referred to the Committee on Foreign Relations.

He also presented a petition of the Citizens' Association of Takoma Park, D. C., praying for the adoption of a system of universal transfers on the railroads in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. GUGGENHEIM. I present a concurrent resolution passed by the General Assembly of the State of Colorado, ratifying the sixteenth amendment to the Constitution of the United States, which I ask may be printed in the RECORD and referred to the Committee on Finance.

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

Senate concurrent resolution 3.

Concurrent resolution ratifying the sixteenth amendment to the Constitution of the United States of America.

Whereas both Houses of the Sixty-first Congress of the United States of America at its first session, by a constitutional majority of two-thirds thereof, made the following proposition to amend the Constitution of the United States of America in the following words, to wit:

"A joint resolution 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 is proposed as an amendment to the Constitution of the United States, which, when ratified by the legislatures of three-fourths of the several States, shall be valid to all intents and purposes as a part of the Constitution, namely:

"'ARTICLE XVI. The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportion-

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ment among the several States and without regard to any census or enumeration: '"

Therefore be it

Resolved by the General Assembly of the State of Colorado, That the said proposed amendment to the Constitution of the United States of America be, and the same is hereby, ratified by the General Assembly of the State of Colorado.

That certified copies of this preamble and joint resolution be forwarded by the governor of this State to the President of the United States, Secretary of State of the United States, to the Presiding Officer of the United States Senate, and to the Speaker of the United States House of Representatives.

STEPHEN R. FITZGARRALD,
President of the Senate.
GEORGE MCLACHLAN,
Speaker of the House of Representatives.

Approved this 20th day of February, A. D. 1911.

JOHN F. SHAFROTH,
Governor of the State of Colorado.

Filed in the office of the secretary of state of the State of Colorado on the 21st day of February, A. D. 1911, at 5.43 o'clock p. m. Recorded in book —, page —.

JAMES B. PEARCE, *Secretary of State,*
By THOMAS F. DILLON, Jr., *Deputy.*

—

STATE OF COLORADO,
OFFICE OF THE SECRETARY OF STATE.

UNITED STATES OF AMERICA, *State of Colorado, ss:*

I, James B. Pearce, secretary of state of the State of Colorado, do hereby certify that the annexed is a full, true, and complete transcript of senate concurrent resolution No. 3, by Senator Garman, concurrent resolution ratifying the sixteenth amendment to the Constitution of the United States of America, which was filed in this office the 21st day of February, A. D. 1911, at 5.43 o'clock p. m., and admitted to record.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Colorado at the city of Denver this 23d day of February, A. D. 1911.

[SEAL.]

JAMES B. PEARCE, *Secretary of State,*
By THOMAS F. DILLON, Jr., *Deputy.*

Mr. BURNHAM presented a petition of the Woman's Christian Temperance Union of New Hampshire, praying that an investigation be made into certain existing conditions in the Territory of New Mexico before the ratification of the constitution thereof, which was referred to the Committee on Territories.

Mr. KEAN presented petitions of Lincoln Post, of Newark; of John M. Wheeler Post, of Montclair; of Uzal Dodd Post, No. 12, of Orange; and of Major Dandy Post, No. 143, of Perth Amboy, all of the Department of New Jersey, Grand Army of the Republic, in the State of New Jersey, praying for the passage of the so-called old-age pension bill, which were ordered to lie on the table.

He also presented the petition of H. B. Cornwall, of Princeton, N. J., praying for the ratification of the proposed reciprocal agreement between the United States and Canada, which was ordered to lie on the table.

He also presented a memorial of the Angle Manufacturing Co., of New York City, N. Y., remonstrating against any change being made in the rate of postage on periodicals and magazines, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Hackensack, N. J., praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. CARTER. I present a joint memorial adopted by the Twelfth Legislative Assembly of the State of Montana, which I ask may be printed in the RECORD and referred to the Committee on Irrigation and Reclamation of Arid Lands.

There being no objection, the joint memorial was referred to the Committee on Irrigation and Reclamation of Arid Lands and ordered to be printed in the RECORD, as follows:

Senate joint memorial 4.

Petition to Congress to enact such legislation as will be necessary for the establishment of pleasure grounds on the irrigation districts now laid out, and also naming Fort Shaw Military Post as one of said parks.

To the honorable Senate and House of Representatives in Congress of the United States assembled:

The Great West Country Life Commission, with headquarters at Spokane, Wash., a branch of the organization instituted recently by the executive department of the Government of the United States with a view of inaugurating a movement for the improvement of country-life conditions, has for its object the removal of unrest among the farmers and their families on account of their isolation from urban enjoyment, and especially has for its object the improvement of rural conditions so as to add to the attraction of farm life, and in furtherance of this purpose has formulated a plan for the establishment of pleasure grounds to be known as the Country Life Commission grounds, on which shall be erected halls, schoolhouses with suitable athletic fields, picnic grounds, and such like auxiliaries, thus affording means for education and amusements such as are furnished through the grange hall, harvest feast, and picnics of the Order of the Patrons of Husbandry, the grounds thus to be dedicated to embrace an area of from 10 to 20 acres, as occasion may demand.

The State of Montana, desirous of increasing the fascinations of farm life, gives its unqualified indorsement to this movement, and therefore

Resolved, That we, the Twelfth Legislative Assembly of the State of Montana, the senate and house concurring, do hereby petition the Congress of the United States for the passage of legislation whereby supervising engineers of the several reclamation projects within this shall be empowered to lay out such grounds for pleasure parks—of 10 to 20 acres in every 20,000 acres of reclaimed land—and that title to such parks so established shall be conveyed to a board of tees to be appointed by the governor of the State, the title so vest be held in trust.

And we further petition that that portion of the old military po Fort Shaw, abandoned for garrison and Indian school purposes now unused, embracing about 60 acres of land, and described as foll Lots 11 and 12, section 2; and that portion of the north one northeast one-fourth section 11, township 20, north of range 2 lying north of the Great Northern Sun River line right of way north one-half northeast one-fourth of section 11 being divided and west by the Great Northern Sun River line right of way, be stituted a pleasure park for the reclamation districts known as Fort Shaw unit of the Sun River reclamation project.

We do the more readily request the dedication of the Fort Military Post grounds for pleasure-park purposes as the buil thereon are adobe and are not in condition to be moved, and the gr on which the buildings stand is valueless for agricultural purposes the territory adjacent to the post is thickly peopled.

Resolved further, That a copy of this memorial be forwarded b secretary of state to the honorable Secretary of the Interior and Senators and Representative in Congress, with the request that use every effort within their power to secure the enactment of legislation as is needful to effectuate the purposes herein indicated

W. R. ALLEN, *President of the Senate.*
W. W. MCDOWELL, *Speaker of the Hou*

Approved February 17, 1911.

EDWIN L. NORRIS, *Govern*

Filed February 17, 1911.

A. N. YODER, *Secretary of Sta*

—

UNITED STATES OF AMERICA, *State of Montana, ss:*

I, A. N. Yoder, secretary of state of the State of Montana, do h certify that the above is a true and correct copy of Senate join morial No. 4, petitioning Congress to enact such legislation as w necessary for the establishment of pleasure grounds on the irrig districts now laid out, and also naming Fort Shaw Military Po one of said parks, enacted by the twelfth session of the Legisl Assembly of the State of Montana, and approved by Edwin L. N governor of said State, on the 17th day of February, 1911.

In testimony whereof I have hereunto set my hand and affixe great seal of said State.

Done at the city of Helena, the capital of said State, this 17t of February, A. D. 1911.

[SEAL.]

A. N. YODER, *Secretary of Sta*

Mr. NIXON presented a memorial of sundry citizens of N Nev., remonstrating against the passage of the so-called cels-post bill, which was referred to the Committee on Offices and Post Roads.

Mr. GALLINGER presented a petition of the Federatio Citizens' Associations of Washington, D. C., favoring con ation of the present public school system, which was ordere lie on the table.

He also presented a memorial of the International Pulp Paper Mill Workers' Unions of Fort Edward, N. Y., re strating against the ratification of the proposed recip agreement between the United States and Canada, which ordered to lie on the table.

Mr. YOUNG. I present a telegram in the nature of a m rial from the secretary of the Commercial Club of Des Mo Iowa, relative to the consolidation of the pension agencie ask that the telegram lie on the table and that it be printe the RECORD.

There being no objection, the telegram was ordered to li the table and to be printed in the RECORD, as follows:

DES MOINES, IOWA, *February 27, 1*

Hon. LAFAYETTE YOUNG,
Washington, D. C.:

If pension offices are to be reduced in number by the consolidati offices, why not favor the offices located in Government-owned pr ties, with adequate facilities for their accommodation? In Des M the Government owns a Federal building worth, with grounds, t quarters of a million, used exclusively for Federal offices and co also another building, worth $500,000, exclusive of real estate, exclusively for post office. In the first building is the pension using half of the second floor. The entire first floor, of over 1 square feet, is not now in use and is available for pension office would afford more than twice the room now occupied, leaving a room for courts, custom, and other Federal offices and for their e sion for the next 50 years.

COMMERCIAL CLUB,
GEIS BOTSFORD, *Secreta*

Mr. BURTON presented petitions of sundry citizens of C land, Ohio, praying for the enactment of legislation to fur increase the efficiency of the Organized Militia, etc., which referred to the Committee on Military Affairs.

Mr. ROOT presented petitions of sundry labor organizat of Albany, Amsterdam, Auburn, Buffalo, Batavia, Bingham Bridgehampton, Brooklyn, Cornwall, Elmira, Glens Falls, neva, Hudson, Herkimer, Ithaca, Kingston, Lake Placid, L port, Lestershire, Montgomery, Minaville, Manlius, New City, Newburgh, New Rochelle, Ogdensburg, Poughkee Perry, Rochester, Rifton, Syracuse, Union Course, Utica, verly, Yonkers, and Valley Stream, all in the State of York, praying for the enactment of legislation to further strict immigration, which were referred to the Committee Immigration.

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He also presented a petition of the North Side Board of Trade, of New York City, N. Y., praying for the extension of the pneumatic-tube system into the Borough of the Bronx, New York City, which was referred to the Committee on Post Offices and Post Roads.

Mr. SCOTT presented a petition of the congregation of the Baptist Church of Grafton, W. Va., praying for the enactment of legislation to prohibit the interstate transmission of race-gambling bets, which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Okonoko, W. Va., remonstrating against any increase being made in the rate of postage on periodicals and magazines, which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. WARREN, from the Committee on Military Affairs, to which was referred the bill (H. R. 22270) for the relief of Amos M. Barbin, reported it without amendment and submitted a report (No. 1261) thereon.

Mr. SMOOT, from the Committee on Finance, to which was referred the bill (H. R. 30281) to provide for the entry under bond of exhibits of arts, sciences, and industries, reported it without amendment and submitted a report (No. 1262) thereon.

Mr. OWEN. From the Committee on Post Offices and Post Roads, and on my own behalf, I submit the following report to accompany the bill (H. R. 31539) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1912, and for other purposes. The attention of the Senate is called to the amendment proposed by me on the 25th instant relative to the rate of postage on periodicals and magazines. I move that the report be printed as Part 2, Senate Report No. 1242, submitted by me a few days ago.

The motion was agreed to.

Mr. SCOTT, from the Committee on Military Affairs, to which was referred the bill (H. R. 32436) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1912, and for other purposes, reported it with amendments and submitted a report (No. 1263) thereon.

DUTY ON DISTILLED SPIRITS.

Mr. LODGE. From the Committee on Finance, I report back favorably without amendment the bill (H. R. 28626) to amend the internal-revenue laws relating to distilled spirits, and for other purposes, and I ask for its present consideration.

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

The Secretary read the bill, as follows:

Be it enacted, etc., That section 3255 of the Revised Statutes, as amended by act of June 3, 1896 (29th Stat., p. 195), be amended so as to read as follows:

"SEC. 3255. The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may exempt distillers of brandy made exclusively from apples, peaches, grapes, pears, pineapples, oranges, apricots, berries, plums, pawpaws, persimmons, prunes, figs, or cherries from any provision of this title relating to the manufacture of spirits, except as to the tax thereon, when in his judgment it may seem expedient to do so: *Provided*, That where, in the manufacture of wine, artificial sweetening has been used the wine or the fruit pomace residuum may be used in the distillation of brandy, and such use shall not prevent the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, from exempting such distiller from any provision of this title relating to the manufacture of spirits, except as to the tax thereon, when, in his judgment, it may seem expedient to do so."

Mr. HEYBURN. I should like to ask a question of the Senator reporting the bill. I should like to know how much revenue is involved in the exemption of the brandy made from those articles.

Mr. LODGE. Nothing is exempted. The bill will save to the Government about $800,000 in revenue. The Senator, of course, in the confusion did not fully get the purpose of the bill. The language in which the word "exempt" occurs is the existing law, and the exemption applies to everything except taxation. It exempts it from the rules applying to whisky and other articles.

Mr. HEYBURN. It was read amid great confusion.

Mr. LODGE. The necessity arises from this fact. The law says "exclusively," and it has been held lately that if sugar is applied to the grapes or fruit before fermentation then it is not exclusively. It would throw out of business a large number of manufacturers who have been engaged in business for more than 40 years and cost the Government about $800,000 a year in revenue.

Mr. HEYBURN. The bill was read amid much confusion, and I caught it imperfectly, but in this day I am inclined to be rather on the watch for legislation that diminishes the revenues of the Government in one branch so that excuse may exist for changing them in another.

Mr. LODGE. This prevents a reduction of revenue.

Mr. OWEN. Let the bill be read.

The VICE PRESIDENT. It has been once read. Does the Senator desire to have it read again?

Mr. OWEN. I do.

The VICE PRESIDENT. Without objection the Secretary will again read the bill.

The bill was again read.

Mr. OWEN. I should like to have a brief explanation of the bill.

Mr. LODGE. Down to the proviso it is the existing law. The Senator will notice that in that law it says "exclusively" as applied to the brandies made from fruits. It has been recently held by the Comptroller that if sugar was used with the fruits prior to fermentation it was no longer exclusively, and that fruit brandies did not therefore come within the provision of the law. There is quite a large manufacture in certain States, which has existed for some 40 years. At the request of the Treasury Department this bill was put in, as the decision would put an end to that form of industry and would cost the Government some $800,000 a year in revenue.

The bill has passed the House unanimously and is recommended by the department. All that is new is in the proviso, which says even if the sugar is used beforehand they can still be classified as fruit brandies.

Mr. OWEN. I have no objection to the bill.

There being no objection, the bill was considered as in Committee of the Whole.

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

TAX ON ALCOHOL.

Mr. LODGE. From the Committee on Finance, I report back favorably and ask for the present consideration of the bill (H. R. 29857) to amend section 3287 of the Revised Statutes of the United States as amended by section 6 of chapter 108 of an act approved May 28, 1880, at page 145, volume 21, United States Statutes at Large.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to amend section 3287 of the Revised Statutes of the United States, as amended by section 6 of chapter 108 of an act approved May 28, 1880, page 145, of volume 21, United States Statutes at Large, so as to read as follows:

Provided further, That alcohol or high-proof spirits withdrawn free of tax for the use of the United States, as authorized by section 3464, Revised Statutes, may be drawn off for transfer by pipes direct from the receiving cisterns in the cistern room of any distillery to closed metal storage tanks situated in the distillery bonded warehouse and transferred from such storage tanks to tanks or tank cars for shipment, upon the execution of such bonds and under such regulations as the Secretary of the Treasury may prescribe.

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

ESTATES OF DECEDENTS.

Mr. CULLOM. From the Committee on Finance I report back favorably, without amendment, the bill (H. R. 17433) amending section 1709 of the Revised Statutes of the United States. 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. It proposes to amend section 1709 of the Revised Statutes of the United States by the addition of the following paragraph:

Sixth. The Auditor for the State and other Departments shall act as conservator of such part of these estates as may be received at the Treasury, and for their protection the Secretary of the Treasury may order such effects to be sold as may consist of jewelry or other articles which have heretofore or may hereafter be received at the Treasury, and pay the expenses of such sale out of the proceeds, provided application for these effects shall not have been made by the legal claimant within two years after their receipt. The Auditor is authorized to indorse all bills of exchange, promissory notes, and other evidences of indebtedness due to such estates, and to take such steps as may be necessary for their collection. The proceeds of such sales, together with such other moneys as may be collected by him, shall be deposited into the Treasury in trust for the legal claimant, and be reported to the Secretary of State.

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

ELECTION OF SENATORS.

Mr. BURROWS. From the Committee on Privileges and Elections, I report back favorably the bill (S. 10862) to alter the regulations respecting the manner of holding elections for Senators, which I ask may go to the calendar.

Mr. ROOT. I ask the chairman of the committee if it was not his intention to ask for the present consideration of the bill?

The VICE PRESIDENT. The Senator from Michigan stated that he wished the bill to go to the calendar.

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Mr. ROOT. If the chairman of the committee expressed the wish that the bill should go to the calendar, I have nothing further to say; but if the Senator has no personal objection, as the bill relates to the matter of the election of Senators, I ask for its present consideration. Let the bill be read for the information of the Senate.

The VICE PRESIDENT. The Senator from New York asks unanimous consent for the present consideration of the bill just reported by the Senator from Michigan.

Mr. CULBERSON. I object, Mr. President.

The VICE PRESIDENT. Objection is made, and the bill will be placed on the calendar.

CLAIMS FOR LOSS OR DAMAGE TO PRIVATE PROPERTY.

Mr. BURNHAM. From the Committee on Claims, I report back favorably without amendment the bill (S. 10890) for the payment of certain claims for damages to and loss of private property.

Mr. WARREN. I ask unanimous consent for the immediate consideration of that bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate $25,535.22 for payment of 200 approved claims for damages to and loss of private property belonging to citizens of the United States, Hawaii, and the Philippine Islands that have arisen previous to February 21, 1911, estimated for in House Documents Nos. 1242 and 1404, Sixty-first Congress, third session.

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

THE SENATE MANUAL.

Mr. CARTER, from the Committee on Rules, reported the following resolution (S. Res. 378), which was considered by unanimous consent and agreed to (S. Doc. No. 846):

Resolved, That the Committee on Rules be instructed to prepare a new edition of the Senate Manual, and that there be printed 4,000 copies of the same for the use of the committee, of which 200 copies shall be bound in full morocco and tagged as to contents.

AFFAIRS IN ALASKA.

Mr. PILES. I submit a concurrent resolution and ask unanimous consent for its present consideration.

The VICE PRESIDENT. The concurrent resolution will be read.

The Secretary read the concurrent resolution (S. Con. Res. 42), as follows:

Resolved by the Senate (the House of Representatives concurring), That a joint committee of both Houses of Congress is hereby appointed, to be composed of five members of the Senate, to be appointed by the Presiding Officer thereof, and five members of the House of Representatives, to be appointed by the Speaker thereof; and any vacancy on the committee shall be filled in the same manner as the original appointment. The said committee is hereby empowered and directed, by subcommittee or otherwise, to sit during the sessions or recess of Congress at such times and places as they may deem desirable, to visit Alaska and make a thorough investigation of existing conditions and of the resources and needs of that Territory, to employ a stenographer and such other assistants as may be necessary to carry out the purposes for which such committee is created.

The said joint committee shall conclude its investigation and report to the Sixty-second Congress the result thereof, together with its recommendations concerning such legislation as may be advisable regarding Alaska. The expenses incurred by said joint committee shall be paid equally out of the contingent funds of the Senate and House of Representatives upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate and of the Committee on Accounts of the House of Representatives, respectively.

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

Mr. BURROWS. Let the resolution go over.

Mr. PILES. Mr. President, I hope the Senator will not object to the consideration of the resolution. It is a matter of importance, and not something of mere passing moment.

Mr. GALLINGER. Under the law the resolution will have to go to the Committee to Audit and Control the Contingent Expenses of the Senate, and therefore can not be acted upon now.

The VICE PRESIDENT. The resolution will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

BILLS INTRODUCED.

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

By Mr. CLARKE of Arkansas:

A bill (S. 10896) for the relief of Lizzie E. McCord, administratrix of Moses S. McCord, deceased; to the Committee on Claims.

By Mr. BROWN:

A bill (S. 10897) granting an increase of compensation to bookbinders, printers, pressmen, clerks, and laborers in the Government Printing Office; to the Committee on Printing.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. PENROSE submitted an amendment proposing to appropriate $3,500 for the salary of the Superintendent of Documents Government Printing Office, intended to be proposed by him the sundry civil appropriation bill, which was referred to Committee on Appropriations and ordered to be printed.

Mr. DU PONT submitted an amendment relative to the quirement of the 40-foot open space for fire protection at post office at Smyrna, Del., etc., intended to be proposed by to the sundry civil appropriation bill, which was referred to Committee on Appropriations and ordered to be printed.

Mr. BURNHAM submitted an amendment proposing to appropriate $12,000 to pay the State of New Hampshire for land fort in Portsmouth Harbor ceded to the United States, intended to be proposed by him to the general deficiency appriation bill, which was ordered to be printed and, with accompanying papers, referred to the Committee on Appriations.

Mr. WARREN submitted an amendment proposing to appropriate $25,000 for the establishment of a fish-cultural station the State of Wyoming, etc., intended to be proposed by hin the sundry civil appropriation bill, which was referred to Committee on Appropriations and ordered to be printed.

Mr. BURKETT submitted an amendment proposing to appropriate $10,000 to provide the necessary conduits, cables, wi and labor in connecting the central heating, electric light, power plant from Freedmen's Hospital to the various buildi on the Howard University grounds, etc., intended to be propo by him to the sundry civil appropriation bill, which was refe to the Committee on Appropriations and ordered to be printe

Mr. CRANE submitted an amendment proposing to appropriate $2,000 to pay the Norcross Bros. Co. for certain w in remodeling the fourth floor of the Treasury Building, etc., tended to be proposed by him to the general deficiency appriation bill, which was referred to the Committee on Appriations and ordered to be printed.

Mr. TALIAFERRO submitted an amendment proposing to propriate $50,000 for the establishment of a biological and cultural station on the St. Johns River, Fla., etc., intended be proposed by him to the sundry civil appropriation bill, wh was referred to the Committee on Appropriations and ordere be printed.

Mr. DICK submitted an amendment proposing to settle accounts of former postmasters who served at post offices the various States and Territories of the United States tween July 1, 1864, and July 1, 1874, etc., intended to be posed by him to the general deficiency appropriation bill, wh was referred to the Committee on Appropriations and orde to be printed.

He also submitted an amendment proposing to pay the ary accounts of certain former postmasters of the State Colorado between July 1, 1864, and July 1, 1874, etc., inten to be proposed by him to the general deficiency appropria bill, which was referred to the Committee on Appropriati and ordered to be printed.

Mr. MONEY submitted an amendment proposing to appropriate $5,000 for the construction of a walk from the Nati Military Cemetery at Natchez, Miss., to the sidewalks of city, etc., intended to be proposed by him to the sundry appropriation bill, which was ordered to be printed and, the accompanying papers, referred to the Committee on Appriations.

Mr. BRADLEY submitted an amendment proposing to propriate $45,000 for the completion of the post-office build at Lancaster, Ky., intended to be proposed by him to the sun civil appropriation bill, which was referred to the Commi on Appropriations and ordered to be printed.

Mr. LODGE submitted an amendment relative to chapl in the Navy, etc., intended to be proposed by him to the n appropriation bill, which was referred to the Committee Naval Affairs and ordered to be printed.

Mr. BANKHEAD submitted an amendment proposing to propriate $101,938.81 in settlement of the claims of the Mo Marine Dock Co., etc., intended to be proposed by him to sundry civil appropriation bill, which was referred to the C mittee on Appropriations and ordered to be printed.

Mr. GALLINGER submitted an amendment proposing to propriate $14,000, being an additional amount for the po fund of the District of Columbia, and $7,000 for the firem relief fund of the District of Columbia, etc., intended to proposed by him to the sundry civil appropriation bill, wh was referred to the Committee on Appropriations and orde to be printed.

He also submitted an amendment relative to the employm of substitute teachers in the public schools of the District

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Mr. CUMMINS. I must object to that.

Mr. PENROSE. I object to the latter part of that proposed agreement.

The VICE PRESIDENT. Objection is made.

Mr. PENROSE. I withdraw my objection. I misunderstood the request.

The VICE PRESIDENT. The Senator from Iowa objected.

Mr. CUMMINS. I desire to be understood in the matter. The Senator from Maine withdrew his motion to adjourn so that a motion could be made to proceed to the consideration of any other business that it may be thought wise to take up and have that matter determined now. I will not object to confining the session this evening to addresses made by Senators who desire to address the Senate.

Mr. HALE. I am willing to leave that entirely to the Senate. For the present I withdraw my motion for a recess this evening.

Mr. STONE. The motion that when we adjourn to-day it be to meet at 11 o'clock to-morrow was agreed to.

The VICE PRESIDENT. Is there objection to the request as stated by the Chair, or does the Senator from Iowa request some modification of it?

Mr. CUMMINS. Mr. President——

Mr. HALE. The Senator, as I understood it, asked me to withdraw my request.

The VICE PRESIDENT. The Chair thinks he can state it as he understands the Senator from Iowa to request it—that at 1.30 to-morrow, without further debate, a vote be taken upon Senate resolution 315; that after the taking of a recess this afternoon no business be transacted prior to adjournment on this legislative day other than addresses.

Mr. KEAN. Except a motion to——

Mr. CUMMINS. I do object to the combined request. I state again my position.

The VICE PRESIDENT. The Chair was trying to state what the Senator requested.

Mr. CUMMINS. If the request made by the Senator from Michigan can be put without any accompaniment I shall not object to it, and if then a motion can be entertained to proceed to the consideration of some other matter which the Senate may desire to take up——

Mr. HALE. What other matter?

Mr. CUMMINS. And that motion is disposed of, I will not then object to the request made by the Senator from Missouri that the evening session be devoted to addresses.

The VICE PRESIDENT. Exclusively to addresses.

Mr. LODGE. If the request of the Senator from Michigan had been agreed to as he made it, without additions, it was my intention to move to proceed to the consideration of the tariff-commission bill. If that motion should be adopted, I should then make no objection, and I do not think anyone else would, to confining the rest of the day to speeches and addresses.

Mr. CUMMINS. The Senator from Massachusetts has stated in terms the matter I had in mind.

The VICE PRESIDENT. The Chair will again put the request.

Mr. HALE. Let me suggest that both Senators can not make that motion.

Mr. CUMMINS. I have not attempted to make any motion. I simply made an objection to the request.

The VICE PRESIDENT. Is there objection to the original request of the Senator from Michigan that at 1.30 to-morrow, without further debate, the Senate take a vote upon Senate resolution 315?

Mr. STONE. I prefer a request of this kind: That the vote be taken at the time indicated, at 1.30 to-morrow, and that as soon as that consent of the Senate is obtained the motion which the Senator proposes to offer may be made to-night, and then the Senate adjourn until 11 o'clock to-morrow.

The VICE PRESIDENT. The Chair will put it that way. The Senator from Missouri asks unanimous consent to modify the request of the Senator from Michigan——

Mr. CUMMINS. Will the Senator from Missouri state the request?

Mr. LODGE. The Chair was about to state it. It is that at 1.30 to-morrow, without further debate, the Senate take a vote on Senate resolution 315; that following the entering into of this agreement the Chair recognize some person to move to consider some other bill; and that when that motion is carried the Senate take a recess until 8 o'clock—did the Senator say?

Mr. STONE. Eleven o'clock.

Mr. BAILEY. We have already agreed that when we adjourn it be until 11 o'clock to-morrow.

The VICE PRESIDENT. It has been agreed that when the Senate adjourns it be until 11 o'clock to-morrow morning. Is there objection? The Chair hears none, and that order is entered.

TARIFF BOARD.

Mr. BEVERIDGE. I move that the Senate proceed to the sideration of the bill (H. R. 32010) to create a tariff board.

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. DILLINGHAM (when his name was called). I notice that the senior Senator from South Carolina [Mr. TILLMAN] is absent. So I withhold my vote, having a general pair with him. Were he present, I would vote "yea."

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. OVERMAN (when Mr. TALIAFERRO's name was called). I have been requested to announce that the Senator from Florida [Mr. TALIAFERRO] is unavoidably absent and that he is paired with the senior Senator from West Virginia [Mr. SCOTT]. If the Senator from Florida were present, he would vote "nay."

Mr. BACON (when Mr. TERRELL's name was called). I again announce the unavoidable absence of my colleague [Mr. TERRELL] on account of personal illness. I understand that he is paired with the senior Senator from Rhode Island [Mr. ALDRICH]. If my colleague were present, he would vote "nay."

Mr. WARREN (when his name was called). I have a standing pair with the senior Senator from Mississippi [Mr. MONEY], and I therefore withhold my vote.

The roll call was concluded.

Mr. BACON (after having voted in the negative). I inquire whether the junior Senator from Maine [Mr. FRYE] has voted?

The VICE PRESIDENT. He has not.

Mr. BACON. I have a pair with that Senator. In his absence I withdraw my vote.

Mr. BAILEY. Perhaps it is shown by the announcement of the Senator from Vermont [Mr. DILLINGHAM]; but in case it is not, I desire the RECORD to show that if the senior Senator from South Carolina [Mr. TILLMAN] were present he would vote "nay."

The result was announced—yeas 54, nays 21, as follows:

YEAS—54.

Beveridge	Clapp	Guggenheim	Penrose
Bourne	Clark, Wyo.	Hale	Perkins
Bradley	Crane	Jones	Piles
Brandegee	Crawford	Kean	Richardson
Briggs	Cullom	La Follette	Root
Bristow	Cummins	Lodge	Smith, Mich.
Brown	Curtis	Lorimer	Smoot
Bulkeley	Depew	McCumber	Stephenson
Burkett	Dick	Nelson	Sutherland
Burnham	Dixon	Newlands	Warner
Burrows	du Pont	Nixon	Wetmore
Burton	Gallinger	Oliver	Young
Carter	Gamble	Owen	
Chamberlain	Gronna	Page	

NAYS—21.

Bailey	Gore	Rayner	Taylor
Bankhead	Johnston	Shively	Thornton
Clarke, Ark.	Martin	Simmons	Watson
Davis	Overman	Smith, Md.	
Fletcher	Paynter	Smith, S. C.	
Foster	Percy	Swanson	

NOT VOTING—16.

Aldrich	Dillingham	Heyburn	Taliaferro
Bacon	Flint	Money	Terrell
Bradley	Frazier	Scott	Tillman
Culberson	Frye	Stone	Warren

So the motion was agreed to.

Mr. LODGE. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 26 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, March 1, 1911, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February 28, 1911.*

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

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

The Journal of the proceedings of yesterday was approved.

CANCELLATION OF SIGNATURE TO JOINT RESOLUTION.

The SPEAKER. The Chair announces the cancellation of his signature to Senate joint resolution 145, providing for the filling of the vacancy which will occur on March 1, 1911, in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress, in accordance with the order of the House.

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MESSAGE FROM THE SENATE.

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

S. 10883. An act authorizing the Erie Railroad Co. to construct a canal connecting the Hackensack River and Berrys Creek, Bergen County, N. J., as an aid to navigation, and for other purposes.

The message also announced that the Senate 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. 29360) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1912, and for other purposes.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GARDNER of Michigan. Mr. Speaker, I call up the conference report on the bill H. R. 31856, making appropriations for the government of the District of Columbia for the fiscal year 1912, and I ask unanimous consent that the statement by the managers on the part of the House may be read in lieu of the report.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the statement.

The conference report is as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 31856) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1912, 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, 2, 3, 11, 20, 30, 31, 37, 38, 39, 46, 50, 59, 65, 69, 75, 78, 79, 80, 83, 84, 85, 86, 101, 104, 107, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 123, 129, 134, 137, 140, 142, 143, 147, 150, 152, 159, 164, 165, 171, 172, 175, 176, 181, 187, 188, 190, 191, 196, 199, 200, 202, 203, 204, 205, 209, 213, 220, 222, 230, 231, 232, 235, 238, 239, and 240.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 6, 7, 8, 9, 10, 12, 13, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, 27, 28, 29, 32, 33, 35, 36, 40, 41, 42, 43, 44, 45, 47, 51, 52, 53, 54, 55, 56, 57, 58, 60, 61, 62, 63, 64, 66, 67, 68, 70, 71, 72, 73, 74, 76, 77, 82, 87, 88, 91, 92, 96, 97, 98, 99, 100, 103, 108, 119, 120, 122, 124, 125, 126, 127, 128, 130, 131, 135, 138, 139, 141, 144, 146, 153, 154, 158, 162, 166, 167, 168, 169, 170, 173, 174, 177, 180, 182, 183, 184, 189, 193, 194, 197, 206, 210, 212, 214, 215, 216, 217, 221, 223, 224, 225, 226, 227, 228, 229, 233, 234, 241, 242, 243, 244, 245, 247, 248, and 249. and agree to the same.

Amendment numbered 5: 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 sum proposed insert "$1,600"; and the Senate agree to the same.

Amendment numbered 14: 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: In lieu of the sum proposed insert "$114,086"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "The provisions of the act approved March 15, 1898, as amended by the act approved July 7, 1898, regulating leave of absence to employees of the Federal Government, are hereby made applicable to the regular annual employees of the government of the District of Columbia, except the police and fire departments, and public school officers, teachers, and employees"; and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$179,810"; and the Senate agree to the same.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "two cataloguers, at $540 each;" and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of sum proposed insert: "$40,940"; and the Senate agree to same.

Amendment numbered 81: That the House recede from its agreement to the amendment of the Senate numbered 81, agree to the same with an amendment as follows: In lieu of sum proposed insert "$123,650"; and the Senate agree to same.

Amendments numbered 89 and 90: That the House re from its disagreement to the amendments of the Senate n bered 89 and 90, and agree to the same with amendment follows: Transpose said amendments and insert the sam page 33 of the bill, after line 26, amended as follows: In 8 of amendment numbered 89 strike out the word "seve five" and insert in lieu thereof the words "one hundred"; the Senate agree to the same.

Amendment numbered 93: That the House recede fro disagreement to the amendment of the Senate numbered 93, agree to the same with an amendment as follows: In lie the sum proposed insert "$65,000"; and the Senate agre the same.

Amendment numbered 94: That the House recede fro disagreement to the amendment of the Senate numbered 94, agree to the same with an amendment as follows: In lie the sum proposed insert "$130,000"; and the Senate agre the same.

Amendment numbered 95: That the House recede from its agreement to the amendment of the Senate numbered 95, agree to the same with amendments as follows: In lieu of sum proposed insert "$260,000," and on page 35 of the bil line 24, after the word "specifications," insert the follow "*Provided further*, That whenever it shall appear to said missioners that the work now performed under contract, nam street sweeping and cleaning alleys and unimproved str can, in their judgment, be performed under their immediat rection more advantageously to the District, then, in that ev said commissioners are hereby authorized to perform any or all of said work in such manner, and to employ all neces personal services, and purchase and maintain such street-cl ing apparatus, horses, harness, carts, wagons, tools, and eq ment as may be necessary for the purpose; and of this ap priation the sum of $40,000 is hereby made immedia available"; and the Senate agree to the same.

Amendment numbered 102: That the House recede fro disagreement to the amendment of the Senate numbered and agree to the same with an amendment as follows: In of the matter inserted by said amendment insert the follow "Interior park: For the condemnation of land in the inte of square 534, within the limiting lines shown on approved p in the office of the engineer commissioner of the Distric Columbia, and for the development of the land so acquire an interior park: *Provided*, That the said land shall be demned by a proceeding in rem in accordance with the pr sions of subchapter 1 of chapter 15 of the Code of Law for District of Columbia within six months after the date of passage of this act: *And provided further*, That of the am found to be due and awarded by the jury in said condemna proceedings as damages for and in respect of the land t condemned, plus the cost and expense of said proceeding, less than one-third thereof shall be assessed by the jury as b fits, $78,000."

And the Senate agree to the same.

Amendment numbered 105: That the House recede from disagreement to the amendment of the Senate numbered and agree to the same with an amendment as follows: In of the sum proposed insert "$46,495"; and the Senate a to the same.

Amendment numbered 106: That the House recede fro disagreement to the amendment of the Senate numbered 106, agree to the same with an amendment, as follows: In lieu of sum proposed insert "$13,500"; and the Senate agree to same.

Amendment numbered 121: That the House recede from disagreement to the amendment of the Senate numbered 121, agree to the same with an amendment, as follows: In lieu of sum proposed insert "$23,500"; and the Senate agree to same.

Amendment numbered 132: That the House recede from disagreement to the amendment of the Senate numbered 132, agree to the same with an amendment, as follows: In lieu of number proposed insert "forty-six"; and the Senate agre the same.

Amendment numbered 133: That the House recede from disagreement to the amendment of the Senate numbered 133, agree to the same with an amendment, as follows: In lieu of

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S. 10817. 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;

S. 10818. 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

S. 10849. An act to authorize the city of Shreveport to construct a bridge across Red River.

RECIPROCITY WITH CANADA.

The VICE PRESIDENT laid before the Senate the following message from the President of the United States (S. Doc. No. 849), which was read and, with the accompanying papers and illustrations, ordered to lie on the table and be printed:

To the Senate:

In response to the resolution of the Senate of February 23, 1911, requesting the President, if not incompatible with the public interests, to transmit to the Senate all the information secured, and the tables and statistics prepared, by the board of experts composed of Henry C. Emery, James B. Reynolds, and Alvin H. Sanders, relating to the various articles and commodities named in the Canadian reciprocity measure, and especially to the following: Pulp wood; wood pulp; and paper of whatever value; wool, whether raw or further advanced in manufacture; woolen thread, cloth, and clothing; cotton thread, cloth, and clothing; carpets; boots and shoes; iron ore; pig iron and manufactured iron and steel; agricultural implements; coal; meats; flour and lumber. I transmit herewith a report from the Tariff Board giving the information in its possession relating to pulp wood, pulp, and news-print paper; and farm products (including live stock), and current relative prices in Canada and the United States of wheat, barley, and food products of the farm, including meats, poultry and eggs, dairy products and vegetables. The Tariff Board reports that its information with reference to the following articles especially mentioned in the resolution: Iron ore; pig iron and manufactured iron and steel; agricultural implements; coal and lumber, is not available for transmission. The following articles named in the resolution, namely: Wool, whether raw or further advanced in manufacture; woolen thread, cloth, and clothing; cotton thread, cloth, and clothing; carpets; boots and shoes are not included in the report because they are not included in the bill under consideration, and also because the material in the possession of the Tariff Board is not in condition for immediate transmission.

WM. H. TAFT.

THE WHITE HOUSE, *February 28, 1911.*

HOUSE BILL REFERRED.

H. R. 32957. An act making appropriations to supply deficiencies in appropriations for the fiscal year 1911 and for prior years, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

SENATOR FROM ILLINOIS.

Mr. McCUMBER. Mr. President, I understand that it is the purpose of the Senate immediately after the close of the morning business to proceed to the consideration of the Lorimer case, and in as much as many Senators have spoken for hours and days upon the subject and as there are many here who have not spoken at all, and as the vote will be had at 1.30 this afternoon, I am going to ask unanimous consent that in the consideration of and argument upon the resolution, no Senator shall speak to exceed 15 minutes until all those who desire to speak upon the subject have been heard.

The VICE PRESIDENT. Is there objection to the request of the Senator from North Dakota?

Mr. BEVERIDGE. Mr. President, the debate has occupied a great many weeks and even months. There has been ample opportunity for Senators to speak. I shall be constrained to object to any such rule. I say further that the Senator knows this is also in accordance with the convictions that I have heretofore expressed in similar debates.

The VICE PRESIDENT. The Senator from Indiana objects. Is there further morning business? If not, morning business is closed. The calendar under Rule VIII is in order.

Mr. OWEN. Mr. President——

The VICE PRESIDENT. The Senator from Oklahoma.

Mr. McCUMBER. I insist that we proceed with the calendar. Then, if no one is to speak to-day, and no one to be allowed to speak but one or two Senators upon this proposition, it seems to me that we ought to go to the calendar.

The VICE PRESIDENT. The Senator from Oklahoma has the floor.

Mr. BEVERIDGE. Regular order.

The VICE PRESIDENT. The Senator from Oklahoma has the floor.

Mr. McCUMBER. Mr. President, I desire to ask what order of business the Senate is now on?

The VICE PRESIDENT. The Senator from Oklahoma has the floor.

Mr. McCUMBER. Under what order?

The VICE PRESIDENT. Not under anything. He is on the floor.

Mr. McCUMBER. I simply desired to know what the order is so as to see whether we are going to have morning business or whether we are not.

The VICE PRESIDENT. The Chair had announced that the calendar under Rule VIII was in order. The Senator from Oklahoma then asked the floor, and he has the floor.

Mr. OWEN. Mr. President, in speaking upon this matter, I wish first of all to say that I am sincerely sorry for WILLIAM LORIMER. I am sorry for him, whether his title be held valid by the Senate of the United States or whether it be not. I am sorry for him because he has demonstrated on this floor that he has intellectual and oratorical qualities of the first magnitude, and he has demonstrated more, from the story of his life, that he has had a kind and magnanimous heart; but there is nothing that can ever remove the stain upon the record of his election or relieve the stigma of this record, because the evidence is convincing that his election to this body was procured by corrupt practices, and must always remain a painful memory to him and to his friends. For four hours he addressed this body in a speech of wonderful eloquence and power—an appeal that moved the hearts of all. The most remarkable thing of all in that speech was that he refrained from any reference to the evidence in the case and devoted himself to other questions which were immaterial to the point at issue while vehemently assuring the Senate of his innocence.

What are we to believe as to these assurances? In answer to a suggestion made to me I sent telegrams to three persons referred to by Mr. LORIMER, asking as to the accuracy of his references to them. One confirmed Mr. LORIMER's reference to him, one partly denied, but the third, the governor of Illinois, Charles S. Deneen, vigorously denied the truth of Mr. LORIMER's statements. I hold in my hand a telegram from the governor of the State of Illinois denying in serial order the statements made by Mr. LORIMER with regard to the governor of Illinois. Mr. LORIMER had the opportunity of appearing before a committee of this body. Why did he not appear before this committee investigating the question of whether or not he was aware of corrupt practices in the matter of his election?

Mr. HEYBURN. Mr. President——

The VICE PRESIDENT. Will the Senator from Oklahoma yield to the Senator from Idaho?

Mr. OWEN. I can not now yield to the Senator from Idaho.

The VICE PRESIDENT. The Senator declines to yield.

Mr. HEYBURN. Yes. I will not ask the Senator to yield; but I will appeal to the Presiding Officer on a question of privilege.

The VICE PRESIDENT. The Senator rises to a question of privilege.

Mr. HEYBURN. When a Senator states on this floor that he has a telegram containing certain facts and a member of the committee who is, by implication, charged with having misconducted this investigation rises for the purpose of asking that that telegram or the contents of it be made public, the Senator has no right to withhold it. The Senator has passed on to another subject without telling what is in that telegram.

The VICE PRESIDENT. The Chair thinks that is not a question of privilege to be decided by the Chair.

Mr. HEYBURN. Well, it is in the record.

The VICE PRESIDENT. The Senator from Oklahoma will proceed.

Mr. OWEN. Mr. President, as I had fully intended, the telegram will be read immediately to the Senate of the United States to show that the governor of the State of Illinois denies the truth of what Mr. LORIMER alleges on the floor of the Senate to be true. He appeared as a witness before this body, not under oath; he appeared as a witness where he can not be held to account; and he makes statements that are denied by the governor of his own State. I read the telegram of the governor of Illinois:

STATE CAPITOL,
Springfield, Ill., February 24, 1911.

Hon. ROBERT L. OWEN,
United States Senate, Washington, D. C.:

As requested in your telegram, I transmit you herewith published statements made by me concerning Senator LORIMER'S speeches.

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The published statement made May 29, 1910, he first answers, which I will put into the RECORD without reading.

Mr. HEYBURN. I object to it going into the RECORD without reading.

Mr. OWEN. I will read it in full.

Published statement made May 29, 1910:

"Very meager reports of Senator LORIMER's speech have been given out. I understand that he charges that I entered into a conspiracy with the Chicago Tribune to publish the confession of Representative White. This charge is without any foundation in fact. The facts are as follows: About midnight of the day before the story was published a representative of the Chicago Tribune met me at the Union League Club and informed me that he had been waiting two hours to see me; that the editor of the Tribune was exceedingly anxious to interview me about a matter of very great importance, and that they would have to go to press within a few minutes. Accordingly I went with him to the Tribune office, which was near by.

"A statement was there made to me of Mr. White's confession, and an interview was requested. A very brief interview was given at once on the statement, in which I stated, in substance, that a full examination should be made of the statements contained in the confession and expressed no opinion regarding the truth of the charges. Mr. White's confession was in type and was on the press when I arrived at the Tribune office, and this was the first intimation I had that Mr. White had confessed or was in any way implicated in the charges of bribery.

"Regarding the deadlock over the senatorship, after the primaries I stood for the election of Senator Hopkins and did not know that Senator LORIMER and Mr. Shurtleff and their friends were against him until a minority of Republican members who were in harmony with Senator LORIMER and Speaker Shurtleff effected an organization of the house of representatives with the aid of the Democratic members. After the deadlock had existed some time Senator LORIMER called upon me repeatedly. I had assumed from the conversations we had at these times that it was entirely with a view to effecting a reconciliation between Republican factions, and notwithstanding that I felt I had suffered unjustly by reason of attacks made upon me by him and his friends in the preceding legislature, the preceding primaries, the preceding election, the preceding organization of the house, and in the effort to unseat me and seat my opponent as governor, I felt that I should lay aside all personal feeling and interest in the hope of bringing about harmony in the party.

"Senator LORIMER informed me that his friends would, under no circumstances, vote for Senator Hopkins, and, as it was impossible to elect a Senator by Republican votes without the votes of his friends, I stated that they should go into a Republican caucus to select a candidate who could be sure of the majority vote in the caucus, and thereafter the full vote of the party in his election to the senatorship.

"This was the view taken by Republicans throughout the State, and a a number of names had been mentioned in this connection by friends of various candidates—Col. LOWDEN, Congressman MCKINLEY, A. C. Bartlett, W. A. RODENBERG, and a number of others, among them Mr. West. Senator LORIMER was opposed to the plan of nominating by caucus. Later I was informed by him and his friends that I could be elected Senator. I refused absolutely to consider it. Nevertheless, shortly before his election an effort was made by him and his friends in the general assembly to elect me. I called together in my office Republicans who had supported me in the Senate and who had gone into a Republican caucus in the house and stated to them that this movement was without my approval, and that I would not accept the office if elected.

"Shortly before Senator LORIMER was elected and after the deadlock had dragged on for months, it became apparent that he was a candidate. A number of my friends, whom he mentions in his speech, called upon me, and I advised them strongly against voting for him even though he could get a minority of the Republicans to aid the Democrats in electing him. All of these facts were published as the contest went on and were at that time familiar to the public.

"While I am surprised at the character of the statements made by Senator LORIMER, I am at a loss to know the positive relation they bear to the charge now under investigation, that his election to the United States Senate was procured by means of bribery."

Published statement made February 23, 1911:

"I have only such meager information regarding the speech made by Senator LORIMER to-day as appeared in the afternoon editions of the Springfield papers. I notice, however, that he followed the course which I have often observed followed by men charged with serious offenses in Cook County when I was State attorney there, of trying to escape an explanation of the facts against him by making charges against men who are not on trial. He has followed the course of Mr. Erbstein, one of the attorneys for Mr. Lee O'Neil Browne, who was recently indicted and tried in the criminal courts of Cook County for jury bribing, and who refrained from going on the witness stand to testify under oath, where he could be cross-examined, and instead made a speech to the jury where his statements were not subject to the rules of cross-examination.

"Mr. LORIMER states—

I would like to call the attention of the Senate to this. Mr. President, here comes a categorical denial by the governor of Illinois of the statements made by Mr. LORIMER on this floor. It goes to the credibility of Mr. LORIMER—

"1. That I consented to become a candidate for Senator, and then immediately withdrew. This is not true"—

Says the governor of Illinois—

"I never gave my consent to him or anybody else to become a candidate, but on the contrary refused to do so, and stated to everyone who spoke to me upon the subject that I refused to become a candidate and would not accept the office if elected.

"2. He charges that Edward Shurtleff became speaker because I threatened to deprive representatives of patronage should they vote for him, and that I tried to elect one of my friends as speaker. Neither of these charges is true. I threatened no one with taking patronage from him, nor did I ask any member to vote for any particular person for speaker. I urged the Republicans to go into a Republican caucus and abide by the will of majority as expressed there, and had Mr. Shurtleff been selected as Republican candidate for speaker in a Republican caucus any man who would have followed my advice would have supported him.

The same situation arose here last month at the beginning of the present session of the general assembly. Mr. Shurtleff and his friends again refused to go into the regular Republican caucus. The other 64 Republicans, most of whom were my friends, went into the caucus, and there selected Mr. Charles Adkins as Republican candidate. I urged the Republicans to go into this caucus and abide by its decision, but did not indicate to any Republican any preference for speaker. Immediately after Mr. Adkins had been chosen for speaker it appeared that Mr. Shurtleff and his friends, who were very hostile to me and were opposed to the Republican platform, would be given conspicuous places and would in fact dominate the house organization. Notwithstanding this was apparent, every one of the 64 members who went into the caucus voted for Mr. Adkins for speaker because he was the caucus nominee.

"3. Senator LORIMER states that I could have elected Mr. Hopkins Senator at any time. In view of the fact that he charges in the same breath that I could not elect a speaker, this statement falls by its own weight and needs no further refutation.

"4. He states that Mr. Shurtleff was one of Mr. Hopkins's managers. This will be news in Illinois.

"5. He has added to the list of candidates whom he claimed in his speech of May 29, 1910, that he submitted to me, Mr. GEORGE EDMUND FOSS. My answer, made on May 29, the day after Mr. LORIMER's speech in the Senate, stands now as to Mr. FOSS, also."

I call the attention of the Senate that this is the sixth categorical denial of the truth of the statements made by Mr. LORIMER on the floor of the Senate.

"6. He states: 'I urged him (Deneen) to become a candidate, telling him I believed he would reunite our party, torn asunder by factional strife.' The proposal to elect me United States Senator was not by Republican votes alone, but I was assured by him that I would get practically the entire Democratic vote in the house. No one who is at all familiar with the situation but knows that the majority of the Republicans were at all times for Senator Hopkins, and would not have voted for me had I become a candidate, or for anyone else; and the only hope of electing anybody but Senator Hopkins lay in securing a large Democratic support. No Democrat offered me such support, and the assurances of that vote came directly from Senator LORIMER, who appeared even at that time to have authority to speak for the Democrats in this matter.

"7. I notice that he gives reasons why the Democrats would support him. I have looked in vain in his speech for reasons why they would support me or any other Republican whom he named in his speech to-day, none of whom could have gotten a majority of the Republicans, because the majority felt bound by the primary vote to vote for Senator Hopkins. The truth is, the bipartisan coalition, which reached its climax in the election of Senator LORIMER, was formed in the general assembly which preceded this election, for the purpose of defeating me. To injure me it made a spurious investigation of our State institutions; it made corrupt alliances with certain interests."—

The governor of Illinois says it made corrupt alliances. Who made corrupt alliances? This Democratic coalition of Republicans and Democrats of the Illinois Legislature did. "It made corrupt alliances with certain interests," says the governor of Illinois—

"that could not use me to secure my defeat in the primaries and got a very influential wing of the Democratic Party to unite with it in this effort. It was the understanding, then, that if the effort to defeat me at the primaries failed the Republican members of this bipartisan coalition would in turn join with the Democrats to defeat me at the polls, a program which was followed to the letter."

I remind the Senate that Senator LORIMER pointed out the small vote which Gov. Deneen got in Illinois, and the governor explains it by the treachery of the Republicans who were engaged in this coalition with the Democrats.

Mr. BEVERIDGE. A corrupt coalition.

Mr. OWEN. A corrupt coalition.

"After the election it became apparent that the Republican wing of this bipartisan coalition would not go into a Republican caucus upon the speakership, where they would be in a hopeless minority, and before the general assembly it became apparent also that they would join with the Democrats to elect a speaker and organize the house of representatives upon bipartisan lines. This was done, and Mr. Shurtleff was elected speaker. It was understood that the first fruits of this coalition would be to unseat me as governor, and the public is familiar with the long-drawn-out contest where the plan was to unseat me without counting votes, upon trumped-up, general charges affecting every county in the State. Finally, the contest committee ruled that they would have to file specifications, when the whole rotten fabric of false accusation dissolved and disappeared.

"It was after this that I was tendered the nomination for the Senatorship by men who had waged this unrelenting warfare against me for so long a time. Manifestly the only purpose of such a proposal from such a source was to get me out of the governor's chair, where I stood in the way of their plans, and leave to this bipartisan combination the reuniting of the Republican Party, torn asunder by factional strife."

"What interest," says the governor of Illinois—

the 53 Democrats who voted for Senator LORIMER had in the "reconciliation of Republican factions torn asunder by factional strife "does not yet appear.

The governor closes his telegram with this interesting question:

But what does all this have to do with the charges or the evidence that Mr. LORIMER was elected by the corrupt use of money?

CHARLES S. DENEEN.

What are we to believe is the truth? What will the country believe is the truth? Mr. LORIMER, when this evidence had been piled up mountain high, when the evidence showed that 10 men, at least, had been corrupted, when the evidence showed that three additional members had dishonorable and corrupt proposals made to them, did not appear under oath before the committee of this honorable body charged with the duty of in-

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vestigating this question, and did not there on his oath as a man deny the truth of the charge made that his election was procured by corrupt practices.

Mr. President, the committee of the Senate was charged by the resolution of the Senate of June 20, 1910, with the duty "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 corrupt methods or practices in this election." The report speaks for itself. The committee does not report whether there were such corrupt practices, and does not abstract the testimony so as to make it easily intelligible. The committee reports, on the contrary, that "the title of Mr. LORIMER to a seat in the Senate has not been shown to be invalid by the use or employment of corrupt methods or practices," which they were not directed to do.

Mr. President, this is not merely the trial of an individual. This is not a question of determining merely the validity of a title to a seat in this body. It goes far beyond that question. It is a question of a great public policy. It is a question of determining by our conduct in this case whether we shall pursue a policy which shall promote corruption and bribery in this Republic, or whether we shall put an iron hand upon corruption in the election of Senators and set an example of nobility and virtue before the entire country.

I took issue with the report of the committee at the first reasonable opportunity, on the 9th of January, for the reason that I had made all of my arrangements to be absent for two or three weeks in Oklahoma, and I did not want this matter determined without putting upon the record my protest at least against an unwise report, which I thought might lead to an unwise decision in this body.

I regretted to find myself differing with the committee. The members of the committee I respect. A number of them are warm personal friends. I can easily understand how a committee in dealing with such a mass of evidence might arrive at an erroneous conclusion, probably leaving to some of the members the task of digesting the volume of evidence, perhaps leaving to some member the task of writing a report, but whatever the cause I will not give my assent to the doctrine which they have laid down, both because the doctrine itself is unsound and because their conclusion from the evidence, in my judgment, is in great error.

I read this evidence of over 700 pages carefully and patiently digested it.

This evidence shows, Mr. President, that Holstlaw in Chicago June 16, 1909, received $2,500 in cash and deposited it. The proof is clear. That White received a thousand dollars in Chicago and received afterwards $900 in St. Louis. He accounts for it. The evidence shows that Beckemeyer and Link received a thousand dollars each at the same time and place and $900 at the same time and place as the other conspirators did. And so one, two, three, four of these conspirators show that they confessed that they received the cash and how it was deposited or used and six others are proven equally guilty in my opinion. The proof is complete. The evidence is clear.

Three others—Luke, Clark, and Shephard—are circumstantially shown to have received the same amount of bribe money, to wit, $1,000 each, in the Southern Hotel, St. Louis, Mo., on June 21, 1909, and $900 each on July 15, 1909, at the Southern Hotel, St. Louis, as did Beckemeyer and Link.

Three others swore to attempts to bribe them.

I presented an abstract of this evidence in my remarks January 9, 1911. I will not now repeat it. It is not necessary to repeat it. The evidence speaks for itself. Page by page were recited by me showing where this evidence could be found in the printed record, of which I then had no index, and upon that evidence there can be no doubt that corrupt practices did take place in a wholesale fashion.

The committee did not go into the jack pot, as I thought they ought to have done. The jack-pot combination of the Illinois Legislature was evidently strong enough and had in it enough of Republicans and of Democrats to control legislation in that body, or to defeat legislation in that body, and it is perfectly obvious that the powers of the jack-pot combination and conspiracy, this bipartisan thieving, knavish combination of that Illinois Legislature, was strong enough to elect any man who would make terms with it or to elect any man whose friends would make terms with it.

The committee did not think it wise, did not think itself justified in going into that evidence and finding out what this jack pot was, and what its strength was. I think it ought still to be done. I think that the Senate should not rest content until it had dug up the jack pot of Illinois by the roots. The time of jack-pot control of the legislative power of this country and of the governing powers of this country must end, or the Republic itself does not deserve as a Government to live, and can not long endure. It will fall as Rome did from that identical cause.

I call your attention to the evidence of the control of the governing powers in this country by these evil and sinister forces. Look at the Pacific coast, and the control of that great and splendid metropolis of San Francisco, and its municipal powers by the corrupt combination of Democrats and Republicans, which was disclosed by Francis Heney. Look at the control of Denver, Colo., by the corrupt combination of Democratic and Republican thieves, as disclosed by Ben Lindsey in the Beast and the Jungle. Look at St. Louis and the control of the governing powers of that great metropolis of the Mississippi Valley by the thieves banded together to steal the governing powers of that municipality for private profit and municipal graft, which was disclosed to the wondering eyes of honest citizens by Joseph W. Folk, who could neither be bribed nor bullied nor threatened from the discharge of his honest duties as an officer. Look at the control for years of Pittsburg by municipal thieves, and the final disclosure there by the private enterprise of citizens who employed for long periods of time experts, detectives, putting craft against craft, and finally disclosing a nest of thieves of bipartisans, indicting finally in one grand coup 116 criminals in the governing business, members of the municipal council, bankers, and other wealthy business men in that city. Look at the disclosure of corrupt practices in that capital city in the building of the capitol in Harrisburg and the furnishing of the capitol of the great Commonwealth of Pennsylvania. Look at the disclosures of the bipartisan corruption in Albany, N. Y.

Are we going to have an end to this sort of thing or not?

Mr. BEVERIDGE. Mr. President——

The VICE PRESIDENT. Will the Senator from Oklahoma yield to the Senator from Indiana?

Mr. OWEN. I yield.

Mr. BEVERIDGE. At this most important——

Mr. HEYBURN. Mr. President, I object to the Senator from Oklahoma yielding.

The VICE PRESIDENT. Objection is made. The Senator from Oklahoma will proceed.

Mr. BEVERIDGE. Mr. President, a point of order.

The VICE PRESIDENT. The Senator will state it.

Mr. BEVERIDGE. I do not want to take up any time at all, but the Chair will find, and I think——

Mr. KEAN. Regular order!

The VICE PRESIDENT. The Senator from Indiana will state his point of order.

Mr. BEVERIDGE. Does not the rule of the Senate provide that a Senator may be interrupted by his own consent?

The VICE PRESIDENT. There is no rule which provides that a Senator can yield the floor to any other Senator in the face of an objection. The Senator from Oklahoma will proceed.

Mr. OWEN. Mr. President, it is for the purpose of having the influence of the Senate of the United States thrown upon the right side of this great contest between the sinister, secret, crafty, most powerful and tremendous commercial interests of the Republic and those demanding integrity of government that I have thought fit to express my views in this case. It is not because I would be willing to wound the feelings of the sitting Member. If he were merely a sinner, so are all men, and so am I, and I would be glad to give him a friendly, brotherly hand. All men make mistakes. I have made many grievous ones, and grievously have I repented them. When men commit wrong, they do it in ignorance of what is best for themselves. No man would willingly do himself a conscious injury. Any man who does wrong does himself a personal injury. This is not a question of personalities. The question is, Shall we by our vote on this case establish a policy of government that will by example and precedent put an end to bribery and corrupt practices or promote it? That is the question, and that is the only question of any great importance in this case. It is true that if the Senate decides erroneously in this matter it will impair its high standing before the people of the United States, and this I should deeply regret, but that is not the most important question.

Mr. President, the committee lays down the doctrine, that if the sitting Member has a majority of the untainted votes he has a title in law which can not be disputed either in law or in morals. I want to examine where that leads. Mr. LORIMER had 108 votes. Seven votes are practically conceded to have been corrupt. That will reduce his number to 101 so-called untainted votes, not enough to elect. It required 102 votes to be a majority of 202, which were present and voting in that legislative assembly. In order to enable a majority to be obtained, therefore, it is necessary to argue that the majority of

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the untainted votes will suffice; that is, that the 7 bribed votes must not be counted as voting at all. This theory would require 15 tainted votes to have been proven to have been bribed to unseat Mr. LORIMER, and when you prove 15 votes to have been tainted, that argument would admit a larger number to be bribed in order to seat the sitting Member; and when you prove a larger number, that again will permit still more to be tainted, and it would be impossible to unseat any Member on such a basis until you exhausted the quorum.

Let me explain in a moment. Take the case of Mr. Hopkins. He had 70 untainted votes. Suppose some bad friend of Mr. Hopkins—suppose this indeterminate, unknown thing called the Lumber Trust, for example—had been so friendly with Mr. Hopkins and so wanted to seat him that it had gone into the open market and bought 24 votes belonging to Mr. Stringer and had bought 39 votes belonging to Mr. LORIMER, then Mr. LORIMER would have had left only 69 untainted votes, and Mr. Hopkins, with 70 untainted votes, his bad friends having bought in the open market 63 votes, would have a title so pure and so strong under the law that it could not be disputed either in law or in morals.

What kind of doctrine is that? That is the logical consequence of the doctrine of a majority of the untainted votes being sufficient to establish a valid title. Is it good policy? I am sorry that the Senate, at the closing moments of this debate, does itself the honor to absent itself from this Chamber. I wish there could be a photograph of these vacant seats sent out to the American people. I appeal against the proposed judgment of the Senate as prophesied by the Senator from New Hampshire [Mr. GALLINGER], who advised the Senate on this floor there were sufficient votes to seat Mr. LORIMER, to the people of the United States. I am not speaking now to the Senate; I am speaking to the masters of the Senate—to the American people.

The election of Senators has been defeated by this body by a few votes. The Members from the Southern States, with the great race question before them, I can sympathize with and I do sympathize with in the fear that moved them; but I have but little sympathy with those of a white constituency who voted against it. I call attention to the fact that the defeat of the joint resolution for the election of Senators by the people was accomplished by the vote of Mr. LORIMER and those other Senators whose seats on this floor are no longer acceptable to the people of their States.

I think the English law is the better law. I think we ought to follow it, because they have found a way to put an end to corrupt practices in that country. It seems to me that whatever the old rule of politics may have been in the past, even those who have played the old pitiful, corrupt game ought to be willing now to let a new rule come in by which our elections shall be clean in this country. The English corrupt-practices act ought to be a matter of easy access to the people, and I should ask that it be made a Senate document, except for the reason that I am quite sure the Senator from Idaho [Mr. HEYBURN] would object.

I call the attention of the country to the remarkable doctrine of the Committee on Privileges and Elections—that a majority of the untainted votes shall suffice. Here is an editorial from the New York Evening Post, from which I read the following:

> If on February 22, when Mr. Sheehan lacked 12 votes of an election in the New York Legislature, his friends had, without his knowledge or consent, bribed 23 of his opponents to vote for him or absent themselves, would the people of New York have regarded this as a valid election in spite of clear proof of the bribery?

Under the rule laid down by the Committee on Privileges and Elections that would have been good law. That title of Mr. Sheehan under such circumstances could not be held invalid either in law or in morals. I will not stultify myself by giving my vote for such a doctrine. It is not only unreasonable; it is not only absurd; it is not only preposterous, but it is immoral, because it promotes immorality, and I will have none of it so far as I am concerned. I propose to stand for what I think is right regardless of whether I meet the approval of the members of the committee or not. They may charge me with a race of diligence in this matter and hold me up to contempt by impugning my motives by suggesting the unworthy purpose of seeking the limelight. So much the worse for those who are pilloried in a vain effort to serve the country. One way to serve bad government is to hold in contempt those who seek good government. But this is not a question of the motives of Senators who may differ with the committee. The advocate of good government now before the Senate knows well enough that he is at present unequal to the task before him. This question is one of great national importance. Its wise determination is of vital consequence. It is the question as to whether the Senate of the United States will throw the weight of its favor and its power on the side of purity of elections or whether it will not, and I leave that question to be determined by the Senators who have absented themselves from this Chamber while the closing argument in this case is being presented and by those Senators who have been already recalled by the American people. These are the Senators who will seat Mr. LORIMER. The decision in this case will have its compensations.

Mr. SIMMONS. Mr. President, I have read the report of the committee appointed to investigate the charges against the Senator from Illinois exonerating him of these charges. That report is signed by six of the seven Republicans and four of the five Democrats on this committee. The 10 Senators signing this report are all lawyers; some of them have been judges, trained and educated in weighing and applying testimony, and they are as pure and able men as sit in this body.

I have read practically all the evidence adduced before this committee. I have heard nearly all the speeches that have been delivered on both sides of this controversy. I heard the speech of the junior Senator from Illinois in his own defense—a speech which in logical symmetry and force, in inherent evidences of sincerity and truth, in simple and unconscious pathos will ever live in the memory of all who heard it as one of the most remarkable deliverances ever uttered in this Chamber.

When that speech was concluded my inner consciousness said to me, as many people who heard it have since said to me, if the Senator from Illinois had been guilty he could not have conceived that speech and delivered it as it was delivered by him.

Mr. President, it is said in some sources that the Senator from Illinois is a bad man and unfit for a seat in this body. His speech to which I have just referred answers conclusively the charge of mental fitness for the high office he now fills. That speech shows that intellectually he is the peer of any Senator here. The evidence of the people of his own State and city, who have known him all his life, who have known him in his business, political, and social life, known him in all the walks of life, the evidence of his associates in the House of Representatives, where he served for more than 13 years, all answer the charge that he is a bad man and show that so far from being a bad man in the purity of his life and character he is the peer of any man here.

Giving due weight to the report of the committee, the evidence and the arguments, under my oath I do not feel that the evidence is sufficient to justify me in voting that the Senator is not entitled to the seat in this body to which the certificate of the great State of Illinois, under the common seal of that Commonwealth, declares he is elected.

That various fraudulent schemes to promote and defeat legislation were organized in the Illinois Legislature which elected the Senator, organized when the Senator was at his home sick nigh unto death, organized long before he became a candidate for the Senate and when he was supporting another candidate, I have no doubt; but that the Senator from Illinois bribed anyone to vote for him, or had knowledge of anyone's being bribed to vote for him, I do not believe; and I do not think there are many who do believe it, nor do I believe the evidence satisfactorily proves that anybody was bribed to vote for him.

Mr. President, I can not vote to deprive this man of his property and destroy his character upon the evidence of four men, three of whom were offered immunity from prosecution for high crimes and misdemeanors and who accepted that offer upon condition that they would recant their statement denying that they had been bribed and swear that they had been bribed, and one man who admitted that he sold his story of confession to an inveterate enemy of the Senator for $3,500. I can not accept the testimony of men of this character, especially when the three members of the legislature who they say bribed them have each sworn that there was not a word of truth in their statement and that they have never paid them, or either of them, any money for their votes for the Senator from Illinois. I can not accept as the basis of my vote to destroy the character of a man who has always maintained an irreproachable character evidence of men of the character of these men, especially when the three members of the legislature who, they say, corrupted them, and who under oath flatly contradicted these statements, have been victoriously re-elected to the legislature of Illinois and now hold seats in that honorable body, one of them having been elected speaker of the house of representatives.

Mr. President, we must decide this question on the evidence and the law. Every Senator must apply the evidence for himself. Upon this question we must act as jurors. For myself, I do not question the act of any honorable man who acts upon his oath. With my views of this evidence, if I should yield to the clamor of the newspapers, instigated by the Chicago Tribune, the ancient and relentless enemy of the Senator from Illinois, if I should yield to public clamor aroused and excited

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by this newspaper agitation based upon articles and editorials written by men, nine-tenths of whom have never read a line of the testimony in this case and know nothing about it except what they have read in other newspapers, I should perjure my conscience and lose my own self-respect.

Mr. President, I was a man zealous of my intellectual integrity and earnestly seeking to preserve the integrity of my conscience as the thing of supremest importance before I was a Senator, and, sir, whatever may happen to me, I shall try to maintain that integrity of thought and conscience to the last.

Mr. LORIMER. Mr. President, the Senator from Oklahoma [Mr. OWEN] read into the RECORD a telegram that he received from the governor of Illinois, endeavoring to refute the statements I made on this floor. An examination of that telegram and the statements that I made will show that to a very great degree the telegram justified the statements, and every statement, that I made with reference to the election of the speaker of the house of the Illinois Legislature. Every statement that I made with reference to the governor's position in the election of United States Senator can be verified by the journal of the joint assembly and the sessions of the two separate bodies.

I made no statement here that can not be verified by an examination of this journal, excepting the statements that I made with reference to the use of patronage in the organization of the house, and those statements have been justified by telegrams from that speaker of the house of representatives, Mr. Shurtleff, Representative Brownback, and Mr. Ford, which I presented to the Senate yesterday.

Much of the telegram submitted by the Senator from Oklahoma [Mr. OWEN] has no reference at all to any statement that I made upon this floor, but a part of the telegram would indicate that LORIMER and his friends were trying to unseat the governor of the State of Illinois. An investigation of the election was demanded by the Democratic candidate for governor. A resolution was adopted by both branches of the general assembly authorizing such an investigation. Mr. Shurtleff, the speaker of the house, appointed the committee to make the investigation upon the part of the house. He appointed as the chairman Mr. Reynolds, a member of that body and a Republican, Messrs. Maclean, King, Ap Madoc, and Price, five Republicans in all, together with four Democrats. Every solitary one of these Republicans, who constituted the majority of the committee appointed by Mr. Shurtleff, were the close personal friends of Gov. Deneen—men who had followed Gov. Deneen in his contest against Mr. Shurtleff; men who had done what they could, at the dictation of the governor of our State, to defeat Mr. Shurtleff in his candidacy for speaker of the house of representatives of the legislature.

If the appointment of five of the governor's friends, a majority of the committee, is an evidence that Mr. Shurtleff was trying to unseat Gov. Deneen, then it is the sort of evidence, in my opinion, that would convict nobody on any charge in any court anywhere in this country or in any part of the civilized world.

Mr. President, I had not intended to make a further statement, but since I made my statement last Wednesday the Senator from Oklahoma [Mr. OWEN] has been zealously trying to test my statements by sending telegrams of inquiry to senators of the Illinois Legislature whose names I mentioned upon this floor, for the purpose of finding out whether or not I told the truth. I listened to most of his remarks here to-day. I was called out for a moment, and it may happen that during that moment he put into the RECORD a telegram to which I am going to refer, but he did not read it while I was present.

State Senator Hearn responded to Senator OWEN's request for a statement, and in reply sent a telegram to him. I do not know that Senator OWEN ever received the telegram; I do not know whether the telegram was delivered or not, but when Senator Hearn sent his telegram to Washington, he gave a copy of it to the newspaper men, and it was published in the Chicago newspapers—at least one newspaper—for I read it there.

If Senators will remember, I said I had discussed the tariff with Senator Hearn, that he wanted me to vote with the Democrats on that subject, that I told him I was a Republican and had always been a protectionist and that I could not do that. Here is what Senator Hearn telegraphed to the Senator from Oklahoma:

SPRINGFIELD, ILL., *February 24.*

Senator ROBERT L. OWEN,
Washington, D. C.

The interview quoted in Chicago Tribune of this morning regarding conversation I had with Senator LORIMER is substantially correct. He said he was for the income tax and I said that was a Democratic principle which I strongly approved. The only reference to the tariff was as regards to lumber schedule. I asked him if he would be for free lumber. His reply was that he had always been a protectionist and a Republican and would have to remain so. The interview (Tribune) was incorrect in stating that I had been sent for to go to Shurtleff's room. I went of my own accord to see Shurtleff about some bills.

CAMPBELL S. HEARN.

Mr. President, I do not know why that telegram was not read into the RECORD. If we are going to try this case on telegrams, then it does strike me that any Senator who has a degree of fairness about him will publish all the telegrams that he receives when he is trying to get the truth on this question, in order that he who is to be judged may get the benefit of all of the testimony that any Senator may procure in this case.

I take it, Mr. President, that no Senator is searching for that testimony which tends only to convict. I take it that every Senator here, no matter what position he has taken on this question, has been searching for the truth; and the whole truth with reference to this campaign of telegrams should be submitted to this body when they are sent to Senators on their personal inquiry, not only for the satisfaction of the Senator who made the inquiry, but that the Senate may know the whole truth about this matter now under consideration.

Mr. SMITH of Michigan. Mr. President, I am well aware that the time for discussion of this case is past and I can not hope to affect the judgment of Senators, and do not rise for that purpose. I desire to put into the RECORD the reasons for the position which I feel called upon to take in this matter.

I shall say nothing which in any manner could be construed into a doubt as to my belief in the honesty and integrity of the junior Senator from Illinois. I have served with him for 12 years, and never have had occasion to doubt either his capacity or his patriotism. If the speech of the junior Senator from Illinois had been made from his desk on the 6th day of June, when these charges were preferred, I should have accepted his protestations without a moment's hesitation. Indeed, I believe the statement of the Senator from Illinois made in this Chamber a few days ago, detailing the touching and beautiful story of his rise from obscurity to this high position, affected us all; that story is not new to me. It is the story of millions of our countrymen. I am as familiar with the struggles of life as is the junior Senator from Illinois. I honor him for his career and his accomplishments, and we who share the blessing of popular government must never offend against it or bring stain upon our institutions. We have a special duty to our country for the priceless privileges we enjoy. Holding the speech of the Senator from Illinois in one hand and the report of the investigating committee, made by my colleague, in the other, I can not shut my eyes to the overwhelming evidence of debauchery, bribery, and corruption which infested the Legislature of Illinois and left a blazing trail of infamy and dishonor from Springfield to Washington.

The present speaker of the Illinois Assembly said a few days ago that he was not unmindful of the fact that the legislature of that State had lost the confidence of the people of Illinois.

Mr. President, I have not taken part in this debate hitherto because of my respect for my honored colleague, who was the chairman of the committee conducting this investigation. I wish I might be able to reach the same conclusion that he has reached, but I have gone through that record very thoroughly from cover to cover. There is not a line or a syllable in it that I have not read and pondered over. I have gone through the record of the trial of Lee O'Neil Browne before the courts. I have carefully read the charge of the judge in that case.

But, sir, no man can read this testimony without coming to the conclusion that the committee did not go as far as they ought to have gone. They did not summon the witnesses they should have summoned. They have not in the conduct of their investigation met the expectations of the Senate or of the country. More than half the record is encumbered with the controversy of counsel.

From the first day's session until the last counsel for the sitting Member obstructed in every possible way the purpose and the desire of this body to know the truth. For two days Judge Hanecy argued to that committee whether or not they had the power to inquire into the conduct of the joint assembly, the Legislature of Illinois, which had chosen the junior Senator from Illinois, it having adjourned immediately after his election sine die. He seriously consumed the time of the committee over the question of jurisdiction, over the conduct of the members of the Illinois joint assembly, and for two days wrangled with the committee over the admission of testimony plainly relevant on that subject.

From the first page to the last of that written record the counsel of Mr. LORIMER, with a deliberation and a resourcefulness which would have been more creditable to him in a worthier cause, absolutely blocked the purpose of this investigation.

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The committee spent little time in Chicago. The witnesses were none of them willing to come. The officers of the committee spent days looking for these witnesses, and finally when they submitted themselves to examination and were asked pointed questions bearing upon the truthfulness of these charges, dissembled and hesitated and some shielded themselves behind their constitutional right and refused to testify.

Mr. BAILEY. Mr. President——

The VICE PRESIDENT. Will the Senator from Michigan yield to the Senator from Texas?

Mr. SMITH of Michigan. Certainly.

Mr. BAILEY. If it interrupts the Senator, I have no desire to proceed; but I am so sure he does not want to put anything in the RECORD which is not fair and just that I should like to have the privilege of calling his attention to one matter with respect to a circumstance on which he has just been commenting.

Mr. SMITH of Michigan. I am very glad to yield to the Senator from Texas.

Mr. BAILEY. While it is true that the witness Broderick claimed his exemption, he did it under a constitutional provision in Illinois—somewhat different from that which exists in most States—which privileges a man against furnishing evidence or testimony against himself.

The Senator from Michigan, of course, knows that Broderick was at that time under indictment in Sangamon County on the charge of having bribed Holstlaw. The county attorney, or State's attorney, whatever his legal designation is, of that county sat in the room of this committee. That the Senator from Michigan may know exactly what Broderick meant, one of the questions which he refused to answer was as to the people who were in his barroom at the time Holstlaw was in there.

Of course, the Senator from Michigan perfectly understands that such a question had no relation to whether or not he had paid to this man Holstlaw any money; but the purpose was to get from Broderick a list of his witnesses by whom he intended to prove that he did not take Holstlaw into the side room where this money was said to have been paid.

Broderick answered all of the questions as to the distinct and separate charge of bribery, but he declined simply to unfold his defense before the committee; and I hardly think the Senator from Michigan, upon a reexamination of the record, would be willing to have it stand as his judgment that Broderick did not have a right to do that.

Mr. SMITH of Michigan. No, Mr. President; the Senator from Texas misunderstands me. When Broderick took the stand his counsel tried to get an agreement with the Senate committee as to the extent of their inquiry and the rule as to his privilege.

The VICE PRESIDENT. Will the Senator from Michigan yield? The hour of 1 o'clock having arrived, the Chair lays before the Senate the unfinished business, which the Secretary will state.

The SECRETARY. A bill (H. R. 32010) to create a tariff board.

Mr. BEVERIDGE. I ask that the unfinished business be temporarily laid aside until the vote has been taken.

The VICE PRESIDENT. The Senator from Indiana asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none. The Senator from Michigan will proceed.

Mr. SMITH of Michigan. I want the Senator from Texas, whose judgment I always respect, to understand the point I have made, that the counsel for Mr. LORIMER and the counsel for Mr. Broderick undertook to thwart the purposes of this investigation at every point.

Mr. BAILEY. No; the Senator——

Mr. SMITH of Michigan. One moment. Let me finish that.

Mr. BAILEY. Very well.

Mr. SMITH of Michigan. As an illustration: When Broderick took the stand, his counsel, Mr. Dawson, undertook to get an agreement from the committee that they would not ask him certain questions. The Senator from Texas remembers that.

Mr. BAILEY. Certainly.

Mr. SMITH of Michigan. The Senator from Texas also remembers that when the committee did ask certain questions of Mr. Broderick it was not Mr. Broderick who first availed himself of his constitutional privilege, but it was Mr. Dawson, his counsel, who indignantly said that he must not answer because it would incriminate him.

Mr. BAILEY. No; he did not use the word "incriminate," as I recall it.

Mr. SMITH of Michigan. What did he say?

Mr. BAILEY. He simply invoked the constitution of Illinois. However, that is not material. I will not even say that I am correct in saying that he did not use that particular word; but what I wanted the Senator to understand and what I wanted the Senate to understand was that Broderick's exemption was claimed under a statute of Illinois, and that exemption was not that this testimony would incriminate him, but that he was not compelled to furnish evidence. For instance, my recollection is that they once asked him if he wrote a letter to Holstlaw, and he declined to answer that. My recollection is that he afterwards did answer it; but when they asked him who was in the barroom, that could plainly have no bearing on this case. Its only purpose was to compel Broderick to furnish the State attorney with the names of the witnesses by whom he intended upon the trial to contradict the testimony of Holstlaw. Broderick did testify pointedly and distinctly on the main point involved here, and that is that he made no contract with Holstlaw to pay him money, and that he did not pay any money to Holstlaw. He did not refuse to testify on those points.

Mr. SMITH of Michigan. Did he not refuse to answer whether he had written to Holstlaw to come to Chicago and get that money?

Mr. BAILEY. No; that was not the question. The question was whether he had written a letter asking Holstlaw to come to Chicago.

Mr. SMITH of Michigan. In answer to that question he said——

Mr. BAILEY. He refused to answer.

Mr. SMITH of Michigan. He said, "I refuse to answer."

Mr. BAILEY. I have just stated that; but I am under the impression that at a different time in the investigation he did answer that.

Mr. SMITH of Michigan. I think not.

Mr. BAILEY. The Senator——

Mr. SMITH of Michigan. I am quite familiar with the record.

Mr. BAILEY. The Senator from Alabama [Mr. JOHNSTON], who sits here, and who was a member of the subcommittee, advises me that I am right about that. But whether he did or not, the Senator just makes it evident that he is not as unbiased in this matter as he usually is about all matters, because he states that Broderick was asked if he did not write a letter to Holstlaw to come to Chicago and get that money. That question was not asked him. The question asked him was whether he had written Holstlaw a letter to come to Chicago. He might have written a letter to a man asking him to come from some other place for some other purpose, and that is a different question from the one the Senator has just stated.

But, Mr. President, I beg the Senator's pardon, and I would not have ventured to interrupt him to put this in the RECORD except that I know he wants to be just and fair, and I pay him the compliment to take his time in order to help him to be so.

Mr. SMITH of Michigan. I thank the Senator from Texas. I do want to be just and fair, and I do know the record. I have studied the case with great care, and I repeat what I said in the first place, that the most studied attempt from the beginning of this investigation until its close was made by the counsel of Mr. LORIMER and the counsel of Mr. Broderick and others who appeared there to thwart the purpose of this investigation. I know that I am right about it.

Mr. BAILEY. Will the Senator permit me? Of course, I have nothing to say about the counsel of Mr. Broderick. I am not sure that I remember the name, though I think the Senator has called it correctly when he named him Dawson.

Mr. SMITH of Michigan. His name was Dawson.

Mr. BAILEY. But the Senator is a lawyer, and if he were employed to defend a man against any charge and that man were to be called before a committee or a tribunal of any kind to testify with respect to a transaction for which he had been indicted, would not the Senator feel bound by his duty to his client to protect him against being compelled to unfold his case? The more innocent I felt that my client was, the more I would feel compelled to protect him under such a condition.

Mr. SMITH of Michigan. The Senator from Texas knows that every accused person is entitled to trial and that every accused person is entitled to counsel.

Mr. BAILEY. And to a fair trial.

Mr. SMITH of Michigan. To a fair trial and to counsel. But the point I am making is that this is not a forum where the rules of evidence are hard and fast. This was not such a tribunal as gave to the counsel for any of these parties a right to be heard. They were there by the courtesy of this committee, and I say that their course should have been to have assisted the committee in getting at the actual facts under investigation.

Mr. BAILEY. The Senator and I agree about that. I think the committee very properly refused to make any agreement

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as to the extent of its examination of Broderick. I am sure they were wise in that and well within the rules. The only suggestion I was making here was that it is fair to say that because the counsel had interposed to protect his client, not against answering questions which were under investigation, but against being compelled to file, as it were, a list of his witnesses in that proceeding, he was trying to thwart the object of the investigation.

Mr. SMITH of Michigan. Mr. President, this book is simply filled with attempts upon the part of Judge Hanecy and Mr. Dawson and the other lawyers and advisers in this proceeding to thwart the purpose of the Senate, which was to get at the facts. I marvel at the patience of the committee and I am surprised that they should have denied themselves the latitude conferred by the Senate resolution.

Mr. BAILEY. Will the Senator permit me just this one suggestion further?

Mr. SMITH of Michigan. Certainly.

Mr. BAILEY. I think the Senate committee acted properly in refusing to permit any testimony to come before it except what related to the election of a Senator. I would resist to the utmost of my power any effort of the Senate of the United States to investigate the proceedings of the Texas Legislature, except so far as it touched the election of a Senator here, and that is all that this committee did.

Mr. SMITH of Michigan. The Senator from Texas and myself differ very widely on that question.

Mr. President, I can not be interrupted again; others desire to speak, and the time for a vote is at hand. I wish I had time to discuss the treatment of witnesses, but I can not do so. White has been discredited by everyone. He has been absolutely repudiated. Yet on the day this money was given to him by Mr. Browne at St. Louis poor White went into a department store, the largest in East St. Louis, and asked for the manager and handed him the money and left it with him over night and got it next day; is there any doubt about that? It has gone unchallenged and must be accepted as true. From what source did he get this money? Everybody knows that it harmonizes with the other circumstances surrounding the case.

But, Mr. President, I shall not even mention the name of another witness. We are weary of their misdoings. I am fully convinced that this record as we have it before us discloses the most brazen bravado, bribery, and corruption in the election of the Senator from Illinois, and I can not close my eyes to the record now a part of the official proceedings of this body.

Mr. President, I reach that conclusion very reluctantly. I am sorry I can not agree with my venerable colleague, but I am out of accord with his conclusions at every point on this question. I will not stultify myself or misrepresent the law-abiding people of my State in such a crisis as now confronts us. This record is reeking with perjury and corruption, and I can not by my vote approve the character and integrity of the Legislature of Illinois in this proceeding.

Mr. President, we must soon vote. I have sought only to be fair and just in my judgment on this case. I have given my opinion without prejudice, with the kindliest spirit, regretting the unfortunate circumstance which forced this issue upon us and brought this scandal upon the country. The conduct of certain members of the Legislature of Illinois was most reprehensible. It is not creditable to the people of that State, and I believe will be repudiated by them when opportunity offers; and if approved by the Senate its historic traditions will mean less to the youth of our land than ever before; for us to condone this crime against our institutions is for us to trifle with our sacred responsibility to the people and voluntarily fix a new standard of political excellence unworthy our example in this exalted station.

Mr. LA FOLLETTE. Mr. President, in the few moments remaining before the discussion is closed I can only leave a word upon this record.

Those of us upon whom rests the responsibility for the rule which the Senate of the United States is to adopt are here but for a brief time at best. The record which we are to make is enduring.

Forces as irresistible as the tides are at work and moving throughout the land toward a complete restoration of self-government. This is manifest in the record made yesterday for the election of United States Senators by direct vote of the people after every effort to secure consideration has been baffled for more than half a century. It will confront the Senate again at the next session. It will not be denied. The people are aroused. They well understand that representative government fails at the point where they transfer their authority to the representative. The purchase of United States Senators, the bribing of State legislatures, has occurred too often in recent years. Corrupt the election of the representative and the whole system goes down.

In the case which we have under discussion, these are the facts that will hereafter be accepted and established as a precedent for all time to come: That money was paid to members of the legislature, Democratic members, who voted to elect a Republican United States Senator; that four Democratic members confessed to receiving such money, under circumstances that can leave no doubt that they were bribed; that one Democratic member, deceased, was proven to have been present when the money was distributed, and proven afterwards to have had money in substantially the same-sized bills, and the same amount, as that corruptly paid to others; that strong circumstantial evidence points to the payment of money to still other members who were closely associated with those proven to have received it; that at least one member of the legislature was bribed to vote for the sitting Member by the promise that he, the legislator, should exercise a certain control regarding a post-office appointment at Jerseyville, Ill., and that this was on the promise of the sitting Member, and was the consideration and the only consideration for said legislator's vote for WILLIAM LORIMER; that at least one other member of the legislature was offered money to vote for the sitting Member and that others were approached and sounded on the subject; that three other members of the legislature—one of them the leader, the organizer—swore that he did not know the sitting Member "except to see him," a "mere passing acquaintance," "hardly a speaking acquaintance," and that LORIMER contradicted him and said that he "became very intimate with him years ago;" that one other member of the legislature, as soon as an investigation was ordered, ran to cover, and remained beyond the reach of a subpœna for weeks; that still another, who refused to answer because if he answered and told the truth it would incriminate him, claimed his privilege before the Senate committee.

Mr. President, you may go down the records of the Senate of the United States and you can find no other case like this one.

The precedent to be established will not only react on the future of the Senate, it will stand as a fearful example to our State legislatures. Every citizen knows that the Senate is the judge—the absolute judge—of the elections, returns, and qualifications of its own Members. And the American people are waiting with even tenser feeling than this audience the result of the roll call upon this question. The principal facts are as clear in the public mind as they are clear in the minds of Senators here, and no discussion of technicalities as to how many tainted votes are needful to corrupt an election will affect their judgment. The decision about to be recorded will destroy public confidence and create a revulsion of feeling beyond our comprehension.

For two months and one day this case was dragged along here, a vote upon it resisted by the Senators who are defending the title to this seat. When finally a sort of understanding appeared to be reached, and the word was passed along the line that there were enough votes, then those who had been resisting a vote upon the question became eager to put it through.

Now, Mr. President, taken altogether, the testimony in this case convinces me that the sitting Member had personal knowledge of the bribery which was committed to secure his seat. The testimony shows that he occupied a room with the speaker of the house of representatives, who was in constant communication with Lee O'Neil Browne, through whose hands thousands of dollars of the bribe money passed. The testimony shows that Browne occupied a room either connected with or near to the speaker's room. They are proven to have been in conference day and night. It is impossible, Senators, that the sitting Member should not have known what was going on. If you believe that there is bribery in this case, you must, it seems to me, believe that he knew it.

Why did he not go as a witness before the investigating committee? Would not any other Senator on this floor have demanded to be heard by that committee?

Mr. BURROWS. Mr. President——

The VICE PRESIDENT. Will the Senator from Wisconsin yield to the Senator from Michigan?

Mr. LA FOLLETTE. In——

Mr. BURROWS. I wish to put in just a word at this point, where the statement is made that the Senator from Illinois knew about this. One of the members of the subcommittee, the Senator from Tennessee [Mr. FRAZIER], in his minority views, says:

> While there are some facts and circumstances in this case tending to show that Senator LORIMER may have heard of or known that corrupt practices were being resorted to, and while Senator LORIMER failed to avail himself of the opportunity of going on the stand as a witness and

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denying any such knowledge or sanction of corrupt practices, if any such were being practiced, still I am of the opinion that the testimony fails to establish the fact that Senator LORIMER was himself guilty of bribery or other corrupt practices——

Mr. LA FOLLETTE. I can not yield further. My time expires in a moment.

Mr. BURROWS (reading):

or that he sanctioned or was cognizant of the fact that bribery or other corrupt practices were being used by others to influence votes for him.

The VICE PRESIDENT. The Senator from Wisconsin declines to yield.

Mr. LA FOLLETTE. I will reply to what the Senator is seeking to put into the record.

Mr. BURROWS. Just one sentence.

Mr. LA FOLLETTE. One moment. It can not be claimed, and I am not claiming, that there is direct and positive evidence to prove personal knowledge. If there were it would end this contest and vacate this seat. But I say, when you take this whole case, take the atmosphere that surrounded the entire situation there—this man on the ground for months, a shrewd, trained political manager, blocking the election of any avowed candidate, while men were being sounded out, terms agreed upon, patronage promised, and prices fixed, the votes delivered, for which the money was subsequently paid—I say, it is unbelievable that he, in whose interest it was all worked out, was ignorant of what was in every mind and whispered in nearly every ear. It is impossible that he should have been in daily contact with the men who were bribed and the men who bribed them and fail to know just what was afoot.

The conviction that he had guilty knowledge is strenghthened and confirmed by the fact that he did not offer himself as a witness and demand that his testimony be taken and that he be subject to the most searching cross-examination. Instead he is silent. He does not even make a statement on the floor in this debate until he was led to believe that he would have the last word. It all goes to show that this seat was secured by bribery and with the knowledge of the man who claims it.

Mr. BURROWS. Now, Mr. President, will the Senator allow me just a word more?

The VICE PRESIDENT. Will the Senator from Wisconsin yield?

Mr. LA FOLLETTE. Just a word.

The VICE PRESIDENT. The Senator from Wisconsin declines to yield.

Mr. LA FOLLETTE. We do not know, we are not able to say just where the money came from. I concede that. That is often so; that must be so; but a large amount of money is shown to have been used in this case.

I am not able to say where the $114,000, which was acknowledged to have been used in Wisconsin to defeat my election, came from further than to be able to say that I can prove that part of it came from Wall Street and——

The VICE PRESIDENT. The hour of half past 1 o'clock having arrived——

Mr. BEVERIDGE. Let the resolution on which we are to vote be read, Mr. President.

The VICE PRESIDENT. Without objection, the Secretary will read the resolution.

The Secretary read Senate resolution 315, submitted by Mr. BEVERIDGE on January 9, 1911, as follows:

Resolved, That WILLIAM LORIMER was not duly and legally elected to a seat in the Senate of the United States by the Legislature of the State of Illinois.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CULBERSON (when Mr. FRAZIER's name was called). The Senator from Tennessee [Mr. FRAZIER] is absent at his home on account of the death of his mother. If present, he would vote "yea."

Mr. BACON (when Mr. TERRELL's name was called). My colleague [Mr. TERRELL] is necessarily detained from the Chamber by personal illness. I desire to state for him and upon his authority that, while he has been detained from the Chamber, he has examined the record in the case and has made up his judgment, and that if he were present he would vote "yea."

The roll call having been concluded, the result was announced—yeas 40, nays 46, as follows:

YEAS—40.

Bacon	Clarke, Ark.	Lodge	Root
Beveridge	Crawford	Martin	Shively
Borah	Culberson	Money	Smith, Mich.
Bourne	Cummins	Nelson	Smith, S. C.
Bristow	Davis	Newlands	Stone
Brown	Dixon	Overman	Sutherland
Burkett	Gore	Owen	Swanson
Burton	Gronna	Page	Taylor
Chamberlain	Jones	Percy	Warner
Clapp	La Follette	Rayner	Young

NAYS—46.

Bailey	Curtis	Hale	Scott
Bankhead	Depew	Heyburn	Simmons
Bradley	Dick	Johnston	Smith, Md.
Brandegee	Dillingham	Kean	Smoot
Briggs	du Pont	McCumber	Stephenson
Bulkeley	Fletcher	Nixon	Thornton
Burnham	Flint	Oliver	Tillman
Burrows	Foster	Paynter	Warren
Carter	Frye	Penrose	Watson
Clark, Wyo.	Gallinger	Perkins	Wetmore
Crane	Gamble	Piles	
Cullom	Guggenheim	Richardson	

NOT VOTING—5.

Aldrich	Lorimer	Taliaferro	Terrell
Frazier			

So the resolution of Mr. BEVERIDGE was not agreed to.

REVISION OF LAWS—JUDICIARY TITLE.

The VICE PRESIDENT. The Chair lays before the Senate the unfinished business, the title of which will be stated.

Mr. HEYBURN. Mr. President, before the unfinished business is stated I desire to make a conference report, for which I ask present consideration.

The VICE PRESIDENT. The Senator from Idaho presents a conference report, and asks for its present consideration. Is there objection?

Mr. HALE and Mr. SMOOT. Let the report be read, Mr. President.

The VICE PRESIDENT. The report will be read.

Mr. ROOT. Before the question of whether there is objection to the consideration of the conference report, I beg to inquire what is its nature?

Mr. KEAN. Let us have order.

Mr. SCOTT. We can not hear.

The VICE PRESIDENT. As soon as order is restored the Secretary will read the conference report, which will disclose what it is.

Mr. ROOT. Mr. President——

The VICE PRESIDENT. Until the Senate is in order nothing will be done.

Mr. BEVERIDGE. What is the conference report, Mr. President?

The VICE PRESIDENT. The report will be read as soon as order is restored.

Mr. ROOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from New York.

Mr. HEYBURN. Yes; I will yield, although this is a privileged report, to which there can be no objection.

Mr. ROOT. I purpose to speak in my own right, Mr. President, on——

The VICE PRESIDENT. The Senator from New York has not yet obtained the floor.

Mr. ROOT (continuing). The question of whether there was objection to the present consideration of the conference report.

The VICE PRESIDENT. A request has been made by the Senator from Maine [Mr. HALE] that the report be read before the request for its consideration be put. The Chair has said that the report is about to be read, and then the Chair will state the request.

Mr. ROOT. The only purpose I had in rising was to secure the reading of the report before the question was foreclosed.

The VICE PRESIDENT. It certainly will be read before there is any foreclosure or any other proceeding.

Mr. BEVERIDGE. May I ask the Senator presenting this conference report to state its nature, because, if it is a long report——

Mr. HEYBURN. Regular order, Mr. President.

The VICE PRESIDENT. The regular order is the reading of the report.

Mr. BEVERIDGE. By what right?

The VICE PRESIDENT. A conference report can be presented at any time, but it can not be acted upon without a vote of the Senate.

Mr. NEWLANDS. Mr. President, I ask the Senator from Idaho——

The VICE PRESIDENT. The regular order has been demanded, which is the reading of the conference report. The Secretary will read the report (S. Doc. No. 848).

The Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill S. 7031, being a bill to codify, revise, and amend the laws relating to the judiciary, having met, after full and free conference, have agreed to recommend, and do recommend, to their respective Houses as follows:

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rightly belongs to them, would of necessity be more familiar with all the detailed workings and the needs of it than any member of the committee might be. I mean the personnel, the aggregate of the committee.

There may be some on the committee who are more familiar than he, but with his advice, plus the advice of others who knew, it seems to me that he would, in general terms, know more about what was necessary for the proper discharge of the functions of his office than any other member, providing he was an honest man, efficient and hoping to serve the people in his capacity.

Mr. HEYBURN. I would suggest to the Senator from South Carolina that I think it is only four years ago since the Secretary of Agriculture was introduced to the forestry subject. We only transferred it to that department four years ago, and it is of not such ancient authority or experience as to make his opinion of very great value.

The responsibility is upon the Senate, and there are members of the committee now dealing with this who have had that subject under consideration for as long as or twice as long as——

Mr. SMITH of South Carolina. The Senator from Idaho will please understand me. I am not defending this expenditure. I am simply stating why I, as a member of the committee, acquiesced in it. I want the Senator to understand that, if he can show where it is an extravagance, I will vote for his resolution as quick as though I were on the committee, because I did not have sufficient facts to vote intelligently while in committee.

Mr. FLINT. Mr. President——

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

Mr. HEYBURN. Yes.

Mr. FLINT. May I ask the Senator what is his proposition?

Mr. HEYBURN. I will state what the bill will be after this is stricken out. We propose to strike out a number of pages. This part of the bill will read, when amended: "For maintenance and protection of national forests, $1,000,000." There are rules and regulations in existence that provide for all of the details of the management of the forests. Those rules can be changed by the department in charge of them, and he can immediately adapt those rules to the sum of money he has to spend.

Mr. FLINT. Let me call attention to the fact that this amount of money that the Senator has asked to be stricken out, or to have the amount reduced, is to be expended for trails, for fire brakes. I trust that the Senator——

Mr. HEYBURN. That is in the judgment of the department; whatever is included within the meaning of the words "maintenance" and "protection." Those words are very comprehensive. It leaves it to the department to maintain and protect the forests. That is all that should be left to the department, and it gives it a million dollars, if we agree upon that sum. I am perfectly free to say that if Senators think that sum should be increased some, I would not protest.

Mr. FLINT. I take it the Senator is not in favor of making the appropriation so low that we could not have sufficient trails and firebreaks.

Mr. HEYBURN. I am proposing to make it three or four times the amount that they said to us, well within the memory of the Senator from California and myself, would be sufficient. I am proposing to make it more than double the sum they told us—I think it was four years ago—would be sufficient.

Now, at that time there was practically the same amount of land in forest reserves that there is now—not a very great difference. I am also coupling with this an amendment providing for the elimination of nontimbered land. That will take at least one-third, according to the official report in our State. It takes more than one-third of them out of the forest reserves, and provides that no part of the money shall be expended in connection with the lands that are to be eliminated from the forest reserves. I am starting—I will say to the Senator from California—I am trying to start in the right direction. First stay the hand and then look over the field between now and the next Congress and let us see what the expenditure of a million dollars will do. It may be that upon a proper reorganization of the working forces of the Forest Service a million dollars will be sufficient. They told us it would be more than sufficient so recently that I am inclined to give some credit to them for having tried to make a truthful statement and an intelligent statement. They told us not only that it would be sufficient, but at that time, or at least within the next two years, it would be self-supporting and it would be contributing to the National Treasury instead of withdrawing from it. Let us [illegible] how the present condition is intolerable; but let us [illegible]

Mr. FLINT. Assuming that the forester, or whoever had charge of the Forest Service, made a mistake, certainly we should not now stop the trails and firebreaks when we know the disasters that have taken place during the last few years.

Mr. HEYBURN. I do not know, of course, upon what the Senator from California bases his statement with reference to trails and roads.

Mr. FLINT. Firebreaks.

Mr. HEYBURN. The trails that were builded up in the forests in the northwestern country afforded no assistance whatever to the fire fighters. The men were found burned and lying dead in the trails.

Mr. FLINT. I want to say to the Senator from Idaho, as far as my part of the State is concerned, they are not likely to reach places where they are likely to have fires, because they do not have trails. Instead of this appropriation being decreased, it ought to be increased, as far as concerns the building of trails and firebreaks. It would be a great misfortune, even though the Senator's view may be carried out of reducing this expenditure, to take and provide that this part of the forest-reserves system shall be reduced, so far as the appropriations are concerned.

Mr. HEYBURN. If it is so important, and the Secretary is convinced of that, he probably will spend a large proportion of this million dollars for that purpose.

Mr. BRANDEGEE. Mr. President——

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

Mr. HEYBURN. Yes.

Mr. BRANDEGEE. If I understand the Senator from Idaho, he proposes to reduce the total appropriation for the Forest Service from $5,500,000, as proposed by the bill, to a round sum of $1,000,000.

It appears on page 31 of the bill that it now takes $2,318,680 to pay for the salaries of the various officers in the department and the rangers in the field in this service. If I understand it correctly, the Senator would limit the total appropriation for use in the field and in the offices of the Forest Service to $1,000,000, which would be less than one-half of what is spent at present for the salaries of officers employed in the service, and would leave nothing whatever for actual service in the forests.

Mr. HEYBURN. I think I can show the Senator wherein he misunderstands the amendment. The amendment was amended so as to commence on page 26.

Mr. SMITH of Michigan. We can not hear the Senator.

Mr. HEYBURN. I am simply stating that the amendment was amended so as to commence on page 26. The Senator from Connecticut [Mr. BRANDEGEE] was referring to the amendment as it was first proposed.

Mr. BRANDEGEE. As I understand, the amendment as first proposed was the pending amendment coupled with a notice by the Senator that if that was adopted he then would move to strike out all from the bottom of page 26 to line 6 on page 31.

Mr. HEYBURN. Upon the suggestion of Senators, I consolidated and made one amendment of it.

Mr. BRANDEGEE. That I did not know. Let the amendment be reported to the Senate.

The PRESIDING OFFICER. The Secretary will read the amendment.

The Secretary read the amendment, as follows:

The SECRETARY. On page 26, after the heading "Forest Service," strike out all of the bill down to and including line 2 on page 50, and insert:

For maintenance and protection of the national forests, $1,000,000.

Mr. BRANDEGEE. That is substantially as I understood it. It reduces the amount appropriated for salaries for all officials and employees of the bureau, estimated to be over $2,000,000, to $1,000,000, and leaves nothing for service in the forests.

Mr. HEYBURN. It might be a good thing if we would eliminate some of the office appropriation—the officers who live in Washington. The place to protect those forests is in the forests. No man can protect a forest in Montana or Oregon by remaining in Washington. There is nothing that he can do in Washington that will extinguish a fire in Montana.

It is suggested to me that it might be done by wireless telegraph. That is about as practicable as some of the schemes that have been indulged in.

Mr. SMITH of Michigan. The Senator from Idaho has referred to the impression which was left upon us several years ago that this branch of the service would be self-sustaining. I remember very well when that suggestion was made and how deeply impressed we all were with the fact that the down and fallen timber upon these reserves would soon afford a fine income to the Government over and above the expenses of operation

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I should like to ask the Senator from Idaho whether he has any figures to show the income of the Government from these forest reserve lands?

Mr. HEYBURN. The Senator from Michigan has given one of the nicest demonstrations of the reasoning in regard to this matter and its practical effect that I could possibly want. It was promised that the sale of the dead and down timber would result in a revenue to the Government toward the payment of the expenses of the Forest Service.

Where the dead and down timber in the forests can be found, there is no market for it, because it being in a forest reserve there is nobody around to buy it, and it is not worth hauling out.

Mr. SMITH of Michigan. And it has not been marketed?

Mr. HEYBURN. It has not been marketed to any extent when you compare it [illegible] conditions—none what-

AGRICULTURAL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 31596) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1912.

The PRESIDING OFFICER (Mr. KEAN in the chair). The bill is in the Senate and open to amendments.

Mr. HEYBURN. There are two amendments pending.

The PRESIDING OFFICER. The Chair informs the Senator that two amendments can not be pending at the same time. Which amendment does the Senator desire to have acted upon first?

Mr. HEYBURN. Let them be acted upon in the order in which they come in the bill.

The PRESIDING OFFICER. The Secretary will state the first amendment proposed by the Senator from Idaho.

The SECRETARY. Strike out all after "For," on page 32, line 24, down to the word "dollars," line 2, page 50, and insert:

For maintenance and protection of national forests, $1,000,000.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. HEYBURN. Mr. President, just a remark. That brings the Forestry Service within $1,000,000, that is, so far as maintenance is concerned. I think this is a proper time to enter upon this reform. One million dollars for the maintenance of the forests ought to be quite sufficient, and if it requires more than that then there is something wrong with the system.

This amendment is not offered in any other than with the serious intention of trying to reform the service. I should like to have the Senate here to vote by yea and nay vote upon the question.

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

Mr. HEYBURN. Upon that I ask for the yeas and nays.

The yeas and nays were ordered and taken.

Mr. DILLINGHAM. Noticing the absence of the senior Senator from South Carolina [Mr. TILLMAN], with whom I have a pair, I withhold my vote.

Mr. BACON (after having voted in the affirmative). I will inquire whether the junior Senator from Maine [Mr. FRYE] has voted.

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

Mr. BACON. I withdraw my vote, as I have a general pair with that Senator.

The result was announced—yeas 19, nays 50, as follows:

YEAS—19.

Bailey	Clarke, Ark.	Nelson	Smith, Mich.
Borah	Gallinger	Overman	Stone
Bradley	Heyburn	Penrose	Swanson
Bulkeley	Johnston	Piles	Taylor
Clark, Wyo.	Martin	Shively	

NAYS—50.

Beveridge	Culberson	Jones	Richardson
Bourne	Cullom	Kean	Root
Brandegee	Cummins	La Follette	Smith, S. C.
Bristow	Dick	Lodge	Smoot
Brown	Dixon	McCumber	Sutherland
Burkett	du Pont	Money	Thornton
Burnham	Fletcher	Newlands	Warner
Burrows	Flint	Owen	Warren
Burton	Foster	Page	Watson
Carter	Gamble	Paynter	Wetmore
Chamberlain	Gore	Percy	Young
Clapp	Gronna	Perkins	
Crane	Guggenheim	Rayner	

NOT VOTING—22.

Aldrich	Davis	Lorimer	Stephenson
Bacon	Depew	Nixon	Taliaferro
Bankhead	Dillingham	Oliver	Terrell
Briggs	Frazier	Scott	Tillman
Crawford	Frye	Simmons	
Curtis	Hale	Smith, Md.	

So Mr. HEYBURN'S amendment was rejected.

Mr. HEYBURN. I send the following amendment to the desk to be inserted on page 49, at the end of the page.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 49, after the words "Forest Service," insert the following proviso:

Provided, That all land upon which there is growing less than 4,000 feet of merchantable timber, board measure, per acre, shall be excluded from all forest reserves, and no part of any appropriation herein made shall be expended upon any area thus excluded.

Mr. HEYBURN. I think that amendment should be amended so as to define that these lands should be lying outside of the general body of the timber. That is the limit fixed by the Secretary of Agriculture. After the Secretary of Agriculture had visited the forest lands of the United States he was accredited with a statement, purporting to be official, that in his judgment, unless the land had growing upon it 4,000 feet or upward of timber per acre, it should not be classed as forest lands. I have said "board measure." That is merely to designate it with certainty.

This amendment proposes to eliminate those lands from the forests of the United States. They would then, of course, pass under the jurisdiction of the Secretary of the Interior and might be taken up as other public lands.

Mr. McCUMBER. Mr. President——

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

Mr. HEYBURN. I do.

Mr. McCUMBER. Will the Senator give us a little explanation? I conceive that 1 acre might not have 4,000 board feet, and that 159 acres might have that much. The Senator does not designate in his amendment what body this is to cover, but simply, the way the amendment reads, if there is an acre that has not 4,000 feet of board measure in lumber that acre should be excluded, even though that acre might be far up in the mountains and would be required possibly for the purpose of growing timber to protect the water, and so forth. I think there is a great deal in the Senator's proposition, but it ought to be couched in such language that there can be no misconstruction of it.

Mr. HEYBURN. I think the Senator failed to take into account the suggestion I made when I had it read. I suggested, after hearing it read, that there should be a designation of the area to be taken into consideration, and I would amend the amendment by providing that at least the size of a homestead, 160 acres of land, should not be in the forest reserve.

The PRESIDING OFFICER. The Senator has a right to modify his amendment.

Mr. HEYBURN. I have corrected it, and I call the attention of the Senator from North Dakota to it.

The PRESIDING OFFICER. The Senator from Idaho will send it to the desk.

Mr. HEYBURN. I can perhaps explain it quite as well here.

Provided, That all land upon which there is growing less than 4,000 feet of merchantable timber board measure per acre, in contiguous areas of 160 acres, shall be excluded, etc.

That is a whole farm.

Mr. DIXON. Mr. President——

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

Mr. HEYBURN. Certainly.

Mr. DIXON. I want the Senator to bear in mind this. He certainly does not want to make a joke out of this appropriation bill so far as the forest reserves are concerned. Under the orders of the Secretary of Agriculture now any agricultural land that contains less than 4,000 feet per acre will be eliminated on application. Three-fourths of the forest reserves are not even surveyed. If you attempted to eliminate every 160-acre plot from the Canadian border to the Mexican boundary line, including the top of bald mountains and rock slides on the hills, it would cost $20,000,000 for the Forest Service to make the inspection and surveys and to report and to do what this amendment would call for, which the order of the Secretary now eliminates when there are less than 4,000 feet of timber per acre on agricultural land by merely making an application to him.

Mr. HEYBURN. I should like to interrupt the Senator.

Mr. DIXON. It would make a million holes in the forest reserves in a million places.

Mr. HEYBURN. This is just that kind of red tape and machinery at the expense of the Government that I desire to do away with. Of course if you would carry out the system that is now in operation it would cost perhaps more than that, because these men insist on escorting you from your farm through an intervening forest reserve or making you go 100 miles around. They have all sorts of tantalizing and interfering processes. There is no reason on earth why if there are 160 acres

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Now, I want simply to say that if it is to be exploited as a business and a commercial proposition, it is only just to demand from those who are at the head of that great commercial enterprise that they render unto the people and unto the Congress a true, just, and accurate statement of their expenditures.

As I said, Mr. President, I have only done this to record my protest, but I do believe that the time is coming when in the Congress of the United States a different policy will be determined upon and demanded, and if it were not for living in the hope of that better day the people of the Rocky Mountain States might just as well bid farewell to any hope of future prosperity.

Mr. PENROSE and Mr. WARREN. Question!

The PRESIDING OFFICER. The question is on the amendment.

Mr. WARREN. Which the committee has accepted.

The amendment was agreed to.

Mr. OWEN. I offer the following amendment, and while I am aware that it is subject to a point of order, at the same time I should like to explain in a few words to the Senate the meaning of it. The amount is $50,000.

Mr. WARREN. Of course, I must make the point of order if the Senator says the amendment is susceptible of it. On the other hand, the making of the point of order shuts out debate. I am perfectly willing to withhold the point of order for a moment if the Senator from Oklahoma wishes to explain it briefly.

Mr. OWEN. That is what I wish.

The amendment is:

Fifty thousand dollars for rewards and premiums to be distributed to the members of the corn clubs which have been or may be established by the Agricultural Department.

Of course the corn crop in this country is the greatest producer of value of any product, and the Agricultural Department has been stimulating the boys of the country with these corn clubs. In the State of Oklahoma there are over 5,000 members of these corn clubs. In some other States the membership is still larger, and it has been of very great value, not only stimulating the boys in the cultivation of corn, but, what is perhaps of equal importance, it has stimulated the attention of men engaged in the cultivation of corn.

The State of Iowa has doubled its production of corn by giving care to the question of seed selection and of proper cultivation, and the stimulation of these boys by offering them a small reward would be of very great commercial value to the people of the United States.

The PRESIDING OFFICER. The Secretary will report the amendment.

The SECRETARY. Insert in the bill the following words:

Fifty thousand dollars for rewards and premiums to be distributed to the members of the corn clubs which have been or may be established by the Agricultural Department.

Mr. WARREN. I make the point of order that it has not been estimated for and has not been recommended by any standing committee.

The PRESIDING OFFICER. The Chair sustains the point of order.

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.

TARIFF BOARD.

Mr. PENROSE. I desire to call up the appropriation bill for the Post Office Department.

Mr. BEVERIDGE. Mr. President——

Mr. PENROSE. I yield to the Senator from Indiana.

Mr. BEVERIDGE. I prefer to proceed now with the unfinished business if it is agreeable to the Senator from Pennsylvania.

Mr. PENROSE. I am extremely solicitous to have this bill acted on some time or other. I have been waiting around here for considerably over a week to be present when the bill could be called up, but, of course, I recognize the right which the Senator from Indiana has to have the unfinished business fairly and fully considered, and I will yield this time whatever claim I may have on the attention of the Senate for the appropriation bill. But I hope some time or other, to-night or to-morrow, certainly at the latest, I can have the Senate consider it.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 32010) to create a tariff board.

The PRESIDING OFFICER. The question is on agreeing to the amendment to section 7, which the Secretary will report.

The SECRETARY. On page 5, section 7, line 17, after the word "investigations," insert "as hereinbefore provided, including all testimony."

Mr. STONE. What is the amendment?

The PRESIDING OFFICER. The Secretary will again report the amendment.

The Secretary again read the amendment.

Mr. STONE. Mr. President, before proceeding further, I desire to make an inquiry and also a statement. I am curious to know who is in charge of this bill, now being the unfinished business before the Senate. I have the honor to be a member of the Finance Committee. There were amendments offered in the committee to the bill which were voted down, as is well known, and notice was given that amendments would be offered on the floor of the Senate. Those amendments will be offered in due time, and I have no doubt will be debated to a greater or less extent.

Mr. President, it is a rule or practice which has been followed long and consistently in the Senate—so far as I know it is practically without exception—that some member of the committee takes charge of the conduct and management of its bills on the floor. I am sure it will be difficult to find any striking exception to that rule when important bills—controverted measures—were under consideration.

This bill was reported to the Senate by the senior Senator from Massachusetts [Mr. LODGE], and I presumed, of course, he would have charge of it. But he seems to have disappeared—whether willingly or unwillingly I am not advised—but he has withdrawn by persuasion or force from the management of this bill which was committed to his hands by the committee.

Mr. President, this is a House bill. It passed the House of Representatives, in which body it was first introduced. It came to the Senate in due course and was referred to the Finance Committee. There it was debated at length and fully considered, and a majority of the committee determined to report it favorably. The Senator from Massachusetts was selected to discharge the important duty of reporting the bill and managing it on the floor of the Senate. I am curious to know why that Senator has surrendered this important right and duty.

Mr. HALE rose.

Mr. STONE. Just a moment, and I will yield to the Senator from Maine, who maybe can answer the inquiry I am about to propound. I hope he can. Is it possible that no Republican member of the Finance Committee is willing to take charge of this bill? It has been said, and so far as I know not denied, that there was not a member of the Finance Committee who favored this measure, and that those who voted to report it did so reluctantly. It may be that their opinion of it is so bad that no member of that committee dares to take the responsibility of trying to conduct it through the Senate of the United States.

I am curious to know how this unusual thing was brought about. The Senator from Maine is on the floor. He is an old and distinguished Senator of long service on the Finance Committee, a Republican of prominence and power and influence, and it may be that he can inform me upon this interesting subject.

Mr. HALE. I am in a condition of surprise. I supposed the Senator from Massachusetts was in charge of this bill. When it came up last night, he made the motion, and as a kind of insignia of authority when the motion had passed making it the unfinished business, he made the important motion, indicating leadership and control, to adjourn. I am surprised at what the Senator says. I supposed the Senator from Massachusetts was and is in charge of this bill.

I do not know of any process of legerdemain that ousts a member of a committee who has been directed to report a bill to the Senate, it having been duly referred to the committee, of the control and management of it, and I do not think my modest friend, the Senator from Indiana [Mr. BEVERIDGE], would for a moment undertake to assume—I use that word with some knowledge of the extent of it—to take charge of this important bill, which was matured by the Ways and Means Committee in the House and referred to the Finance Committee of the Senate, duly considered there, if not, I will say, in a very enamored way, but with a feeling that it ought to be reported and submitted to the Senate by the committee to which it was intrusted; and under those conditions, I will not say groping about for somebody to report it, but being desirous that it should be reported by somebody who was in favor of it, the committee selected the eminent Senator from Massachusetts, not a novice, not a new, untried man, to launch this measure upon this body and to manage it here.

I am inclined to think certain members of the committee reserved the right as members of the committee to vote according to their own views of public policy upon it, but the Committee

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on Finance intrusted the measure to the Senator from Massachusetts, and until this moment I did not know, after what took place last night, the Senator from Massachusetts moving to adjourn when the bill had been taken up, that it was not an abandonment of his leadership, but an assertion of his leadership. I do not know, until the Senator who is a member of the committee made his protest, that the Senator from Massachusetts is not in charge of the bill. I agree with the Senator from Missouri, if there has been any process, any mechanical arrangement by which the cogwheels of ordinary senatorial procedure have been reversed and the Senator from Massachusetts has been displaced and has been succeeded by the eminent, eloquent, and able Senator from Indiana, I must assume without his consent, I would like to know what that process has been.

Mr. OWEN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maine yield to the Senator from Oklahoma?

Mr. HALE. Yes.

Mr. OWEN. Mr. President, I should like to ask the distinguished Senator from Maine a courteous question.

Mr. HALE. All the Senator's questions are courteous.

Mr. OWEN. I should like to be informed if this interesting colloquy between the Senator from Maine and the Senator from Missouri is a conspiracy.

Mr. HALE. Yes, Mr. President; it is the conspiracy which results from the union of two serious and honest minds in the same direction, if that is a conspiracy.

Mr. MONEY. Will the Senator allow me a word there?

Mr. HALE. Yes; two or three words.

Mr. MONEY. I do not want two. I would like to know if it is not an attempt to uncover a conspiracy.

Mr. HALE. I am an old hand here, and I have not seen anything like this before. I am used to mutations. I have seen majorities turned into minorities by the vote of the Senate. But I have never before known the charge of an important bill somehow, somewhere turned from one Senator, representing the committee, to another Senator, who does not represent the committee.

As to a conspiracy, as I said, the mind of the Senator from Missouri runs as mine does. I am curious to know, and I wish somebody would tell us, what this process or transformation was that ousted the Senator, if he is ousted—I did not suppose he was—from the control of this bill. I am free to say if the matter was in the air and it was a question that somebody should take charge of it, the eminent Senator from Indiana is a most proper man to take charge of it; but I should like to have the process unfolded. Would not the Senator from Missouri like to have the process unfolded?

Mr. STONE. The purpose of my inquiry was to unfold it.

Mr. HALE. There is another instance of the conspiracy between the Senator from Missouri and me. I await the disclosure of some deus ex machina.

Mr. STONE. If the Senator will permit me, I am not only desirous, but I am overanxious, to know by what means this unusual proceeding took place.

Mr. HALE. I thought so.

Mr. STONE. There seemed to be an abandoned child.

Mr. HALE. Yes; a foundling.

Mr. STONE. I wanted to know if the Senator from Massachusetts had laid it on the doorstep of the Senator from Indiana. [Laughter.]

Mr. HALE. I think we ought to know whether this tariff-board bill is actually a foundling, that had nobody to assume its control, and was at last laid at the doorstep of the Senator from Indiana.

Mr. OWEN. Mr. President, this foundling, so called, came to the Senate of the United States from the House of Representatives. Its paternity is of unquestioned respectability. It has been reported to the Senate of the United States, and while I do not wish to impute any discredit to the Senator from Massachusetts, who is absent, by charging him with the maternity of the bill, his absence is a necessary excuse for not discussing this matter when he is not here. But at all events, it is before the Senate, and the Senate is abundantly capable of handling any bill which is brought before it and requires no leadership. There is every reason in the world why the bill should pass.

Mr. STONE. Allow me to correct the Senator. Do I understand the Senator to say that the Senator from Massachusetts was absent?

Mr. OWEN. I had not observed him in the chamber.

Mr. STONE. He has been here all the evening.

Mr. OWEN. I assumed that he was absent. But whether he is absent or present, this matter is now before the Senate as a Committee of the Whole, and each Member of the Senate is able to take charge of the bill if every other Member outside of a quorum were absent. I do not understand the extraordinary colloquy between the Senator from Maine and the Senator from Missouri. I thought perhaps it might be explained.

Mr. MONEY. Mr. President, I have no desire to be facetious, for this is a serious inquiry into the proper conduct of the affairs of the Senate. It should be explained by some one who knows how it happened that when the greatest committee in the Senate, in charge of a very important measure, had reported it and put it in charge of one of its members, here, at this stage, we find it now in the hands of a very distinguished gentleman, it is true, but not a member of that committee. We should be informed how that came to be. If there has been a precedent like this, I do not recall it in my pretty long service. It is very important, in order that the Senate may conduct its business in a proper way, that the committee that has had referred to it by the Senate a measure should also have charge of that measure when that committee reports it back to the Senate.

It would be a most disorderly proceeding if any man here, as was suggested by the distinguished Senator from Oklahoma, could take charge of a bill with which he had nothing to do in committee, a bill coming from a committee of which he was not a member.

Now, I do not know how this happened. There is some irregularity here just as patent as that we are here on this floor, and it is due to the Senate that somebody should explain to us before we proceed how this bill should suddenly disappear from the control of the Committee on Finance and get into the hands of the Chairman of the Committee on Territories.

This is no laughing matter. No man has a right to take charge of a bill unless by instruction of the committee which reports it. I deny that the Committee on Finance has had a meeting for this purpose or to consider this measure since it reported it. I for one supposed that the senior Senator from Massachusetts [Mr. LODGE] had charge of the bill. He was authorized to report it and to take its management on the floor.

I do not know that there is any rule bearing on this question, but there is a uniform practice, and common decency and common sense are quite sufficient to carry home to the mind of every Senator here that there is no man on this floor outside of the committee that reports a bill who has any right whatever to take it in his keeping. It was not done by some sort of consent of the committee. I deny that that committee has consented to part with the management of this bill. I know that no Democrat here is aware of any such transaction or agreement between anybody. How did it happen, and when, and where, and by whom?

The Senator from Oklahoma speaks about a conspiracy here between two gentlemen to call up these questions. Of course he says that facetiously, and it is one of the vices of this age that nobody can talk about a serious question without being funny. A newspaper can not announce a death scene without being a little bit facetious. It is the vice of the time. This is a matter which can not be laughed down or explained away with a joke. The Senate owes it to itself to have it explained fully how the Committee on Finance has lost the charge of its own bill. I assure Senators that that must be explained.

I for one am not satisfied with this condition. The Senator from Indiana understands me well enough to know that there is no disparagement of him personally when I make this suggestion. I would say the same thing of any other Senator in the Chamber not a member of the committee who took charge of the bill, for certainly it is all wrong. It is out of the order of business. It is a severe reflection on the committee that sent it here, and, in some measure, it must be a reflection upon the gentleman who has been somehow or other ousted from the management. Whether he feels anything about it or not I do not know, but it is a serious matter for you to consider, Senators—whether this shall be a precedent. It certainly is a bad one and would lead to any kind of disorder. To-morrow any man could get up here and claim to manage one of your appropriation bills, and why not, if this is to go without any explanation whatever?

I do not believe it can be explained to the satisfaction of the Senate. It can not be explained to the satisfaction of the five Senators sitting on this side of the Chamber who are members of the committee that had charge of this measure. If this is a beginning here, where is it going to end? Instead of the orderly process of business it leads to a disorderly scramble to rise first and say, "I have charge of the bill." It is time it was settled, and it ought to be settled right now before we proceed with any consideration of the bill; and I would add that I do not know anybody more competent than the Senator from Indiana, who has charge of it, to tell how he got it.

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Mr. BEVERIDGE. Mr. President, more than four years ago I introduced in this body, as all Senators will remember, a bill substantially like the bill under discussion. Senators will find there is very little difference, certainly none in substance. I immediately spoke upon that measure after careful preparation. It was discussed, debated, and fought over for a long time both on the floor of the Senate and throughout the country. There are other Senators here who have given even more arduous service in behalf of a tariff board or a tariff commission than I have.

I moved to proceed to the consideration of this bill after I had conversed with the Senator from Massachusetts [Mr. LODGE], who said he was agreeable to that proposition. I take it, Mr. President, it is not so much a question as to who moves to proceed to the consideration of a measure as it is whether the measure is wise.

Mr. MONEY. Mr. President, I listened with care and respect to what the Senator from Indiana said, but that does not explain how he gets this bill. It makes no difference if he made speeches 104 years ago. This is a House bill. It is not the child of the Senator from Indiana. It comes here in its regular way and it is referred to the Committee on Finance, which has charge of it. It has charge of it until the Senate has considered and passed or rejected it, and there is no authority on that side of the Chamber or in the whole Senate, as far as I know, unless unanimous consent will carry everything, that any other man except a member of that committee shall be put in charge of this important measure.

I would like to move to recommit this measure to the Committee on Finance that we may have a clearing of the atmosphere, and then if anybody has got a confession to make I should like to hear it. There is something rotten in the State of Denmark, or dead, or whatever the expression is. Something has been agreed to which the Senate has not heard of.

I was told this morning that there has been an agreement reached, by which two important matters before the Senate were to be taken up, by the gentlemen who opposed one and advocated the other and vice versa. Is this a part of that agreement? Let us be honest and frank with one another. We will all be away in three days. Why this shuffling at the very last moment? I want to enter my serious protest against this whole business.

Mr. President, I make the motion now that the bill be recommitted to the Committee on Finance, and I hope the chairman will call that committee together and report it back as he did a few days ago. I will say with all respect to the senior Senator from Massachusetts [Mr. LODGE], whom I esteem as one of the first Members of the Senate, that if he does not want to take charge of it I think some one else can be found on the committee to represent the committee in the management on this floor.

I make the motion, Mr. President, to recommit the bill.

Mr. PENROSE. I hope that motion will not prevail. I believe the Senate could devote its time much more profitably to discussing the bill on its merits than to wrangling over who is technically in charge of it. I do not believe it is disclosing any secrets of the committee room to say that while many Senators who had been brought up in the old-fashioned school of protection were ready to vote for this measure, they were not full of enthusiasm for it. It seemed, however, to be demanded by many persons, and in deference to an unquestioned public sentiment they voted in favor of its report to the Senate, as any friend of the bill ought to do, with the amendments which I understand are entirely acceptable.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from North Dakota?

Mr. PENROSE. I do.

Mr. McCUMBER. I wish to say to the Senator from Pennsylvania that I do not wish him to convey the impression that the members who voted for this bill were not in favor of it. I was one of the members on that committee, and as a member of the committee I am in favor of the passage of the bill and said in the committee—not simply that I was willing to let it pass but I want to see it pass the Senate.

Mr. LODGE. Mr. President——

Mr. PENROSE. I entirely agree with the statement of the Senator from North Dakota, and I anticipate the statement of the Senator from Massachusetts that he was likewise one of its zealous members. Perhaps in making my statement I rather disclosed my own feelings on the matter, and while I am ready to vote for this measure I was not one of the original advocates of it.

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

Mr. PENROSE. Certainly.

Mr. LODGE. I merely desire to say, Mr. President, that I took a very great interest in this measure. I was thoroughly and heartily in favor of it. I was very glad to have the opportunity to report it and cause it to take its formal reading and have the amendments of the committee adopted.

My withdrawal from its charge was a matter which I assented to, so far as I am personally concerned, merely because I wished to facilitate the progress of the business of the Senate. I can only act for myself; the action of the Finance Committee is another matter.

Mr. PENROSE. The Senator from Massachusetts is correct. I would hardly call him one of the original advocates of the tariff-board plan, but he has lately become a zealous advocate of it.

If there are any other members of the committee who were original and zealous friends of the measure, I will wait until they can make their statements, but, in the absence of others, I will say for myself that I am only too glad to have the help of the Senator from Indiana in bringing about the passage of this measure. He has been a genuine and original advocate of the proposition; he has addressed gatherings all over the United States in its favor; his public career is preeminently identified with it; and if the motion to recommit is made to kill the measure everyone who sincerely believes in the bill should endeavor to retain it before the Senate and let us have a chance to vote on it one way or the other.

Mr. MONEY. Mr. President, I do not understand that the Senator from Pennsylvania means to affront anyone on this side by saying that the purpose of raising this point is to defeat the measure. If he conceives that to be the idea, he is entirely mistaken. I am opposed to the proposed tariff commission, and I think it is pretty well known that I have some amendments to offer to the bill; but I shall not filibuster a moment, and I have never done so. I am not delaying anything here, but I am proceeding to a point which the Senator has carefully dodged.

I want to ask the Senator from Massachusetts what prevailed upon him or what made him believe that he was facilitating the passage of this measure when he resigned its charge to the Senator from Indiana [Mr. BEVERIDGE]? Why does the Senator from Massachusetts think that under the management of the senior Senator from Indiana, not a member of the Finance Committee, this bill would fare any better than under his able management, with his zeal for its passage?

Mr. LODGE. Mr. President, it would not be proper for me to reveal a private conversation, but I was satisfied that my standing aside would facilitate the agreement which has enabled us to dispose of the Lorimer case and to bring this matter before the Senate. I did not desire any personal feeling on my part, or any desire on my part to conduct the bill, which I should have been very glad to have done, to stand in the way of the settlement of the Lorimer case, on which I thought we ought to vote, or the bringing of this measure before the Senate, which I was most anxious to have done.

Mr. MONEY. Now, Mr. President, we are getting a little information.

Mr. LODGE. And I very gladly yielded to representations that were made to me on that point.

Mr. MONEY. Mr. President, I feel like a woman picking a cork out of a bottle with a hairpin. I now understand that there was some sort of an agreement made by gentlemen who wanted to vote for Mr. LORIMER with the gentlemen who wanted this bill considered, that the two should unite, and then the bill was transferred from the Committee on Finance to the Committee on Territories. I do not understand that under any rule of the Senate such a thing has ever been done before, and I do not believe it is proper now. I gave good reasons for what I mean by this awhile ago, and it is unnecessary to repeat them, but I say the Senate ought not to proceed with this measure until we know how the Senator from Indiana got control of a bill that belonged to the Finance Committee. If any gentlemen here thinks I am delaying, he is mistaken.

I do not consume time for nothing. This is an important question. It is not simply the fate of this bill that is involved, but it is the fate of measures that will come up hereafter, whether they shall be proceeded with or whether they shall not, or whether some agreement or some logrolling by gentlemen on one side or the other of this Chamber shall dispossess the committee—the whole committee, the Democratic as well as the Republican side—of its charge and commit it to a gentleman, of distinction, it is true, who is not on the committee and whom the Senate never did intrust with it; it never sent it to the committee to which he belonged; it was not intended by the Senate that he should have charge of it. If the gentlemen on the other

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side are so reluctant to proceed with it, I think they can find some one on this side who would take it up and present to the Senate amendments reported by the committee, as well as other amendments, and give the bill a fair show. Certainly it is a most serious thing to the Senate whether this disorderly business shall go on in this way by an agreement made in secret and not in the face of the whole Senate. It ought to be determined by the Senate, and the only way I know of to determine it is to recommit the bill and let it come back to-morrow morning. I do not know any other way, unless somebody will tell us a little more of what was done in the secret room.

The PRESIDING OFFICER. The question is on the motion of the Senator from Mississippi to recommit the bill.

Mr. MONEY. I shall ask for the yeas and nays on that.

Mr. PENROSE. Unless the Senator desires to press that motion, I will ask the Senate to proceed to the consideration of the Post Office appropriation bill.

Mr. HALE. Mr. President, I hope the Senator from Mississippi, so far as he is concerned, will let this matter stand for the present to-night, and let us go on with the appropriation bill.

Mr. MONEY. I have no objection to this matter standing, and I have no objection to it coming up and passing; but it certainly must be settled in some way.

Mr. HALE. Well, let it go over.

Mr. MONEY. I am perfectly willing to let it go over, or I am willing to vote on it or do anything else with it. I myself would prefer that we go on with the appropriation bills before we call this up. We have only got two or three more days to pass upon them. Another thing: The Senator will recollect that there is important executive business that ought to be attended to, and it was very much desired and hoped that there would be an executive session to-night. I am one of those who would like to have it to-night, and there are quite a number of others who have spoken to me about it.

Mr. HALE. I think we ought to have it.

Mr. MONEY. I think so. So far as the bill in charge of the Senator from Pennsylvania [Mr. PENROSE] is concerned, I think the bill ought to be brought up and ought to be considered; but I would dislike very much to see a gentleman from the Committee on Territories in charge of the Post Office appropriation bill.

Mr. BROWN. Mr. President, I call for the regular order.

Mr. PENROSE. I withdraw my request, if it is not satisfactory to the Senator from Mississippi.

The PRESIDING OFFICER. The regular order is the motion of the Senator from Mississippi to recommit the bill.

Mr. MONEY. Mr. President, I will withdraw that motion if the Senator from Pennsylvania is permitted to go on with the Post Office appropriation bill. I do not want to delay any matter here. I should like to see the Post Office appropriation bill acted on, and I am willing to vote on this measure whenever I can, but it ought to be here under proper management. If the Senator from Pennsylvania wants to proceed with the Post Office appropriation bill, I shall not object.

The PRESIDING OFFICER. Does the Senator from Mississippi withdraw his motion?

Mr. MONEY. I do if the Senator from Pennsylvania can get consent to go on with his appropriation bill.

Mr. PENROSE. Mr. President, if it is satisfactory to the Senator having the unfinished business in charge, I will make the request; if it is not, I will withdraw it. The hour is getting late and probably we could make some progress with the Post Office appropriation bill and take up the other measure in a better frame of mind to-morrow.

Mr. BEVERIDGE. Mr. President, the friends of this measure, who I trust are in a substantial majority, and whose frame of mind I hope I apprehend correctly, think, and I myself think, speaking for myself, that we should proceed with the consideration of the pending measure.

Mr. PENROSE. Then I withdraw my request.

The PRESIDING OFFICER. The question is on the motion of the Senator from Mississippi.

Mr. MONEY. Mr. President, I could not understand exactly the remarks made by the Senator from Indiana. If he wants to go on with the bill, I move to recommit, and I ask for the yeas and nays on that motion.

The PRESIDING OFFICER. The Senator from Mississippi moves to recommit the bill to the Committee on Finance; and on that motion he asks 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). Again I announce my pair with the senior Senator from South Carolina [Mr. TILLMAN], who is absent. I therefore withhold my vote.

The roll call was concluded.

Mr. OVERMAN. I am requested to state that the Senator from Maryland [Mr. RAYNER] is unavoidably absent. He is paired with the Senator from Delaware [Mr. RICHARDSON].

Mr. BACON (after having voted in the affirmative). I am informed that the Senator from Maine [Mr. FRYE] has not voted. I have a pair with that Senator and therefore withdraw my vote.

The result was announced—yeas 22, nays 51, as follows:

YEAS—22.

Bankhead	Johnston	Shively	Taliaferro
Chamberlain	Martin	Simmons	Taylor
Clarke, Ark.	Money	Smith, Md.	Thornton
Culberson	Overman	Smith, S. C.	Watson
Fletcher	Paynter	Stone	
Foster	Percy	Swanson	

NAYS—51.

Beveridge	Carter	Gamble	Page
Borah	Clapp	Gronna	Penrose
Bourne	Clark, Wyo.	Guggenheim	Perkins
Bradley	Crane	Hale	Piles
Brandegee	Crawford	Jones	Root
Briggs	Cullom	Kean	Scott
Bristow	Cummins	La Follette	Smith, Mich.
Brown	Curtis	Lorimer	Smoot
Bulkeley	Dick	McCumber	Sutherland
Burkett	Dixon	Nelson	Warner
Burnham	du Pont	Nixon	Warren
Burrows	Flint	Oliver	Young
Burton	Gallinger	Owen	

NOT VOTING—18.

Aldrich	Dillingham	Lodge	Terrell
Bacon	Frazier	Newlands	Tillman
Bailey	Frye	Rayner	Wetmore
Davis	Gore	Richardson	
Depew	Heyburn	Stephenson	

So the motion to recommit was not agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee to section 7.

The amendment was agreed to.

Mr. MONEY. Mr. President, I send to the desk an amendment which I desire to offer. I want, however, to say a word before I do so.

It is now lacking 25 minutes of 11 o'clock. I do not know what the purpose is on the other side, but I understood that this evening we were going to have an executive session. It is not likely we shall sit here all night and work all day to-morrow, and I should like to know whether it is the intention to have an executive session to-night, because if I offer this amendment I will have to speak, and I do not want to do that.

Mr. CULLOM. So far as I am concerned, I do not wish to have an executive session to-night.

Mr. MONEY. Very well. Then I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The Secretary read amendments proposed by Mr. MONEY, as follows:

On page 1, line 4, strike out all after the word "of" down to and including the word "annum," in line 14, on page 2, and insert the words "10 members, 5 of whom shall be Members of the Senate of the Sixty-first and the Sixty-second Congresses and shall be appointed by the President of the Senate, and 5 of whom shall be Members of the House of Representatives of the Sixty-first and the Sixty-second Congresses and shall be appointed by the Speaker of the House of Representatives. The members appointed under this act shall continue in office for the term of six years, and any vacancy occurring during said term of six years shall be filled in the same manner as the original appointment. The chairman of the said board shall be selected by the members of the board. Not more than three Senators and three Members of the House of Representatives appointed on said board shall be members of the same political party. Six members of said board shall constitute a quorum. The term of any Member of either House of Congress appointed under this act shall expire and terminate when he shall cease to be a Member of Congress."

On page 3, line 23, strike out all after the word "aiding" down to and including the word "Government," in line 24.

On page 4, line 3, strike out the words "to enable the President."

On page 4, line 14, strike out the words "as the President shall direct" and insert the words "when called upon by the President or either House of Congress."

On page 5, line 19, strike out the words "the President or to;" and in line 20 strike out the words "the President;" and in line 21 strike out the word "or."

Mr. MONEY. I dislike extremely, Mr. President, to take the time of the Senate at this late hour, but this amendment seems to me to be worthy of some consideration.

In framing this Government of ours, one of the main ideas was to secure the permanence of our institutions by strictly dissociating the powers of the three distinct branches, and the object of the founders was to be carried out by preserving, so far as we could, this strict dissociation of power.

The framing of a tariff bill is the work of Congress. The work of framing a tariff is devolved originally upon the House of Representatives. The bill comes to this body for its amendments, and the concurrence of both Houses being obtained, it meets the approval or veto of the President. The Constitution

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instance I answered that there would be a vote if it were within my power to force it. I even went so far as to say that if the Senator from Illinois would countenance or encourage an attempt to prevent the Senate from voting on the question of his right to his seat, though I would not change my vote on this particular matter, I would change my opinion of him.

Mr. President, I have felt that I ought to say this much in justice to myself, though I have no idea that the Senator from Wisconsin had me in his mind; indeed, I am sure he did not, because there could have been not the slightest basis for a statement of that kind with reference to me.

Mr. PAYNTER. Mr. President——

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

Mr. BAILEY. Yes, sir.

Mr. PAYNTER. Will the Senator allow me? I should like to say in this same connection that there never was a time during the consideration of that case, however much I was interested in the result of it, that I would have given aid or countenance in any way to a filibuster on that question. The Senator from Texas and I discussed that on more than one occasion, and we were both agreed upon it.

Mr. BAILEY. That is true.

Mr. PAYNTER. I want to say further in defense of the chairman of the committee, I do not think at any time he had any purpose to delay the vote upon that question beyond the time when Senators could get through with the discussion.

Mr. LODGE. Mr. President, I move that when the Senate adjourns to-day it be to meet at 11 o'clock to-morrow.

Mr. BAILEY. Has the Senator from Massachusetts taken charge of the bill?

Mr. LODGE. No, Mr. President; I am not taking charge of the bill, but I am making a suggestion about the time of meeting.

Mr. BAILEY. I wanted to understand the suggestion.

The PRESIDING OFFICER. The Senator from Massachusetts moves——

Mr. SMOOT. Mr. President, would not 10 o'clock suit the Senator better?

Mr. LODGE. I make it 11 o'clock because, I understand, the Committee on Appropriations have a meeting in the morning; but I should be glad to make it 10 o'clock. My impression is that that would be just as well.

Mr. CURTIS. Mr. President, in the absence of the chairman of the Committee on Appropriations, I desire to suggest that notice has been sent to members of that committee that there will be a meeting to-morrow morning, and that all members are expected to be present, because there will be a hearing by the committee.

Mr. LODGE. That is what I understood.

The PRESIDING OFFICER. The Senator from Massachusetts moves that when the Senate adjourn to-day it be to meet at 11 o'clock to-morrow.

The motion was agreed to.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Mississippi [Mr. MONEY].

Mr. OVERMAN. Mr. President, I call for the yeas and nays on that question.

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

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."

The roll call was concluded.

Mr. DILLINGHAM. Mr. President, owing to the absence of the senior Senator from South Carolina [Mr. TILLMAN], with whom I have a pair, I withhold my vote. I make that announcement for all votes for the evening.

Mr. FLINT. As I have heretofore stated, I am paired with the senior Senator from Texas [Mr. CULBERSON]. I transfer that pair to the senior Senator from New York [Mr. DEPEW] and vote. I vote "nay."

Mr. OVERMAN (after having voted in the affirmative). I inquire whether the senior Senator from California [Mr. PERKINS] has voted?

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

Mr. OVERMAN. I have a pair with that Senator and therefore desire to withdraw my vote.

I am also requested to announce that the senior Senator from Maryland [Mr. RAYNER] is paired with the Senator from Delaware [Mr. RICHARDSON]. The senior Senator from Maryland is unavoidably detained from the Senate.

I am also requested to announce that the Senator from Arkansas [Mr. DAVIS] is paired with the Senator from Utah [Mr. SUTHERLAND].

Mr. BACON (after having voted in the affirmative). I observe that the junior Senator from Maine [Mr. FRYE], with whom I paired, has not voted. I therefore withdraw my vote.

The result was announced—yeas 22, nays 48, as follows:

YEAS—22.

Bailey	Heyburn	Shively	Taliaferro
Chamberlain	Johnston	Simmons	Taylor
Clarke, Ark.	Martin	Smith, Md.	Thornton
Fletcher	Money	Smith, S. C.	Watson
Foster	Paynter	Stone	
Gore	Percy	Swanson	

NAYS—48.

Beveridge	Burton	Flint	Owen
Borah	Carter	Gamble	Page
Bourne	Clapp	Gronna	Penrose
Bradley	Clark, Wyo.	Guggenheim	Piles
Brandegee	Crane	Jones	Root
Briggs	Crawford	Kean	Scott
Bristow	Cullom	Lodge	Smith, Mich.
Brown	Cummins	Lorimer	Smoot
Bulkeley	Curtis	McCumber	Warner
Burkett	Dick	Nelson	Warren
Burnham	Dixon	Nixon	Wetmore
Burrows	du Pont	Oliver	Young

NOT VOTING—21.

Aldrich	Dillingham	Newlands	Sutherland
Bacon	Frazier	Overman	Terrell
Bankhead	Frye	Perkins	Tillman
Culberson	Gallinger	Rayner	
Davis	Hale	Richardson	
Depew	La Follette	Stephenson	

So Mr. MONEY's amendment was rejected.

EFFICIENCY OF ORGANIZED MILITIA.

Mr. DIXON. I ask unanimous consent to report favorably from the Committee on Military Affairs the bill (S. 9292) to further increase the efficiency of the Organized Militia, and for other purposes, with amendments, and to submit a report (No. 1266) thereon. I make this request now, in order that we may get the bill as amended printed by to-morrow morning.

Mr. BACON. What is the request?

The PRESIDING OFFICER. The Senator from Montana desires to make a report from the Committee on Military Affairs. Is there objection to receiving the report?

Mr. BACON. Is that the House bill on the subject?

Mr. DIXON. The House has passed a bill and the Senate committee has reported a different bill. We want it reported to-night, so that we can get the bill printed by to-morrow morning in order that we may compare the bill that the House has passed with the one the Senate committee has reported.

Mr. BACON. The Senator is not asking for any action now?

Mr. DIXON. Oh, no.

CANADIAN RECIPROCITY.

Mr. OLIVER. Mr. President, I wish to give notice that to-morrow at the conclusion of the routine morning business I will address the Senate briefly on the subject of Canadian reciprocity.

TARIFF BOARD.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 32010) to create a tariff board.

Mr. OVERMAN. Mr. President, I trust the Senator in charge of this bill will not insist on a vote to-night.

Mr. BAILEY. I desire to offer an amendment. I move to strike out all of section 5.

The PRESIDING OFFICER. The Senator from Texas moves an amendment, which will be stated.

The SECRETARY. It is proposed to strike out section 5 of the bill.

Mr. BAILEY. Mr. President, I would not object to the commission or the board, or whatever it may be called, having the power to subpœna witnesses, provided their obedience to the subpœna was left to their voluntary action; but this bill requires them to come and to produce their books and their papers. In order that the Senate may have that provision before it, I will ask the Secretary to read the section which I have moved to strike out and upon which I desire to base some remarks.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read the section proposed to be stricken out, as follows:

SEC. 5. That for the purposes of this act said board shall have power to subpœna witnesses, to take testimony, administer oaths, and to require any person, firm, copartnership, corporation, or association engaged in the production, importation, or distribution of any article under investigation to produce books and papers relating to any matter pertaining to such investigation. In case of failure to comply with the requirements of this section, the board may report to Congress such failure, specifying the names of such persons, the individual names of

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such firm or copartnership, and the names of the officers and directors of each such corporation or association so failing, which report shall also specify the article or articles produced, imported, or distributed by such person, firm, copartnership, corporation, or association, and the tariff schedule which applies to such article.

Mr. BAILEY. Mr. President, it is perfectly plain to the lawyers of this body that Congress possesses no power to compel an American citizen to produce his books and exhibit the secrets of his business. If a corporation is charged with a crime, perhaps it has been held that it can be compelled to produce its books, even though those books bear testimony against it. That was going a long way. Still, I offer no criticism against that decision, because there it was charged that a crime was being committed against the law and that the protection of the Constitution did not extend to these arificial persons. But to assume and to assert that Congress has the power, in order to educate its Members and qualify them for the discharge of their duty, is an absurdity on its face. These people have their business secrets, and they are entitled to immunity from the curiosity of a Government official.

Mr. President, if I were engaged in business, no commission Congress could create would ever be permitted to look into my books, and the more honestly they were kept the more certainly I would guard them against this inquisitorial and visitorial power of men who say that they do not know how to make laws unless they can invade the offices of our various business enterprises and compel them to subject their business—their profits, their losses, and their capital—to the scrutiny of Government officials.

We have already perpetrated this folly. We incorporated a similar but more drastic provision in the census bill, but no officer of the Government has attempted to enforce it, because they knew it could not be enforced. Under a power to enumerate the people for the purposes of representation, Congress can not confer the power to punish a man because he will not help to enumerate cattle and hogs. Neither can we, under our power to levy taxes, compel the taxpayer to do more than to render a full list of the property which we desire to tax.

The American Congress does itself no credit to write into these bills a provision that is mere brutum fulmen, if the power of the General Government is challenged in that respect. Analyze it. Here we are, saying to the world that we do not know how to legislate with the information before us, and in order to educate ourselves we must invade the privacy of every business office in this land, inspect their books, and for what? In order to ascertain their profits, so that we may measure out to them a protection that will exactly cover the difference in the cost of production here and abroad, plus a profit to the manufacturer.

I would almost consent to pass this bill with this provision in it if I thought some officer would try to compel one of these men to produce their books. For then, sir, we could bring the question squarely before the court whether the Government possesses this power, and as incidental to that question we could probably induce the court to say whether the Government has the power to levy taxes to cover the difference between the cost of production at home and abroad.

That, sir, would not be a question of taxation. That, sir, would not be a regulation of interstate and foreign commerce. I do not doubt that Congress has power, even by taxation, to regulate interstate and foreign commerce where taxation is a fit instrument to execute that purpose. But if we could get this question on this provision before the court by the refusal of some man affected by it to obey the subpœna issued under it, we could raise the question, first, as to whether the citizen can be compelled to open his books in order to educate Congress, and if that should be decided in the affirmative it could only be by the court deciding it upon the theory that this education was necessary in order not to levy taxes, but to extend a protection which would cover the difference between the cost of production here and abroad, plus a profit to the home manufacturer.

It is only and precisely this purpose which you seek to serve by this provision. You want every man to lay before the American Congress his profit and loss account, so that you can adjust your tariff to reduce his profits if they are too large and to enlarge his profits if they are now too small. In other words, sir, you are proposing to read into the statutes the promise of the Republican party that every manufacturer shall have, over and above the cost of production, a fair profit on his enterprise.

Who else in this American Republic is guaranteed a profit on his business? Who guarantees the farmer a profit? No one. He takes the chances of flood and drought. He takes the chances of insects and pests. He assumes a risk assumed by no other man, a risk so great that Thomas Jefferson, a farmer himself—and, by the way, the most intelligent farmer the world ever knew; a farmer who knew all about the soil and its properties; a farmer who knew all about arboriculture as well as agriculture; a farmer who knew all about horticulture as well as arboriculture and agriculture—and yet this greatest of all men, this most accomplished of all farmers, was moved by the vicissitudes of his class to say that the farmers were the greatest gamblers in the world, meaning it in no offensive sense, but simply seeking to emphasize the great risks which they take. And yet you offer them no guaranty of profit; you propose to levy no taxes on others to insure the prosperity of their farms; but they and all other classes are to be burdened in order that this Government may keep its pledge that the protected manufacturers shall be insured a fair profit.

I warn you gentlemen on the other side that you must answer for this. The people will not agree that any one class shall be separated from all others, and that from the earnings and the savings of those others shall be guaranteed a profit on their business. You will not be able to answer to the farmers any more, that you are guaranteeing their profits as well as others after your reciprocity with Canada; for under that agreement almost everything the farmer produces goes on the free list, and almost everything the farmer buys stays on the dutiable list. It is true you do give him automobile parts free. You tax his flour, but you let him go after it in an untaxed automobile. Oh, splendid generosity!

You confess that you do not know as much as you ought to know by wanting somebody to teach you; and I am going to teach you now. Your Canadian reciprocity is going to disappoint the cities because it will not reduce the cost of living to any appreciable extent. The number of articles affected by it, the area from which those articles come, is altogether too restricted to produce any appreciable effect on general prices, and therefore when your Canadian reciprocity is in full operation, if it ever is, the people in the overcrowded cities and industrial centers will soon discover that you have broken your word of promise to their hope, though you may claim to have kept it to their ear.

The price of living will not be reduced 2 per cent even in the cities nearest the Canadian border, because the articles from which you take the duty constitute only a very small part of every household's expense, and you take the duty from those articles generally in the shape where the people can not consume them and leave the duty on them in the shape in which the people do consume them.

Let us suppose that you pass your Canadian agreement, and we do not succeed in putting our tariff bill on the statute books. Then you are to be tried by your bill and your agreement, and your reduction in the cost of living will not net 1 per cent on the average family's expenses. I know what you hope to do, and I suspect that is what some of you intend to do. You want an excuse to say to the people of the country it was not the tariff that caused the high cost of living. You are seeking to give the people an object lesson, so that you can say that you had given them free trade with Canada, and that did not reduce the cost of living; and then the insurgents will disappear and the standpatters will again take charge of the Republican Party.

I do not lightly suspect the motives or the sincerity of men, but it is impossible for me to believe that any man who is wise enough to be President of the United States expects much out of that Canadian agreement. If he did, he would not have made wheat free and left the duty on flour.

He will not even catch the millers by that kind of a bait, and I will tell you why. He will catch the American millers along the Canadian border, because he is giving them their wheat free and leaving a duty on their flour. With his free wheat, these American millers can invade the territory now occupied by southern and southwestern millers, and they will invade it, or perhaps I would speak more accurately to say they will encroach upon it. With free wheat and taxed flour, they will be protected against their Canadian competitors, because it will cost the Canadian mills just as much to ship the flour as it will cost the American mills to ship the wheat, and so freight will cancel freight in that contest for trade, and the 50 cents per barrel duty on Canadian flour will amply protect the American miller in his own country and with his own trade.

Mr. CARTER. Mr. President——

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

Mr. BAILEY. I am delighted to do so.

Mr. CARTER. Mr. President, with the permission of the Senator from Texas, I venture to interpose a remark at this time, to the end that the attitude of the State Department and the President, as I understand that attitude, may be clearly set forth.

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Mr. BAILEY. I hope the Senator will be able to explain it. I doubt if the principals could.

Mr. CARTER. The statement will explain itself. It is true that cattle are to be admitted free. It is true that wheat is to be admitted free, and that meat is to be subject to a duty, and that flour is likewise to be subject to a duty. Let me say now that that was not at the option or in conformity with the will or desire of the United States. The Canadian people feared competition with the millers of the United States. Desiring to build up a milling industry in Canada, they have established a protective duty on flour. Desiring to build up a packing business, they have prescribed certain protective duties on the introduction of meat into Canada.

Our State Department was entirely agreeable to the free admission or the interchange of meat products between the two countries just as has been arranged with regard to cattle, but the Canadians said: "Nay; our packers can not compete with the American packers." The State Department was prepared to have free flour——

Mr. BAILEY. But we could have taken it off of Canadian meat and flour coming into our country without requiring Canada to take it off of American meat and flour going into Canada.

Mr. CARTER. Permit me to finish this statement.

Mr. BAILEY. Very well.

Mr. CARTER. The State Department was prepared to remove the duty off meat and have meat, as well as flour, passed freely across the line. I understand the fact to be that an amendment admitting meat free from Canada will be agreeable to the Department of State and not obnoxious to the agreement; that the free admission of flour from Canada will not be opposed; but if we provide for a reciprocal arrangement whereby our meat products can enter Canada free of duty, whereby our flour can enter Canada free of duty, the Canadians will refuse to comply, because they desire to maintain their protective tariff as to meat and flour.

Mr. BAILEY. Mr. President, there would have been no trouble in leaving the duty on flour and meat going from this country into Canada and taking it off the meat and flour coming from Canada into this country. They have done that with other articles in this very agreement. Does not the Senator from Montana know that?

Mr. CARTER. Mr. President, my understanding is that in certain instances that is correct; but if in the judgment of the Congress it is desirable to allow Canadian meats and flour to enter the United States free of duty, while our citizens pay a duty for entering the Canadian markets with those products, there will be no objection so far as the State Department is concerned, and no obstruction placed in the way of the ratification of the agreement.

Mr. BAILEY. Mr. President, the duty on cattle is $2 per head on the cheapest cattle that would come from Canada and less than 30 per cent on the best. When you talk about such a duty on cattle and 55 per cent duty on cheap clothing you begin to understand the difference between the treatment of the farmer and the treatment of the manufacturer, even under the present law, and by this agreement to strip the former of all advantage. No wonder the Senator from Iowa is opposed to this. The wonder to me is that any man who represents an agricultural constituency could consent to such a gross and indefensible discrimination.

Mr. President, I am going to ask the Senator from Montana this question for future use: If this agreement fails to reduce the cost of living, does not the Senator from Montana intend then to stand up and tell the people that it thus proves that the increased cost of living was not attributable to the protective tariff?

Mr. CARTER. Mr. President, although opposed on principle to dealing in futures, I am inclined to sympathize with the view of the Senator from Texas that perfectly free and unrestricted trade with Canada on her productions will cut little figure in the domestic economy or the markets of the United States. What I do think of the subject in a broader sense may be briefly stated in this connection.

The Canadians have a climate much like our own, but a little more severe. They must buy overcoats in that country, just as they buy them in North Dakota and Montana. It is a little more expensive to live in a country where the seasons are short for crop raising and the winters are long, where houses must be built more substantially for the protection of the people during the winter season, where stock must be housed in a more secure and comfortable line of quarters. The people speak the same language. They receive in the main the same pay for their labor. Thousands of our people have gone into Canada and a very large number of Canadians have come into this country. The Canada of 20 years ago is not the Canada of to-day. Great transcontinental railways have extended or are being extended from ocean to ocean.

Mr. BAILEY. And wheat fields faster than railroads.

Mr. CARTER. Wheat fields are developing, and they are largely being developed by former citizens of Iowa and North Dakota and Minnesota and Montana—men who are familiar with the American standards of living. The competition with a people thus situated is not an unequal competition; but, Mr. President, competition with a man of India raising wheat is unequal competition; competition with a man of the Argentine Republic is unequal competition; competition with a man of South Africa is not fair competition; and I would prefer relaxing the grip, loosening the line somewhat, in order to save the protective tariff from complete annihilation.

I believe that the reciprocity proposition with Canada, if adopted, would not seriously change conditions in this country. I think the Canadian wheat would pass through our mills on the way to the Liverpool market.

Mr. McCUMBER. May I ask a question here? Can not that same wheat pass through the mills now on the way to the markets of the outside world? Can it not go in bond through the United States now as well as it could under a reciprocity agreement; and if it could, then why should we need a reciprocity agreement in order that the wheat may reach Liverpool?

Mr. CARTER. Mr. President——

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

Mr. BAILEY. Mr. President, I would like to hear the Senator from Montana, but I am a little afraid I will be suspected of filibustering. However, disclaiming that, I will yield to the Senator.

Mr. CARTER. Mr. President, the trade, in a way, with Canada is not unequal or unjust or unfair competition in the sense in which free trade with the world would be. The verdict of last November can not well be ignored. The people of the country determined to have a relaxation of the protective policy. This is but a slight concession to that sentiment. I would prefer making this concession to accepting what the Senator's party will give us as the product of the deliberations that are to proceed at the other end of the Capitol during the session of Congress which will meet, according to popular report, about the 4th day of next April.

Mr. BAILEY. Mr. President, the Senator from Montana confirms me in the opinion which I expressed, and that is that these gentlemen do not expect any substantial result from the Canadian trade agreement, and then they intend to tell the people that free trade or freer trade will not reduce the cost of living.

The Senator from Montana, however, is mistaken when he says their labor is about the same as ours, and when he says their lands are about the same as ours, because if he will go and ask those Americans why it was they left this country and went to Canada they will tell him it was for the cheaper land with greater fertility, producing double as much as our American wheat-growing lands.

I am not advocating protection for anybody. I want the duty taken off of what the people eat and not from what the mills eat. The Senator knows that they take the duty off of barley and leave it on malt, and malt is used to make the poor man's beverage. The Senator from Montana does not deny that. The Senator from Montana will not deny it. This inequality and this injustice runs all through this trade agreement, which I may take occasion to analyze fully before the session is over, perhaps.

I beg the pardon of those in charge of this bill for having digressed from a discussion of profits to be disclosed by the books over to the Canadian trade agreement. I hope now that, without being supposed to desire to delay this matter, because when I said I was through filibustering I meant it, the Senator in charge of this bill will let the Senate adjourn. It is 12 o'clock. We must be back at 11 to-morrow, and my opinion is we will make no progress to-night, although I am through.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Texas to strike out section 5.

Mr. BAILEY. I should like to have the yeas and nays on that question.

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

Mr. FLINT (when his name was called). I am paired with the senior Senator from Texas [Mr. CULBERSON]. I transfer my pair to the Senator from New York [Mr. DEPEW], and vote "nay."

Mr. PERCY (when Mr. FRAZIER's name was called). I was requested to announce that the Senator from Tennessee [Mr. FRAZIER] is paired on this vote with the Senator from Illinois [Mr. CULLOM].

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Mr. WARREN (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. MONEY]. I therefore withhold my vote.

The roll call was concluded.

Mr. BRANDEGEE. I wish to announce that the senior Senator from Illinois [Mr. CULLOM] is paired with the senior Senator from Tennessee [Mr. FRAZIER].

Mr. PAGE. My colleague [Mr. DILLINGHAM] is unavoidably detained from the Senate. He has a general pair with the senior Senator from South Carolina [Mr. TILLMAN].

Mr. BAILEY. I wish to announce that the Senator from Kentucky [Mr. PAYNTER] is paired with the Senator from Delaware [Mr. DU PONT]. If the Senator from Kentucky were permitted to vote he would vote "yea."

Mr. OVERMAN. I should like to inquire if the senior Senator from California [Mr. PERKINS] has voted?

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

Mr. OVERMAN. I will withhold my vote and announce that I would vote "yea" if he were present. I also desire to announce that the senior Senator from Maryland [Mr. RAYNER] is unavoidably detained, and is paired with the Senator from Delaware [Mr. RICHARDSON]. I also announce a pair between the Senator from Utah [Mr. SUTHERLAND] and the Senator from Arkansas [Mr. DAVIS].

Mr. DIXON (after having voted in the negative). I remember that I was paired with the junior Senator from Florida [Mr. FLETCHER]. I therefore withdraw my vote.

The result was announced—yeas 25, nays 37, as follows:

YEAS—25.

Bacon	Clark, Wyo.	Martin	Swanson
Bailey	Dick	Oliver	Taylor
Bankhead	Foster	Percy	Thornton
Brandegee	Gore	Simmons	Watson
Briggs	Heyburn	Smith, Md.	
Bulkeley	Johnston	Smith, S. C.	
Chamberlain	Kean	Stone	

NAYS—37.

Beveridge	Carter	Jones	Piles
Borah	Clapp	La Follette	Root
Bourne	Crane	Lodge	Smith, Mich.
Bradley	Crawford	Lorimer	Smoot
Bristow	Cummins	McCumber	Warner
Brown	Curtis	Nelson	Wetmore
Burkett	Flint	Nixon	Young
Burnham	Gamble	Owen	
Burrows	Gronna	Page	
Burton	Guggenheim	Penrose	

NOT VOTING—29.

Aldrich	du Pont	Overman	Sutherland
Clarke, Ark.	Fletcher	Paynter	Taliaferro
Culberson	Frazier	Perkins	Terrell
Cullom	Frye	Rayner	Tillman
Davis	Gallinger	Richardson	Warren
Depew	Hale	Scott	
Dillingham	Money	Shively	
Dixon	Newlands	Stephenson	

So Mr. BAILEY's amendment was rejected.

The PRESIDING OFFICER. The bill is still in Committee of the Whole and open to amendment. If there be no further amendments to be proposed the bill will be reported to the Senate.

Mr. STONE. Mr. President, I suggest to Senators on the other side, and particularly to the Senator from Indiana in charge of the bill, that we now take an adjournment. Then those of us on this side who are opposed to the bill will have an opportunity to have some conference to see whether it is possible for us to come to some agreement. It is useless to stay here all night.

Mr. PENROSE. Mr. President——

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

Mr. STONE. Certainly.

Mr. PENROSE. I should like to ask the Senator from Missouri whether by coming to an agreement he would suggest that we could perhaps fix a time for voting on the measure, if we adjourn now and take it up in the morning, or whether some amendments are in question?

Mr. STONE. I do not quite understand the Senator.

Mr. PENROSE. My query was, whether the Senator from Missouri had in mind offering any amendments to the measure or whether his suggestion was that we could fix a time for voting on the bill?

Mr. STONE. I do not know, Mr. President, at this moment of any amendments that are to be proposed. I have not heard of any. I presume that if any agreement should be made it would be with reference to some time for disposing of this measure. I say that because I do not suppose that the Senator from Indiana and those who are acting with him would consider any agreement that did not fix some time for the vote. I can not give any assurance, I have no right to give any assurance, that any agreement will be made, and I am not asking an adjournment upon the basis that it can be made; but I do not think any progress can be made toward an agreement by continuing an indefinite session. Nothing can be accomplished in that way—I give assurance of that much—and if it is desired to do anything with this bill, we had better go home, sleep awhile, get breakfast, and come back in better humor than we would be if we were compelled to go on with this bill to-night.

Mr. SMOOT. Mr. President——

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

Mr. STONE. Certainly.

Mr. SMOOT. I ask unanimous consent that we take a vote upon the bill and pending amendments at 6 o'clock to-morrow.

Mr. STONE. Mr. President, I will object to any agreement of that kind to-night.

Mr. SMOOT. Will the Senator agree for an early vote on Friday?

Mr. STONE. I will not make any agreement to-night for a vote.

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

Mr. STONE. It might be that some arrangement of that kind could be made after consultation, but I have no right to make any agreement. I am not authorized to do it.

Mr. OVERMAN. Mr. President, I suggest to the Senator that probably in the morning, when we are all fresh and have had a night's rest, we might get together, as we did on another question, and settle it. I do not believe in agreeing to anything to-night.

Mr. BEVERIDGE. That was at 8 o'clock in the morning.

Mr. OVERMAN. If we adjourn now we might be able to come to some agreement, but I do not think we can do so to-night. I suggest to the Senator from Missouri that he remembers what took place here the other night, that we had Democrats talk him over, and there was some understanding arrived at, and it might be accomplished again.

Mr. BEVERIDGE. But not at this hour.

Mr. OVERMAN. Well, if the Senator wants to go on——

Mr. BEVERIDGE. Mr. President——

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

Mr. BEVERIDGE. I do not desire the Senator to yield to me. He asked me a question.

Mr. STONE. If I did or did not, I will yield with great pleasure to the Senator.

Mr. BEVERIDGE. I will wait until the Senator is through.

Mr. STONE. Well, I am through, if the Senator desires to have the floor.

Mr. MARTIN. Mr. President——

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

Mr. STONE. Yes.

Mr. MARTIN. Mr. President, I simply want to suggest that it is not likely that an agreement to vote will be gotten under the threat of an all-night session. I am ready to vote now. I do not want a minute's delay, but I do not want to stay here all night, and I do not want to come to any consent agreement under the threat of an all-night session. I do not like that sort of practice. I think the consent ought to be given; I think there ought to be a vote on this measure. I see no object in preventing it and I am ready for a vote, but I am not ready for a consent agreement under a menace that if we do not do it we will be kept here all night.

Mr. SMOOT. Mr. President——

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

Mr. MARTIN. That is all I had to say. I merely want it understood that consent can not be gotten; that I will not consent under threat of an all-night session; but I am ready for a vote, and I think it will be obtained in due time.

Mr. SMOOT. Mr. President, the only object I had in asking for a consent agreement was that we might thereby hasten the business. Not only that, but I am perfectly willing to let the vote be put off just as long as possible, in order that the bill may go to the other House. It will have to go to conference and be acted upon by the House, but it would not do to let it go beyond Friday morning.

Mr. BEVERIDGE. Mr. President, the situation, of course, is perfectly clear to everybody. But two days more and two nights remain—that is all—to pass the appropriation bills that remain to be considered and this measure. It must be patent then, Mr. President, to everybody that you can not put the matter over as would be done at an earlier period in any ses-

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sion. At 12 o'clock on Saturday we stand adjourned under the provisions of the Constitution.

The Senator from Virginia [Mr. MARTIN] says that he is ready to vote now and sees no good reason for delay. This is not a new subject. It has been before the Senate for four years, and during that time it has been extensively debated. There is not a Senator on either side of the Chamber, no matter how he looks at this question, who does not understand it. The particular bill before us is not substantially different from the one which has been before us for four years. The question merely is, then, not the discussion of the provisions of this measure as to its wisdom or policy, but the question is whether or not we are going to pass the bill. Delay patently endangers it. As the Senator from Utah [Mr. SMOOT] has pointed out, not only must we pass the bill within the next few days but we must pass it early enough to enable it to go to the House, because there are amendments to the bill, and that body must pass upon them. Therefore, if we intend to pass it, there is not a moment to be lost. I ask for the regular order.

Mr. OVERMAN. It is very evident we can not pass this bill to-night.

Mr. BEVERIDGE. I do not know why.

Mr. OVERMAN. And I think we shall save time by taking a recess or an adjournment and get to work in the morning. Let us get together and talk this matter over among ourselves, because some Senators have gone home and we should like to confer with each other as to what course we should pursue.

Mr. BEVERIDGE. Mr. President, if the Senator will permit me, the bill was made the unfinished business last night. There was no night session last night. It was perfectly understood by everybody that, when the bill at that late moment in the session was made the unfinished business, it would be pressed, and therefore there was ample opportunity, unobstructed by anything or anybody, for Senators to get together and talk it over. If what they wanted to get together and talk it over about was what plans they were going to adopt with reference to it, there was no occasion for anybody getting together and talking it over so far as the bill itself was concerned. That is all there is to this situation. Senators who want delay, we must conclude, want it for the purpose of defeating the bill. I call for the regular order.

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole and still open to amendment.

Mr. SIMMONS. Mr. President, I do not think there is anybody on this side who has any desire to delay a vote upon this bill; but it is a fact that a number of Senators, not expecting a vote to be taken to-night, have gone home, and I think it is rather unfair of the Senator from Indiana to insist upon a vote under those circumstances to-night. I am quite sure if the Senator in charge of this bill will consent to let it go over until to-morrow that we will have no difficulty whatever in agreeing upon an hour upon which a vote may be taken. I know myself that the Senator from Mississippi [Mr. MONEY], the ranking minority member of the Committee on Finance, has gone home to-night in the expectation that there will be no action upon this measure. I do not think that, in his absence under those circumstances, the Senator from Indiana ought to insist upon a vote.

The PRESIDING OFFICER. The bill is still before the Senate, as in Committee of the Whole, and open to amendment.

Mr. SIMMONS (at 12 o'clock and 35 minutes a. m., Thursday, March 2). Mr. President, I move that the Senate adjourn.

The PRESIDING OFFICER. The question is on the motion of the Senator from North Carolina that the Senate adjourn. [Putting the question.] By the sound the noes seem to have it.

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

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

Mr. CURTIS (when his name was called). I am paired for the night with the Senator from Alabama [Mr. BANKHEAD], and therefore withhold my vote.

Mr. DIXON (when his name was called). I am paired for the night with the junior Senator from Florida [Mr. FLETCHER].

Mr. FLINT (when his name was called). I again announce my pair with the senior Senator from Texas [Mr. CULBERSON]. I transfer that pair to the senior Senator from New York [Mr. DEPEW] and vote. I vote nay.

Mr. FOSTER (when his name was called). I am paired with the senior Senator from North Dakota [Mr. MCCUMBER], and therefore withhold my vote.

The roll call was concluded.

Mr. OVERMAN. I inquire if the senior Senator from California [Mr. PERKINS] has voted?

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

Mr. OVERMAN. Again I announce my pair with the senior Senator from California [Mr. PERKINS]. If he were present, he would vote "nay," and I should vote "yea."

I also announce again that the senior Senator from Maryland [Mr. RAYNER] is unavoidably detained. He is paired with the junior Senator from Delaware [Mr. RICHARDSON].

I also am requested to announce a pair between the Senator from Arkansas [Mr. DAVIS] and the Senator from Utah [Mr. SUTHERLAND].

Mr. DIXON. I transfer my pair with the junior Senator from Florida [Mr. FLETCHER] to the junior Senator from Wisconsin [Mr. STEPHENSON] and vote. I vote "nay."

Mr. PAGE. I again announce the necessary absence of my colleague [Mr. DILLINGHAM] and that he is paired with the senior Senator from South Carolina [Mr. TILLMAN].

The result was announced—yeas 3, nays 44, as follows:

YEAS—3.

Bacon	Bulkeley	Thornton

NAYS—44.

Beveridge	Burton	Gronna	Oliver
Borah	Carter	Guggenheim	Owen
Bourne	Clapp	Heyburn	Page
Bradley	Clark, Wyo.	Jones	Penrose
Brandegee	Crane	Kean	Piles
Briggs	Crawford	La Follette	Root
Bristow	Cummins	Lodge	Smith, Mich.
Brown	Dick	Lorimer	Smoot
Burkett	Dixon	McCumber	Warner
Burnham	Flint	Nelson	Wetmore
Burrows	Gamble	Nixon	Young

NOT VOTING—44.

Aldrich	du Pont	Newlands	Smith, S. C.
Bailey	Fletcher	Overman	Stephenson
Bankhead	Foster	Paynter	Stone
Chamberlain	Frazier	Percy	Sutherland
Clarke, Ark.	Frye	Perkins	Swanson
Culberson	Gallinger	Rayner	Taliaferro
Cullom	Gore	Richardson	Taylor
Curtis	Hale	Scott	Terrell
Davis	Johnston	Shively	Tillman
Depew	Martin	Simmons	Warren
Dillingham	Money	Smith, Md.	Watson

So the Senate refused to adjourn.

Mr. OVERMAN. I will say to the Senator from Indiana it is evident we will not have a quorum here very long.

Mr. BEVERIDGE. We have a quorum now.

Mr. OVERMAN. I want to say that this side can not be driven into an agreement to-night. If the Senator desires me to go on, I will.

I propose to discuss this question as to the cost and as to how much money we are from day to day expending in this Government for getting this information proposed by this bill. We have consular agents in every country in the world sending daily and weekly reports to us.

Not only that, but we have an appropriation bill here pending that appropriates the large sum of $400,000 for a tariff board. We are spending nearly $38,000,000 for consular agents abroad to send in reports on the cost of goods abroad and here—the information we desire. Then we have what are known as the Bureau of Statistics and the Bureau of Labor, which are sending their agents all over this country and all over foreign countries to get this information.

What do we want with another tariff board? This tariff board, if you will read the bill and study its provisions, in section 5, you will see will cost not less than $1,000,000 a year. One million dollars a year for a tariff board, $38,000,000 for consular agents, and then there is $200,000 in the agricultural bill to gather statistics on this subject.

To show you that we have agents abroad who are sending all these statistics to the State Department, which are available to every Senator, to get all the information that is desired in making a tariff bill, I am going to show you that we have got from every country in the world, from our consular agents, all kinds of statistics in regard to the tariff. I do not think the people will stand for all this expenditure of money. We go on and pass bills here year in and year out, day in and day out. We do not ever count the cost. It costs nearly a billion dollars every year to run this Government, and the people are going to be shown how this money is expended. This bill is only to make more officeholders. We are adding fifty or seventy-five thousand officeholders every year, and now it is proposed to add about 10,000 more, because it will take at least 10,000 men to get up the information that this bill provides for.

Now, let us see. It was stated by the Senator from New Hampshire [Mr. GALLINGER], and stated upon this floor by other Senators, when it was charged on this side of the House that our manufactured goods were sold abroad cheaper than they were in this country, that foreign goods, too, were sold in this country cheaper than they were abroad. We charged that they were selling sewing machines in Europe for $19, and that the

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poor sewing woman in this country has to pay $56. It was not denied, because we had the proof—the sworn testimony. It was shown that a certain class of harvesters and binders were sold in Canada, just across the line, for $90, which sold in this country for $125; and you could not buy them for any less, because every dealer who sold them had a contract with the Harvester Trust to sell them for $125. In other words, an American citizen had to pay for that farming implement $35 more than his neighbor just a mile away had to pay, and his neighbor lived in a foreign country.

The plow that was sold in Europe for $8 was sold in this country for $12. They paid the freight on the harvesters. Indeed, I saw in a magazine of this country a picture of harvesters and binders cutting wheat in Asia with implements that sold there, with the freight paid, and delivered there, for $90, which our people here were paying $150 for. When those facts were shown, I believe it was the Senator from New Hampshire [Mr. GALLINGER] who rose and said that the reason for that was that our people wanted to get rid of their surplus products in order to give employment to labor, and in order to give employment to labor they had to sell them abroad cheaper, and he then alleged that goods manufactured abroad, too, were sold cheaper here upon the same idea—to give employment to labor they would accumulate a surplus and that they could afford to sell them cheaper in this country than they did at home.

The distinguished Senator from New Hampshire [Mr. GALLINGER] wanted to be fair about this. I think he thought that was the truth; he had been so informed. So he introduced a resolution in Congress asking that the Secretary of State ascertain from our consular agents abroad the truth or falsity of the facts that goods manufactured abroad were sold cheaper in this country than they were sold in the foreign country, the place of manufacture.

That document is here, and I know that since that document has been printed and laid upon the desk of Members that charge has not been made, for we have reports from consular agents from every country abroad, giving the statistics showing that is not the truth. Let us see how that is:

Senate Document No. 16, Sixty-first Congress, first session.
Selling foreign manufactured goods in United States at prices lower than the domestic prices.
Letter from the Secretary of State, transmitting, with accompanying papers, in response to Senate resolutions of March 6 and April 5, 1909, information concerning the practice of selling foreign manufactured goods in this country at prices lower than the domestic prices.

This is such a valuable document and there is so much information in it that I should like to have the Senate present. I do not like to speak to empty seats, and therefore I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from North Carolina 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:

Beveridge	Chamberlain	Heyburn	Penrose
Borah	Clapp	Jones	Piles
Bourne	Clark, Wyo.	Kean	Root
Bradley	Crane	La Follette	Smith, Mich.
Brandegee	Crawford	Lodge	Smith, S. C.
Briggs	Cummins	Lorimer	Smoot
Bristow	Dick	McCumber	Thornton
Brown	Dixon	Nelson	Warner
Burkett	Flint	Newlands	Warren
Burnham	Foster	Nixon	Wetmore
Burrows	Gamble	Oliver	Young
Burton	Gronna	Overman	
Carter	Guggenheim	Page	

The PRESIDING OFFICER. Fifty Senators have answered to their names. A quorum is present.

Mr. OVERMAN. Mr. President, I was proceeding to say that I am opposed to all this extravagance, making more office holders, spending millions and millions and millions of dollars, and duplicating offices. That is what we are doing. If you would investigate these departments of the Government you would find a hundred duplications in the different departments. We have got these consular agents, I say, costing us $38,000,000, sending the very same information here that it costs a couple of millions in another department to get. We have those consular reports weekly and monthly. We have the reports of the Bureau of Statistics weekly and monthly, publishing practically the same thing, piling up, piling up statistics on these very subjects, and here we come in now and ask for a tariff commission that is going to cost us at least $500,000, because this board over here costs $400,000, and they are given extensive power to send all sort of agents abroad, to Europe, and to sit down with consular agents and drink wine, and see the country at $15 a day and $10 a day salary, and when they get the information and send it back here, what is it worth? You will have no more valuable information than you have to-day right here in the office of the Secretary of State and the Bureau of Statistics.

If these consular agents can not give us all this information, let us send somebody there who will. I know myself, Mr. President, of an agent who has been sent abroad at $10 a day salary and $10 expenses, who has traveled all around the world, visiting every country in the world. He has sent information back here—valuable information it is—and we have it. What do you want with any more? He is a tariff expert, too, and one of the best tariff experts in this country.

After getting this information and coming back, what did we do with it? There is now a tariff board in this city that is costing us $200,000 a year, and the first thing we do when they go to work is to send for this young man and give him $4,500 and put him at work on the tariff board here. Here we have appropriated $60,000 in one bill to send more trained agents abroad. That is a very wise provision of law. Two hundred thousand dollars more is provided, I think, in the bill passed this evening to send agents abroad, in addition to the $38,000,000 appropriated for these consular agents.

I say you can go up here in this document room and you will find tons and tons of documents. Sometimes you have the Committee on the Disposition of Useless Papers come in here with a report, and when you read the report you see that they ask for the destruction of hundreds and hundreds of tons of valuable information furnished on the question of the tariff that no man ever read or ever intends to read. It is destroyed year in and year out. Still the money goes into the pockets of the men to employ these agents and the taxpayers have to pay for it. I doubt if there is a man in the Senate who has ever read this document [exhibiting]. I doubt if there is a Senator who has ever read it. Every morning we find documents laid on our desks that it costs the Government thousands and hundreds of thousands of dollars to print. No mortal man ever reads them. They go into the files up here, and reports come in year in and year out from the same old Committee on the Disposition of Useless Papers and Documents, and they are sold for old paper.

Mr. SMOOT. And every Senator is asking for the printing of them.

Mr. OVERMAN. And every Senator is asking for the printing of them. That is the truth; it happens here every morning. It costs the Printing Office here millions and millions of dollars every year. Hundreds of thousands of dollars are spent in the duplication of work. Take the State Department, with their agents going abroad, taking a trip to Europe and around the world, paid $10 a day and $15 expenses; the Treasury Department, with hundreds and hundreds of agents sent abroad on a trip to Europe, $10 a day and $15 expenses; the Department of Commerce and Labor, hundreds of officeholders. I heard a Republican Senator here make a speech, and he said if these officers would start up Pennsylvania Avenue, they would make an army of men greater than Grant's army in the grand march after the war that marched up Pennsylvania Avenue. He was appointed on a committee here to investigate the matter, and he described it as equal to the army of Gen. Grant marching up Pennsylvania Avenue.

We do not know how many men we have, how many useless men and how many useless documents. We have all the information that can be gathered on the tariff. As to the consular reports, sometimes when they come we can not read them, and when we ask for a translation we can not get it.

Mr. SIMMONS. Mr. President——

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

Mr. OVERMAN. Certainly.

Mr. SIMMONS. Mr. President, I have been recently a member of the committee having in charge the destruction of useless documents, and I know what an exceedingly important subject this is. My colleague is now making a speech that I think ought to be heard by every Member of the Senate. Looking around at the empty benches, I feel like there is a necessity of getting a quorum of the Senate here to hear his very illuminating remarks upon this exceedingly important subject. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

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

Beveridge	Burton	Gamble	Page
Borah	Carter	Gronna	Penrose
Bourne	Chamberlain	Heyburn	Piles
Bradley	Clapp	Jones	Root
Brandegee	Clark, Wyo.	Kean	Smith, Mich.
Briggs	Crane	La Follette	Smith, S. C.
Bristow	Crawford	Lodge	Smoot
Brown	Cummins	Lorimer	Warner
Burkett	Dick	Newlands	Warren
Burnham	Dixon	Nixon	Wetmore
Burrows	Flint	Owen	Young

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Mr. PAYNTER (when his name was called). I have a general pair with the Senator from Colorado [Mr. GUGGENHEIM]. He is necessarily absent from the Chamber, and I therefore withhold my vote.

Mr. RICHARDSON (when his name was called). I am paired with the senior Senator from Maryland [Mr. RAYNER], but I transfer that pair to my colleague, the Senator from Delaware [Mr. DU PONT] and vote. I vote "yea."

The roll call was concluded.

Mr. GALLINGER. I am requested to announce that my colleague [Mr. BURNHAM] is ill to-day and stands paired with the Senator from Tennessee [Mr. FRAZIER].

The result was announced—yeas 55, nays 23, as follows:

YEAS—55.

Beveridge	Clarke, Ark.	Gronna	Penrose
Borah	Crane	Hale	Perkins
Bradley	Crawford	Jones	Piles
Brandegee	Cullom	Kean	Richardson
Briggs	Cummins	La Follette	Root
Bristow	Curtis	Lodge	Scott
Brown	Depew	Lorimer	Smoot
Burkett	Dick	McCumber	Stephenson
Burrows	Dillingham	Nelson	Sutherland
Burton	Dixon	Newlands	Warner
Carter	Flint	Nixon	Warren
Chamberlain	Frye	Oliver	Wetmore
Clapp	Gallinger	Owen	Young
Clark, Wyo.	Gamble	Page	

NAYS—23.

Bacon	Gore	Shively	Taliaferro
Bailey	Johnston	Simmons	Taylor
Bankhead	Martin	Smith, Md.	Thornton
Bulkeley	Money	Smith, S. C.	Tillman
Culberson	Overman	Stone	Watson
Fletcher	Percy	Swanson	

NOT VOTING—13.

Aldrich	du Pont	Heyburn	Terrell
Bourne	Foster	Paynter	
Burnham	Frazier	Rayner	
Davis	Guggenheim	Smith, Mich.	

So Mr. HALE's motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 32010) to create a tariff board.

REVISION OF LAWS—JUDICIARY TITLE.

Mr. HEYBURN. Mr. President, I present a conference report on the bill (S. 7031) to codify, revise, and amend the laws relating to the judiciary.

Mr. BEVERIDGE. The report has been read.

Mr. OVERMAN. Let it be read again. This is another report.

Mr. BEVERIDGE. I object.

Mr. OVERMAN. I ask for the reading of the report.

Mr. BEVERIDGE. The report has been read.

The VICE PRESIDENT. The report has once been read.

Mr. OVERMAN. This is another report.

Mr. HEYBURN. If the Senator will allow me, I wish to make a brief statement. The report has been read with the exception of the reserved point, upon which there is now a unanimous report. The only part of the report that has not been read is section 28. The rest of the report was read yesterday. We have all agreed upon section 28, on both sides.

The VICE PRESIDENT. The Secretary will read the part of the report that he did not read yesterday.

The Secretary read as follows:

SEC. 28. On page 23, in line 22, after the words "United States," strike out the remainder of the section, reading: "*Provided further*, That no suit against a corporation or joint-stock company brought in a State court of the State in which the plaintiff resides, or in which the cause of action arose, or within which the defendant has its place of business or carries on its business, shall be removed to any court of the United States on the ground of diverse citizenship."

Mr. HEYBURN. Mr. President, that is the portion stricken out, and it leaves the law stand as it is to-day.

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

Mr. BEVERIDGE. If it will not involve any debate, I do not object.

The VICE PRESIDENT. The Chair hears no objection. The question is on agreeing to the conference report.

The report was agreed to.

INDIAN APPROPRIATION BILL.

Mr. CLAPP 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. 28406) making appropriation for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1912, 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 82.

That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows:

Strike out all of the proposed amendment and insert the following:

"Any licensed trader on the Standing Rock Indian Reservation in North Dakota, who has any claim against any Indian of said reservation for goods sold to such Indian, may file an itemized statement of said claim with the Indian superintendent. Said superintendent shall forthwith notify said Indian in writing of the filing of said claim and request him to appear within a reasonable time, to be fixed in said notice, and present any objections he may have to the payment thereof, or any offset or any counterclaim thereto.

"If said Indian appears and contests said claim, or any item therein, the said superintendent shall notify the said trader and fix a time for a meeting of the parties thereto, and shall on a hearing thereof use his efforts to secure an agreement as to the amount due between the said parties. If the said Indian shall not appear within the time specified in the notice, the superintendent shall call in the said trader and carefully investigate every item of said account and ascertain the amount due thereon. Any account so ascertained by the superintendent or any account admitted by the Indian shall be and remain an account stated between the parties thereto.

"That any moneys which shall thereafter become due to said Indian by reason of any annuity or other indebtedness from the Government of the United States, or for property sold by or on account of such Indian and which shall be under the control of the Secretary of the Interior, or any agent or superintendent, shall be paid such Indian only at the agency headquarters. And it shall be the duty of such agent or superintendent to use his influence, advice, and good offices, to the end that such Indian shall, as rapidly as his means shall permit, pay the said account stated."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: Strike out all of said amendment and in lieu thereof insert the following:

"That any person who prior to March 1, 1909, made homestead entry for land in the Uintah Indian Reservation, in the State of Utah, under the act of May 27, 1902, and acts supplementary thereto, and who has not abandoned the same, may make commutation proof therefor: *Provided*, Such person has fully complied with the provisions of the homestead laws as to improvements, and has maintained an actual bona fide residence upon the land for a period of not less than eight months and upon payment thereof of $1.25 per acre: *Provided further*, That nothing contained herein shall affect any valid adverse claim initiated prior to the passage of this act."

And the Senate agree to the same.

MOSES E. CLAPP,
P. J. MCCUMBER,
W. J. STONE,
Managers on the part of the Senate.

CHAS. H. BURKE,
P. P. CAMPBELL,
JNO. H. STEPHENS,
Managers on the part of the House.

The report was agreed to.

TARIFF BOARD.

The Senate, as in Committee of the Whole, resumed consideration of the bill (H. R. 32010) to create a tariff board.

Mr. OVERMAN obtained the floor.

Mr. SMITH of South Carolina. Mr. President——

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

Mr. OVERMAN. Yes.

Mr. SMITH of South Carolina. Mr. President, I understand the bill now before the Senate has reference to a tariff board.

The VICE PRESIDENT. That is the bill now before the Senate.

Mr. SMITH of South Carolina addressed the Senate. After having spoken for some time,

Mr. CULLOM. I ask the Senator from South Carolina if he will yield to me for a brief executive session—for a few minutes only.

Mr. SMITH of South Carolina. I yield, although I am not near through. This is the first opportunity I have had to give my views on governmental affairs. I have been a novitiate in

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this body, and I have tried to follow the old-established rule that you have to be here two years before you speak at length, and I was desirous of giving this body a thorough sample of just what I was capable of when I was in the spirit on the Lord's day, and I am to-day.

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 28 minutes spent in executive session the doors were reopened.

TARIFF BOARD.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 32010) to create a tariff board.

Mr. SMITH of South Carolina. Mr. President, I do not propose to take up very much time, but I do want to get on record as giving my reasons why I do not believe that this board is a necessity. I hold in my hand here the report from the minority and the majority of the Committee on Investigation of the High Cost of Living. The two parties are divided on the one issue of the tariff question, we on our side affirming and alleging that the tariff, high protection, is the cause of the high cost of living, and, on the other hand, the Republicans claim that it has nothing to do with it. We have two reports coming from that committee. There were men selected from this side who investigated as thoroughly as the men on the other side, for we did it together. We examined the same witnesses and heard the same reports and reached as diametrically opposite conclusions as was possible.

We were practically a tariff board, with all the facts submitted to us; and after we had examined the witnesses, after we had discussed all the matters that came before us, the majority brought in a report exonerating the tariff, reaching an entirely different conclusion from that which we, the minority, reached.

Now, suppose the President of the United States appoints a bipartisan board as is contemplated in this resolution, some from the Democratic Party and some from the Republican Party. No matter what data they get the conclusions drawn will be in exact accord with the political bias of the different parties. If, on the other hand, we accept the amendment which proposes that the House and Senate appoint the members, we would have exactly the same condition. I want to say that I think it is beneath the dignity of the Senate of the United States here in the last hour, when he have 9 or 10 appropriation bills to pass, that the people of this country have a right to expect that we shall not consume the time in bargaining and counterbargaining for an opening for the purpose of carrying through some pet measure, when it is absolutely essential that these great matters shall be disposed of. It is no wonder that the people have become restive and are seeking some relief from the present status of affairs. I can not understand how men occupying the positions that we occupy can afford to allow themselves to become parties to these proceedings that we have had here from night to night and day to day, when questions of grave importance are before us.

Mr. President, it seems to me that we have no right to consume the time of the Senate in attempting to pass those measures for which there has been no great demand from the people. We are now beginning to delegate step by step the powers which are given to us under the Constitution to men who will not be responsible under the Constitution, and, if we do our duty as men, we shall settle on the floor of the Senate by open and free discussion the great questions involved in governmental affairs, and not delegate them to a board over which we practically have no control.

The people of the United States did not elect the members of this body for the purpose of allowing them in turn to delegate the powers granted them under the Constitution to some irresponsible board.

The Interstate Commerce Commission is not a parallel case. Every one is affected in exactly the same manner by virtue of any rate legislation made for the railroads. But each and every one is not affected the same way by the operation of the tariff. There are portions of this country which, by the nature of soil and climate, can not produce the raw material but can manufacture, and hence by the very nature of the case become the beneficiaries of the protective tariff. The line of demarcation is clearly drawn.

Take the New England States, with their bleak hills, sterile soil, with their great water power. It is naturally the home of the manufacturer. Take the fertile fields of the South and West, the natural fields for the production of the raw material.

Is it not natural, therefore, for the South and West to want to have the freest access to the markets of the world? While, on the other hand, it is quite as natural from a selfish standpoint for New England and those countries dependent upon manufacturing enterprises for their welfare to have a high protective tariff. As I stated here to-day, the battle that is being fought in the political arena of America, reduced to its last analysis, is a contest between those who are dependent upon favored legislation and those who are simply dependent upon the bounty of God for their welfare. You can abrogate for a time the natural law, but a false principle wrought into real life will work for itself disaster, and it has already done this in the economical affairs in America. Who can stand here and fail to justify the cotton grower of the South in protesting against selling his cotton in the free markets of the world and then paying the manufacturers of America a hundred per cent on the very articles made from the raw materials that he himself produced.

I have seen, Mr. President, poor, poverty-stricken ones in the fields of the South, who have produced on their farms cotton enough to have clothed a hundred while they themselves went naked. Not because what was raised was not sufficient to clothe them and give them a profit, but because there was wrung from their pockets by unjust protection on the shoes they wore and clothes they wore and hardware and house furnishings they used all the profits that would have naturally come to them. Take the millionaire manufacturer, and from the producer of the raw material is wrung the profit that he, the producer, has made, in order to enrich the manufacturer.

What is true about the cotton of the South is absolutely true about the wheat of the West. There has been put upon the statute books a duty on wheat, when the monstrous absurdity presents itself that here we have a duty to prevent the importation of wheat, while we are the biggest wheat-exporting country in the world. Do you not see that it is perfectly natural for those who produce the raw material to ask, not that their article shall be protected, but that the manufactured article shall be unprotected as well?

Again, what happened here last year—to show the attitude of these two contending forces? When the producers of the cotton of the South had been by Providence restricted in their output, and the spindles of the world had increased in the last two or three years from 15 to 20 per cent, and the use of the cotton had advanced beyond the dream of the most sanguine, the natural tendency of the law of supply and demand was that as the article was increasing in demand that the price should rise. Compared with the price of the manufactured article, the price of the raw material was absurdly low. Some southern men believing that the price should go up by virtue of the law of supply and demand, and recognizing the power of organized wealth and brain to frustrate and to emasculate a natural law, met and discussed plans by which the law of supply and demand might be put into operation. They agreed that if certain mills throughout the country would take this cotton they would go on the exchanges and buy at the absurd price that certain individuals who did not own a pound were offering it at.

These men made a proposition to the mills that they would buy these tissue-paper contracts and then demand the specific fulfillment of these contracts if the mills would agree to take it off of our hands. What did that mean? It meant that they would supply the mills with the actual cotton at a price which was lower than that which obtained in the South at that time. These men went to work in their legitimate way and distributed these contracts amongst the mills; then what happened? Just the moment the price began to rise certain parties who had sold this cotton and did not own a pound of it indicted these men or reported them to the grand jury, and the Attorney General of the United States issued warrants and had them haled into court, under the absurd idea that it was in restraint of trade, while the men who had sold this cotton that they did not own were allowed to go free. Can not you understand at a glance that no matter what kind of board you may appoint, if it is bipartisan, the man who can not produce the raw material and wants it cheap, wants a law passed by which he can profit in his business while the man who produces the raw material wants no interference, because the producer of the raw material under the law of trade is forced to sell at world prices if he produces sufficient to meet the needs, not only of his people, but of the world at large.

[At this point Mr. SMITH of South Carolina yielded for an executive session.]

Mr. SMITH of South Carolina. Mr. President, in resuming my remarks on this proposed tariff commission, I should like to disabuse the minds of Senators of any idea that I am myself attempting a filibuster or to in any way delay the order of busi-

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reaching the markets against competition are among the most precious of his possessions, and as much entitled to the security of the laws as any other of his rights in property. His triumphs in this legitimate sphere of action give zest, satisfaction, and compensation amid the worries, struggles, and cares of his business life. To these, by every consideration of equity, he is entitled. But when the private citizen reduces the taxing power of his government to an asset in his business, and insists on retaining it as a profit producer, he is in poor position to complain when his government attempts to use inquisitorial power to ascertain the effect of such use of the taxing power. Such inquisition into private enterprise results from the vicious principle that projects the Federal taxing power into private enterprise. In any event, for every purpose for which the power of government can be used to ascertain the cost of production at home, it is amply equipped without this legislation.

What about information as to cost of production abroad? Whatever may be said of the extent of the inquisitorial power of our Government at home, it certainly has none abroad. Were the agent of a foreign government to enter an American factory and demand that the owner open his books, exhibit the items of cost, and generally disclose the secrets of his business, such owner would scorn the demand, and the whole police power of the State and Federal Governments would back him in his refusal. We can confer no power on the proposed board or its agents or employees to compel a manufacturer, farmer, or other producer abroad to either state the cost of his product or furnish information on which to make a decent guess at it. Whatever information we should acquire must come to us as a matter of grace and favor, and not because of any enforceable right to it. And how much can you expect as a matter of favor? Human nature abroad is unlike human nature at home if it is ready to yield up the secrets of its business for the benefit of its competitors. Yet it is on some fantastic theory that the impossible will be attained that we are asked to close our eyes, rush through this bill, or sacrifice the appropriation bills.

Mr. OVERMAN. And, Mr. President, run the risk of defeating a $400,000 appropriation for the tariff board that is already in existence.

Mr. SHIVELY. Oh, yes. Among the other risks, they are willing to jeopardize the appropriation for the darling board we already have.

Mr. President, that certain information can be secured abroad no one doubts. Information as to the markets, as to the condition of the industry, the general processes employed, the relative progress of the art, and in some instances close approximation to the first cost of the product can be secured. Such information is available to our representatives in the consular service. The duties of consuls are commercial in character. We have a representative of this service in every industrial center of any importance in every foreign country. Far more likely would our accredited consul, in the course of his other official duties, be able to gather information as to foreign production and its cost than would the special representative of a tariff board appearing on the ground for that special purpose. So the creation of the proposed tariff board is as unnecessary for the purpose of securing information abroad as it is for securing information at home. This becomes even more patent when attention is called to the following provision in section 5 of the act creating the Department of Commerce and Labor:

> And all consular officers of the United States, including consuls general, consuls, and commercial agents, are hereby required, and it is made a part of their duty, under the direction of the Secretary of State, to gather and compile from time to time useful information and statistics in respect to the subjects enumerated in section 3 of this act in the countries and places to which consular officers are accredited and to send, under the direction of the Secretary of State, reports as often as required by the Secretary of Commerce and Labor of the information and statistics thus gathered and compiled, such reports to be transmitted through the State Department to the Secretary of the Department of Commerce and Labor.

Congress appropriated last year for the Department of Commerce and Labor nearly $20,000,000. We are appropriating each year increasing sums for the Diplomatic and Consular Service and increasing sums for the Department of Agriculture. If these departments lack anything in point of power, confer it. But let no one pretend that we have not ample machinery at present to conduct any investigation and gather any information available through the proposed tariff board. Those at the head of these departments were appointed and are kept in position by precisely the same authority that would appoint the tariff board. If these departments are indifferent or inert in the matter of assembling information on subjects important to tariff legislation, it is unfortunate. There is certainly no potentiality in the pending bill to insure greater fidelity in the proper regard to the cause of tariff reform. All I have said as to the use of our Consular Service to supply available information as to cost abroad for the purposes of making a tariff is equally applicable to our Diplomatic Service as a means of enabling the President to adjust rates under the maximum and minimum provisions of the present law in response to undue discriminations made by foreign governments.

Thus far I have sought to point out how unnecessary is the proposed board even from the standpoint of protectionism, whether extreme or moderate. But approach the question for a moment without reference to any given theory. In government, impracticable plans are spurious plans. Have Senators who insist on the passage of this bill reflected on what they undertake when they propose to ascertain the cost of products at home and abroad? There are practically as many different costs in this country in agricultural products as there are farms; in manufactures as there are factories, mills, and workshops; and in mining as there are mines. A like interminable variety of costs characterizes the different industries in each country abroad, to say nothing of the variety in the problem when extended to all countries abroad. When we shall have performed the Herculean task of ascertaining the different costs of the product of a given industry at home and the impossible task of ascertaining the different costs of the corresponding product abroad, we are then to throw each set of costs into a separate pot, mix them up, strike an average, compare the averages, ascertain the difference, add something for reasonable profit, and call this performance a scientific revision of a paragraph of the tariff.

I may be stating the case too strongly when I speak of an "impossible task." Due allowance should be made for the marvelous changes the pending bill is to work in the chemistry of human nature. According to the logic of its advocates, we are, by an act of Congress, to produce prodigies of genius for this arm of the public service; we are to endow the proposed board with omniscience; we are to remove the limitations on human wisdom; we are to equip this board to know as much about everybody's business as the wisest man knows about his own business, and more than the average business man knows at the end of a life of business struggle. The board is to ascertain the "cost of production of all articles which by any act of Congress now in force or hereafter enacted are made the subject of tariff legislation." When the board shall have ascertained such cost at home, its work has only begun. Though without inquisitorial power abroad, it is still required to ascertain cost abroad. Does any Senator present in this Chamber pretend to think that any but voluntary information can be secured abroad?

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER (Mr. JONES in the chair). Does the Senator from Indiana yield to the Senator from New Hampshire?

Mr. SHIVELY. I do.

Mr. GALLINGER. With the permission of the Senator, I want to state my view in just a word as being in exact accord with that of the Senator from Indiana when he states that it is utterly beyond the power of any agent of our Government to get this information with any degree of accuracy in foreign countries. I do not see how we can send a man into a German manufacturing district, for instance, with instructions to ascertain the cost of production in a great manufacturing concern with any authority whatever, and if he is denied the privilege of examining the books, and all that sort of thing, his mission will be utterly futile. I think that feature of this contention as to getting the cost of production abroad and at home will fall of its own weight when it is attempted.

Mr. SHIVELY. That the Senator should agree with me may be his misfortune, but it shows we are making some progress in the matter of agreements. This agreement involves no mystery, whatever may be said of others. The proposed tariff board, like our consuls and commercial agents, would be helpless when our foreign competitors decline to furnish the United States Government with information on which to frame tariff legislation against themselves. Such board would be as helpless as the agent of a foreign producer when the American citizen declines to furnish information on which a foreign government designs to frame tariff legislation against his product. The statement of the Senator from New Hampshire is so palpably true that no Senator on the other side of the Chamber has challenged it or dares challenge it, and yet that statement admits away about the whole case claimed for the bill.

Despite this situation, the majority here persist in permitting the supply bills to go by default, and forcing an extra session of Congress as the price of this confessedly impotent legislation. Last evening the chairman of the Committee on Post Offices and Post Roads gave notice to the Senate that this morning he

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would call up the Post Office appropriation bill for consideration. Why has he not done so? We are ready on this side to proceed at once with that or any other appropriation bill.

Mr. BANKHEAD. Mr. President——

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

Mr. SHIVELY. I yield.

Mr. BANKHEAD. Mr. President, with the permission of the Senator from Indiana, I desire to say a word or two with reference to the situation in which the Senate finds itself, and to point out briefly what the process has been which has created the situation.

The distinguished Senator from Maine [Mr. HALE], the acknowledged leader on the Republican side in respect of appropriations and appropriation bills, has from time to time admonished the Senate that it was absolutely necessary to proceed with the consideration of the supply bills if they were to be passed before the 4th of March.

Now, what do we find this morning? To the astonishment, I think, perhaps of every Member of the Senate, we find that great Senator coming on the floor of the Senate within 48 hours of final adjournment, and with eight of the great appropriation or supply bills yet unconsidered, and preferring a request to the Senate that at 11 o'clock to-night this question might be voted upon. Not waiting, Mr. President, to have that request acted upon, he himself immediately proceeded to move that this question be taken up for consideration and placed before the Senate as the unfinished business.

Now, Mr. President, what I charge is this—and I do it upon my responsibility as a Senator—that there is a deliberate plot or plan or conspiracy, or whatever else you may call it, on the other side of the Chamber to defeat the appropriation bills. If any gentleman on the other side cares to deny that proposition and can give a sufficient reason for his denial, I should be glad to hear him.

Mr. SHIVELY. I will allow a denial to be made in my time. I still have the floor, but I am entirely willing that any disclaimer shall be entered.

Mr. SIMMONS. I call the Senator's attention to the fact that the other side have declined to make a statement in response to a similar request.

Mr. WARREN. I do not like a challenge of that kind to go unanswered. I wish to say that there will be a time found to pass the appropriation bills.

Mr. SHIVELY. When?

Mr. WARREN. It will be later, I suppose.

Mr. SHIVELY. Yes; a good deal later at the rate at which you are proceeding now.

Mr. BANKHEAD. Mr. President, we will come to that later. I am not going to make a speech. Nobody in this Senate can accuse me of consuming the time of the Senate unduly. I have not occupied five minutes of its time during this session of Congress, but I am not willing to sit here in my place as a Senator and witness the conduct that has been exhibited on the floor of the Senate this morning with reference to these questions without entering my protest against it.

I want the Senate to understand, Mr. President, and I want the country to understand—and they will understand—where the responsibility is and where it should be properly placed for the failure of the passage of the eight appropriation bills and the attempt to drive Senators into voting for a measure that there is no possible necessity for. That is all I care to say. I make that charge.

Now, if the Senator from Indiana will yield further to me, I desire to make a motion.

Mr. SHIVELY. I will yield for a motion.

Mr. BANKHEAD. I move, Mr. President, that the Senate now proceed to the consideration of the Post Office appropriation bill, the morning hour having expired and the bill having been on the calendar for three weeks.

Mr. BEVERIDGE. Mr. President, the motion is not debatable.

Mr. BANKHEAD. I am not debating it.

Mr. SHIVELY. I desire it to be distinctly understood that I merely yielded the floor for that motion and that I have not yielded it generally.

Mr. BANKHEAD. With that understanding, I make the motion, Mr. President.

The PRESIDING OFFICER. The question is on the motion of the Senator from Alabama that the Senate proceed to the consideration of the Post Office appropriation bill, being House bill 31539. [Putting the question.] By the sound, the "noes" seem to have it.

Mr. BANKHEAD and Mr. SIMMONS. Yeas and nays, Mr. President.

The yeas and nays were ordered and taken.

Mr. DILLINGHAM (after having voted in the negative). Noticing the absence of the senior Senator from South Carolina [Mr. TILLMAN], with whom I am paired, I withdraw my vote.

Mr. MONEY (after having voted in the affirmative). I am paired with the senior Senator from Wyoming [Mr. WARREN]. I thought he was in the Chamber when I voted, but it seems that he is not. I therefore withdraw my vote.

The result was announced—yeas 24, nays 56, as follows:

YEAS—24.

Bacon	Gore	Percy	Stone
Bankhead	Heyburn	Rayner	Swanson
Clarke, Ark.	Johnston	Shively	Taliaferro
Culberson	Martin	Simmons	Taylor
Fletcher	Overman	Smith, Md.	Thornton
Foster	Paynter	Smith, S. C.	Watson

NAYS—56.

Beveridge	Clapp	Gallinger	Owen
Borah	Clark, Wyo.	Gamble	Page
Bourne	Crane	Gronna	Penrose
Bradley	Crawford	Guggenheim	Perkins
Brandegee	Cullom	Jones	Piles
Briggs	Cummins	Kean	Richardson
Bristow	Curtis	La Follette	Root
Brown	Davis	Lodge	Scott
Bulkeley	Depew	Lorimer	Smith, Mich.
Burkett	Dick	McCumber	Smoot
Burrows	Dixon	Nelson	Stephenson
Burton	du Pont	Newlands	Sutherland
Carter	Flint	Nixon	Warner
Chamberlain	Frye	Oliver	Wetmore

NOT VOTING—11.

Aldrich	Dillingham	Money	Warren
Bailey	Frazier	Terrell	Young
Burnham	Hale	Tillman	

So Mr. BANKHEAD'S motion was not agreed to.

Mr. SHIVELY. By this vote of 56 to 24 the Senate has again decided to continue the consideration of this bill to the exclusion of the appropriation bills. This vote has again fixed and made certain the responsibility for ill-considered legislation or no legislation in the matter of appropriations. Who can conceive of a more amazing situation? The Senator who to-day moved to take up the pending bill and thus make it the unfinished business exhibited through two sessions of this Congress singular contempt for the proposed legislation. The dominant party had an opportunity to create a tariff board before it entered on the work of producing the tariff act of 1897. That party had ample opportunity to create and equip a tariff board before it proceeded to make the tariff of 1909. What has produced the sudden change and all at once filled Senators with so much anxiety for a tariff board? Do they feel that such a board may be useful in discrediting future efforts to change the tariff except in conformity with the principle that has reduced the taxing power of the Federal Government to private merchandise?

We had a tariff commission prior to the revision of 1882. It was created by a Republican administration. That commission took testimony in many parts of the country. We had no Department of Commerce and Labor at that time. That commission did much work and created much literature. It prepared a careful report on the subject. That report was commended by a Republican President to a Republican Congress. The report recommended a substantial reduction of rates in the then existing schedules. The majority in that Congress scorned the recommendations, moved in the opposite direction, and promptly increased the rates instead of decreasing them. Having ignored the work of the only commission they ever created, and having thereafter made two revisions of the tariff without commissions, what is the occasion for their hurry for a tariff board now?

The tariff act of 1909 is the latest official expression and interpretation of what the dominant party conceives to be the proper use of the taxing power. President Taft has pronounced that act the best tariff law the country ever had. Our good President thoroughly believes in the principle exemplified and illustrated in that act, or he would not pay the act such unqualified tribute. He is to appoint the proposed tariff board. Has anyone a right to believe that he would appoint a board not committed in principle to the capital measure of his administration? All levity aside, the board would be composed of men with their biases, their prejudices, and their convictions on the tariff question. There is no colony of archangels available from which to choose the board. There is no alchemy in the proposed legislation to refine away the honest bias and predilections or the selfishness of men. The appointment of men whose minds are white blank sheets on the subject no one would expect. The appointees would come to their duties with their preconceived opinions on the principle involved, and essentially partisans in a degree. The Democracy has been commissioned in the next House to advance the work of tariff reformation. No one who votes for this bill will have a right to complain when the proposed tariff board pours ice water in

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the form of "conclusions" over measures because they do not conform to the principle underlying the present law.

I am in complete sympathy with the citizen who beckons the day when the tariff question shall be out of politics. But that day can never dawn until the taxing power is withdrawn from private business. The business man who honestly regards his industrial enterprise as resting on an act of Congress rather than on the solid foundation of the splendid natural resources of his country and his capacity to develop them is doomed to shiver at the approach of each succeeding campaign. To the extent that the taxing power of the Government is imported into private business, just to that extent is private business subject to the whims, caprices, and vicissitudes of politics. In the process of restoring the taxing power to its rightful public purpose, I would not lightly ignore even the groundless fears and mistaken apprehensions of those who helplessly regard their industries as parliamentary in character. The man who is scared to death is as dead as if the end came in any other way. There are millions of victims of the system who cherish the delusion that in some mysterious way they are its beneficiaries. With these the doctrine long preached of the weakness, the feebleness, the helplessness, the incapacity of American labor and American capital to compete did its work. But this delusion is passing. The consciousness is growing that the Republic is of age and has not entered on its second childhood.

Mr. President, I am opposed to the pending bill, not only because it is unnecessary to the ends which its friends profess to have in view, but because in every section it contemplates permanency in the use of a principle in Federal taxation by which the Government in perverting its taxing power to private and selfish purposes is precipitating the very mischiefs on society which all good government is designed to prevent. There is not a line in the bill that makes it the duty of the board to give attention to the question of revenue. The prime purpose for which the taxing power was conferred on the Government is utterly ignored in its pages. From first to last it contemplates inquiry and investigation only with a view to determining where and how far the taxing power may be effectually employed for private profit. The real issue is against the underlying principle of the system, and is too fundamental to be permitted to be obscured or befogged or confused by incidental and distracting questions about a tariff board which on the face of the bill is made an adjunct to the system itself.

If any bill is to be used by the other side of the Chamber as an instrument to obstruct the passage of the necessary supply bills in the closing hours of this session and subject the country to the expense of an extra session of Congress, it may be fitting that they selected for that purpose a bill which creates a tariff board which is to deal with every imaginable subject associated with the tariff except that of revenue. It is remarkable how indifferent Senators have suddenly become to both revenue and appropriations.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Will the Senator from Indiana yield to the Senator from North Carolina?

Mr. SHIVELY. Yes; I yield.

Mr. SIMMONS. In line with what the Senator says—I think this is an appropriate time to do it—I ask unanimous consent that we now proceed to the consideration of appropriation bills——

Mr. BEVERIDGE. I object.

Mr. SIMMONS. I have not finished stating my proposition. When we have passed all of the appropriation bills, then that we take a vote upon the bill now before the Senate, the unfinished business, without further debate.

The PRESIDING OFFICER. The Senator from North Carolina asks unanimous consent that the Senate proceed to the consideration of appropriation bills, and that when these are all passed we vote on this bill without further debate.

Mr. BEVERIDGE. I object.

The PRESIDING OFFICER. The Senator from Indiana objects.

Mr. SHIVELY. It is clear that the other side of the Chamber prefers to deliberate at length on the pending bill. I may, therefore, be excused if I yield no further to efforts to secure consideration of the appropriation bills. When I yielded the floor I was noting the absence of any concern by the author of the bill about the question of revenue. Nothing can indicate more sharply the effect of habitual perversion of the taxing power, or admonish more urgently to early correction of the evil tendency.

However unfashionable it may be, Mr. President, my political faith is that of men who know that the thing called wealth is a social, not a political, product; that this wealth is born of brawn of muscle, skill of hand, and vigil of brain, not of the roll calls of Congress; that the thing called industrial prosperity is a social, not a political product; that such prosperity is born of the energy and genius of man applied to the bounties of nature and not of the cunning and greed and craft of man applied to the powers of government. The power of government to tax is the power to take; not the power to make. The power to tax is the power to transfer; not the power to produce. Our Government has no reserve fund of power out of which to grant privileges. It can grant privileges only by carving them out of the body of common rights.

The power to tax is the oldest power of government. It was the first power of government to be abused. This for the reason that it is the power to take, and the temptation is always present to use it to take for private gain. The whole theory of the proposed tariff board is that it shall assist in arranging the mechanism for sponging up and distributing this private gain. The formula of a tariff based on difference of cost plus a reasonable profit is a smooth maxim of unmixed graft. The Government having no profits to bestow, the reasonable profit the law is to assure must be sponged from the victims the law makes. Of course the difference of cost is the only incentive to trade that does or ever did exist, whether within the neighborhood, within the Nation, or throughout the world. The proposed tariff board is to help ascertain what this difference is, to the end that Congress may proceed in economic effect to abolish it. Trade is the means by which each by his own labor avails himself of things produced by others. It has been supposed to be a time-saving, labor-saving, capital-saving institution. It has been regarded as at once the product and pioneer of civilization. The philosophy of this bill is that trade, except within certain prescribed limits, is a swindle, and that we need a board to assist in strangling it in an intelligent and scientific way.

Opposition to this bill involves no denial of information to Congress or to any other department of Government. The agencies to supply all available information, both from the fiscal and economic standpoints, now exist and are maintained at high cost to the Federal Treasury. Any fancied exception will be found to rest on official languor or faithlessness and not on lack of agency or power. To add this board would be wanton extravagance, and, in view of the end sought, as gathered from the plain tenor of the bill, is worse than extravagance, as it carries not only its own cost, but seeks to reduce to a science and to maintain and perpetuate a profligate system of taxation. Among the many sources of information at the command of Congress I refer for illustration to the single one of the official reports of our exports and imports. Therein is a mine of illuminating facts the value of which I fear is underestimated. Each item tells its own story. It is the concrete truth coming through no reluctant witness, but hammered out in actual transactions by men who staked fortune on the verity of the facts as reported. In the volume, character, and variety of our exports is a parable of economic power which should reassure the timid soul whom the doctrine of American feebleness has led to regard his country as a helpless paralytic when confronted by foreign competition.

I must be permitted to conclude as I began, by expressing the earnest hope that we may not persist in using the last hours of the session on a purely political measure of worse than doubtful utility, but may turn to the consideration of the great supply bills of Government, which merit vastly more attention than with every remaining minute we have time to give.

I ask now, inasmuch as that bill seems to be at the front, unanimous consent that the Post Office appropriation bill be taken up and proceeded with. I believe there will be no disposition to delay procedure on that bill, and I make this suggestion in the earnest hope that the supply bills of the Government may pass at this session.

The PRESIDING OFFICER. The Senator from Indiana asks unanimous consent that the Senate now proceed to the consideration of the Post Office appropriation bill.

Mr. BEVERIDGE. I object.

The PRESIDING OFFICER. The Senator from Indiana objects.

Mr. SHIVELY. I move that the Senate now proceed to the consideration of the Post Office appropriation bill.

The PRESIDING OFFICER. The Senator from Indiana moves that the Senate proceed to the consideration of the Post Office appropriation bill.

Mr. BEVERIDGE. I make the point of order that the motion has just been made and defeated.

The PRESIDING OFFICER. The Chair will have to overrule the point of order. The question is on the motion of the junior Senator from Indiana.

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

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The yeas and nays were ordered and taken.

Mr. DILLINGHAM. I am paired with the senior Senator from South Carolina [Mr. TILLMAN], and I withhold my vote.

The result was announced—yeas 25, nays 51, as follows:

YEAS—25.

Bacon	Gore	Rayner	Taliaferro
Bankhead	Johnston	Shively	Taylor
Clarke, Ark.	Martin	Simmons	Warren
Culberson	Money	Smith, Md.	Watson
Davis	Overman	Smith, S. C.	
Fletcher	Paynter	Stone	
Foster	Percy	Swanson	

NAYS—51.

Beveridge	Clark, Wyo.	Guggenheim	Penrose
Borah	Crane	Jones	Perkins
Bourne	Crawford	Kean	Piles
Bradley	Cullom	La Follette	Richardson
Brandegee	Cummins	Lodge	Root
Briggs	Curtis	Lorimer	Scott
Brown	Dick	McCumber	Smith, Mich.
Burkett	du Pont	Nelson	Smoot
Burrows	Flint	Newlands	Stephenson
Burton	Frye	Nixon	Sutherland
Carter	Gallinger	Oliver	Warner
Chamberlain	Gamble	Owen	Wetmore
Clapp	Gronna	Page	

NOT VOTING—15.

Aldrich	Burnham	Frazier	Thornton
Bailey	Depew	Hale	Tillman
Bristow	Dillingham	Heyburn	Young
Bulkeley	Dixon	Terrell	

So Mr. SHIVELY's motion was not agreed to.

Mr. NEWLANDS. Mr. President, contrary to the general action upon this side of the Chamber, I have voted against any motion to displace the tariff-board bill with the Post Office appropriation bill, and I have done so for the following reason:

I was present last night during the debate on the pending bill. It was a protracted debate, lasting until nearly 2 o'clock in the morning. The suggestion was made by Senators on this side that an adjournment should be had until 11 o'clock this morning, with the statement that by that time, probably, a satisfactory arrangement would be made resulting in final action upon this bill. Statements were made by several Senators upon this side to that effect, and there was no statement to the contrary. The senior Senator from Indiana, relying upon these statements, acquiesced in letting the bill go over till this morning. I felt, therefore, that as I was present last night and did not dissent, I was individually bound in good faith to see to it that every effort was made at the session this morning for an arrangement for a final vote upon this bill, and as such an arrangement has not been made, I have voted against any motions to displace the pending bill until it can be made.

Now, so far as the merits of this bill are concerned, I have to say that I have for years favored a tariff board. When the Senator from Indiana [Mr. BEVERIDGE] made his first speech upon this subject, years ago, I followed him, acquiescing in his general line of thought and insisting upon it that Congress should even go further and should fix a rule of action under which excessive customs duties could be gradually reduced, without bringing into this body at frequent intervals measures looking to a general revision of the tariff with all its disturbing conditions. I have entertained that view ever since, and my convictions upon that subject have strengthened as the result of the recent revision of the tariff and the agitation now pending for a new revision of the tariff.

THE TARIFF SHOULD BE TAKEN OUT OF POLITICS.

I believe that party jockeying upon this subject should end; that we should treat it as an economic problem, and should address ourselves to the practical question of reducing the duties that are excessively high under the standard fixed by the party in power, whatever that party may be; that what the people of the United States want is not a general revision of the tariff, not an endless discussion of the principles that should govern were we entering upon this question as a new question, but a correction of existing abuses in the shape of excessive rates.

Mr. President, what are the existing conditions? The existing conditions are that every industry in the United States protected by the tariff is on stilts; that every industry, or almost every industry, in the United States, as the result of our tariff system, has a cost of production in excess of the average cost of the outside world; and we know that if we knock these stilts from under all those industries they will be prostrated to the ground, and that the business of the country will be in a state of confusion. All of us, Republicans and Democrats, realize this. The Democratic Party, whatever its view may be of the essential principles that should govern us in tariff making, has recognized existing conditions in its platform and has demanded not radical action pursuant to its general principles, but a gradual and progressive reduction of tariff duties.

Mr. President, of our present imports, amounting to $1,200,000,000 annually, nearly one-half comes in free, and the other half an average duty of 43 per cent is proposed behind our tariff wall there is a domestic production of $14,000,000,000 of articles similar to those on the dutiable In other words, our domestic production of articles simil imported and dutiable articles is about 10 times as gre the value of the articles imported.

On those articles which are imported we collect a duty a gating about $300,000,000. Upon nearly $700,000,000 of im we get duties of $300,000,000, and the country needs $300,0 of revenue. If we should immediately reduce the average upon existing imports from an average of 43 per cent to 3 cent we would receive only $194,000,000, and we would be out adequate revenue unless the imports materially increa

In order to make an average duty of 30 per cent yie our present revenue of $300,000,000, there would have nearly $400,000,000 more of dutiable imports than now, means that whilst to-day dutiable goods are imported t extent of nearly $700,000,000, we would have to add to nearly $400,000,000, and to that extent we would immed displace the domestic American products, and to that e immediately displace the labor producing those products they immediately came down to the foreign prices plus th port duty, in which event we would have no increased in and an inadequate revenue aggregating $194,000,000 inste $300,000,000.

TARIFF REDUCTIONS SHOULD BE GRADUAL.

It is therefore incumbent upon us to move slowly in t duction from an average of 43 per cent to 30 per cent fo reasons: One is that if our American prices adjust them so that there will be no additional imports we will have quate revenue; and the other is that if our American do not adjust themselves to the foreign prices plus the then the foreign goods will displace the American goods, that extent displace American labor. Thus, considerin matter as a pure party question, the Democratic Party, pursuit of a theory undoubtedly right, that duties shou based upon the revenue principle and not upon the prot principle, would be guilty of the folly of alienating from support of large numbers of men engaged in the indu that would be displaced, and thus, whilst intent upon a plishing good to the country through the control of the Ge ment, it would lose the opportunity of removing any abuses that now exist by losing the control of the Govern

Mr. President, there are many reforms to be accomplish this country outside of tariff reform, and I believe tha Democratic Party will be commissioned by the people to those reforms into effect if we are not guilty of the su folly of hastening this country into economic distress an fusion. The great Democratic Party met in convention at ver, composed of representatives not from a section, as our largely is in the Congress of the United States to-day, bu resenting the entire Democracy of every section of the co It there declared itself against economic revolution and in of a gradual and progressive reform of existing abuses.

Mr. President, I stand for the Tariff Board as a mea gradually accomplishing these reforms. This bill does no me. I would go further. I would give such a comm larger powers and duties as the servant, not the mast Congress. I would fix rules under which it should pro I would establish rules and give it powers similar to that we have enacted with reference to the Interstate Com Commission.

When we entered upon the question of the rates of portation, undoubtedly objection was made, when we orga the Interstate Commerce Commission, that we were dele a legislative function to that commission. It is the du Congress to fix the rates of transportation on interstate roads, and it can not delegate that power to anyone the Constitution any more than we can delegate the pow fixing a customs duty; yet realizing that it was utterly i sible for Congress, with its 92 Senators and its 400 Me of the other House, to act upon these questions of infini tail affecting the rate tariff of every interstate railroad country, and to do exactly right upon every rate as to munities and individuals, we organized a commission a servant of Congress to carry out its will under rules fixed

The courts of the country have determined that not to delegation of power, but a proper exercise of legislative tions. What has been the result? Suppose we had kep railroad-rate question in Congress, as it has been kept by of the States in the legislatures, what advance would we made by this time? To the neglect of our other duties, we have been engaged in settling the wars between section communities relating to the rates and the wars between

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pers and carriers, and we would have made little progress; whereas this commission, gradually increasing powers having been conferred upon it as the servant of Congress by Congress, has within a little over 20 years practically reached an economic solution of the transportation question, and we find their labors crowned by a great and illuminating decision recently delivered by Commissioner Franklin K. Lane, which demonstrates to the country and to the world the determination of this tribunal to be fair and just as between the carriers and the shippers—to secure to the shippers protection from exaction and to the carriers a fair return upon the value of their property. That decision will give assurance to the world, notwithstanding the outcry and complaint of the railway managers, that there are no better securities than those of the American railways and will strengthen them in every market.

SCIENTIFIC ADJUSTMENT OF RAILROAD PROBLEMS.

The railroad question has practically been taken out of politics by the wise action of Congress in organizing the railroad commission. We have taken it out of politics, and we have brought about a scientific adjustment of all the matter relating to interstate transportation.

So it would be with reference to this tariff question. If we would fix a rule under which prohibitive and excessive duties should be gradually reduced, we would have, as a result of the action of five intelligent men charged with the duty under the responsibility of their oaths, the gradual reduction of excessive duties, those duties that constitute the existing abuses, and thus gradually the tariff would fade out of politics.

Of course there would always be the economic question remaining as to the theory upon which the rule for the reduction of excessive duties should be framed, but certainly any reduction of an excessive or prohibitory duty is an advance toward the principle upon which we Democrats claim a tariff should be framed. The creation of such a tariff board, charged with the duty of ascertaining whether the existing duty is in excess of the difference between the American and the foreign cost, accompanied by a legislative declaration that as soon as the fact was ascertained the duty should be reduced to that standard, would result at least in the absolute destruction of the prohibitive duties of the country, and would bring every duty down to the point of an importing level, so that the competition of foreign goods would diminish the present extortion and oppression existing back of the tariff wall through the protection afforded by it.

Mr. President, it was my purpose to offer an amendment to this bill giving this tariff board power to ascertain whether or not any existing duty was above the standard fixed by Congress, and then declaring in the law that that duty should be, either immediately or in installments covering a period of three or four years, reduced to that standard. It was my purpose, in order to allay the alarm of those who fear the disturbance of existing conditions, to provide in the amendment for a brake with which the President, after these installment reductions were commenced, could, in case of a flood of importations destructive to any American industry, arrest the reduction until the matter could be referred to Congress for its action. Congress could then determine whether the installment reduction should continue or whether it should be temporarily discontinued. In this way we could guard against the fears of the entire country.

The Senator from Indiana [Mr. SHIVELY] says it is just as bad for a man to be scared to death as it is to die of a mortal disease. We wish in shaping our legislation to protect the people of the United States from unnecessary scares, and in this process of the reduction of duties, with its accompanying disarrangement of industries, we should assure them not only that the reduction shall be gradual, but we should assure them that somewhere there will be a brake applied in case, either through the ignorance or the mistake of the commission or through the overzeal of Congress, any industry in the country is threatened with a flood that may impair or destroy it.

The Democratic Party is dependent upon the support of the great industrial masses of the country, upon voters who are now protected under the protective tariff, who agree with us that this tariff is unnecessarily high, that it gives an exaggerated profit to the manufacturers, to the trusts, and to the monopolies, and who will stand with us so long as we reduce it only to a standard that will not affect their wages and give our enemies the chance to arouse their fears with reference to their wages, and they will vote against any party whose success involves or may involve or has the chance of involving a reduction in those wages.

The Democratic Party is not pursuing a propaganda either against a moderate profit to the manufacturer or the reasonable wages of employees, and our legislation should, at all events for the present, be applied simply to the reduction of unreasonable exactions.

GENERAL TARIFF REVISION UNDESIRABLE.

So, Mr. President, I do not think we ought to throw this entire country into the agonies of a general tariff revision. I believe that we should adopt some method of reaching the prohibitive duties and those duties that are unreasonably high, just as we did with reference to the railroad question. We gave the railroad commission no power originally to fix rates. When we finally gave them the power upon that subject, we did not give them power to increase a rate, but we gave them only the power to reduce rates that were unreasonably high.

That work has operated to the advantage of the entire country, and it has moved on without industrial or economic disturbance in the country. The men in control of the railroads, it is true, sought to arouse the alarm of the country, sought to arouse the alarm of the financial markets of the world, by insisting that unless this process of reducing excessive rates was stopped and unless their rates were increased their finances would be imperiled and that they would be unable to negotiate stocks and bonds, upon whose negotiation would depend the construction and maintenance of their roads. As a result of their complaint we have this great and luminous decision, convincing to the entire world, and yet if we had not had such a commission of capable men, able to render such a decision, and had precisely the same action that has been accomplished by the Interstate Commerce Commission——

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from New Hampshire?

Mr. NEWLANDS. In a moment. Had the same regulation been accomplished by the act of the National Congress, with all the attendant political agitation and disturbance, instead of by a quasi-judicial tribunal created by Congress and acting under general rules prescribed by Congress, we would have had, with the outcry of the railroad managers and the general political agitation, a dislocation of the markets of the world and a liquidation of the railroad securities of this country that would have involved us all in financial distress. I yield now to the Senator.

Mr. GALLINGER. Mr. President, I want to call the attention of the Senator to the fact that there is a very striking difference between regulating the charges on railroads and regulating our import duties, for the reason that we have in the matter of railroad transportation no foreign competition, while in the matter of our tariff we are directly in competition with all the nations of the world, so that it is a very much easier matter to regulate fares and freights on American railroads when they are simply competing amongst themselves than it would be if we had the competition of foreign countries.

One other point: The Senator suggested that we gradually decrease the duties that we are now exacting from foreigners who send their goods into our market place. The Senator, I trust, will give consideration to this suggestion: That there is a protective line, a line that protects our manufacturers and our farmers against the manufacturers and farmers of other countries. Forty-five per cent may be protection; 43 per cent might not be protection, because it might fall below the protective line, and, except so far as revenue is concerned, we might as well have free trade as to have a rate of duty below the protective line. I presume the Senator has given consideration to that.

Mr. NEWLANDS. Mr. President, in the brief time that I intend to devote to the discussion of this question to-day I do not care to enter into refinements as to where the protective line is or where the revenue line is. I have addressed myself merely to the general consideration of the question. Members of both political parties, and the American people at large, realize that there are duties that are unreasonably high, judged by the standards of either and both of the parties, and, inasmuch as the Republican Party is in power and is likely to remain sufficiently in power, at least for the next two years, to prevent the complete vindication of Democratic theory, we can, at all events, address ourselves to the practical question of reducing the duties that are excessively high as judged by both standards.

The Senator says that, with reference to railroads, the duty of fixing railroad rates is easier than that of fixing customs duties, because in America we have no foreign competition as to our transportation, while in production we have the competition of foreign countries. Well, I do not care to enter into the question as to which is the more difficult task. If the question of the adjustment of rates is the more difficult task, it is all the more essential that we should have expert aid; that we should have a commission of capable and competent men, acting under the sanction of an oath, charged with full responsibility to ascertain the facts and to submit the facts with all their deductions to Congress.

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I take no stock in the suggestion of the liability of such a commission to mislead Congress. I do not believe that such a commission will attempt to mislead Congress; I do not believe that they will dare to do it; I do not believe they will have the disposition to do it. The oath which they take obligates them, the high responsibility of their position would give solemnity to their actions, and the very high character of their duty will lift them up to the standard of its true performance.

So, Mr. President, so far as I am concerned as a Democrat, I am willing that there should be a tariff board of five members, of which only three shall belong to the dominant party. I am willing that the appointment of the minority of those shall be intrusted to the selection of a President, who, however we may differ with him upon many matters, is highly conscientious in the discharge of duty—a President who appointed upon the Supreme Bench such Democrats as White and Lurton and Lamar. I do not believe that the President will endeavor to deceive the Democratic Party; that he will endeavor to appoint Democrats who are in harmony with the protective theory. I believe that he will realize his obligation to appoint men upon that commission who are true to the principles of the party to which they belong, and I believe that the work of such a high-class commission will be as beneficial in promoting the economic interests of the country as has been the selection of the Interstate Commerce Commission, and that it will be as free from constitutional objection as was the establishment of the Interstate Commerce Commission 23 years ago.

Mr. OWEN. Mr. President, I voted against taking up the Post Office appropriation bill. I did so because I want the bill to create a tariff board, which is now before the Senate, House bill 32010, to pass. It does not in every particular accord with my precise views. I should amend it in some respects. I do not believe in authorizing the tariff board "to require" any person to produce books and papers relating to any matter pertaining to the investigation of the board. I think the word "require" ought to be "request," leaving the report to be made and further action to be taken if it prove expedient and necessary.

This is a measure that has been, in some form, before the Senate and before Congress for a long time. I think that it ought to be brought to a conclusion. I know that when the tariff question came before the special session two years ago it was impossible for a man who was industrious and who was conscientious to go through and properly digest 8,000 pages of miscellaneous matter collected together under the form of evidence before the Committee on Ways and Means. This miscellaneous stuff, with no order; this so-called evidence, taken without the proper safeguard of possible perjury prosecution for violating the so-called oath administered, was confused, disorderly, and impossible to digest.

I think the conscientious, laborious, and faithful legislator ought to have the benefit of the continued service of expert men devoted to procuring the facts upon which Senators and Congressmen may proceed with intelligence; that those facts ought to be put together in an orderly way; that there ought to be comparative tables, arranged upon a scientific plan, so that one may arrive at an intelligent comprehension of what would be the effect of any given rate. For these reasons, among others, without going into this matter in detail, I am in favor of the proposed tariff board.

But, more than that, I do not think that this Congress should pass any of the appropriation bills, as I stated when the Senate was forcing through the ship-subsidy bill. This subsidy bill, by the vote of 10 Senators who had been refused reelection by their respective States, was, on a tie vote so obtained, passed by the Vice President's vote. I favor an extra session where the newly elected representatives of the people may frame these bills. That is my opinion, if I am alone in it; and my reason is that this Congress does not represent the will of the American people and has no right to fix the fiscal policy of this country for 18 months after it has died. It has no right to appropriate a thousand millions of the people's money after it has been repudiated at the polls. That is a good and sufficient reason why we should not now pass these appropriation bills or any of them. The chosen representatives of the people of the United States are waiting at the doors to enter this Capitol and to write the fiscal policy of this Government. What right have you to deny them? There is plenty of time for the new Congress to act before the fiscal year expires. The Democratic Party went before the people of the United States and sought the authority to govern this country. They have been granted the right to govern this country, and I want the party to which I belong to exercise the duty imposed upon it by the people of the United States, and to do it now, not at some future time, Mr. President, but now; and I enter my vigorous protest against your rushing these bills thro now, without time for examination and without any mora ethical right to exercise this power. At all events, I hop this protest to promote a reform in this respect.

Senators and Representatives defeated by the people o no longer to exercise the legislative power of the people hope to see an end of this mischievous and dangerous practic

Mr. STONE. Mr. President, I do not rise to discuss matter now immediately before the Senate, but to reply t observation made by the Senator from Nevada [Mr. NEWLAN which will require but a few minutes.

The Senator from Nevada, as I understood him, said he present during some colloquy last night with reference t adjournment, and that he was impressed with the idea the meaning and effect of that colloquy was a practical ag ment or understanding that to-day some definite time woul fixed for voting on the pending bill.

Mr. President, I desire to read from the RECORD of yeste just what was said in the two colloquies had and to put whole matter in as compact a form as possible. It is scattered through the RECORD in rather a disconnected way begin reading from page 3796:

Mr. STONE. Mr. President, I suggest to Senators on the other and particularly to the Senator from Indiana in charge of the bill, we now take an adjournment. Then those of us on this side who opposed to the bill will have an opportunity to have some confer to see whether it is possible for us to come to some agreement. useless to stay here all night.

Mr. PENROSE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yiel the Senator from Pennsylvania?

Mr. STONE. Certainly.

Mr. PENROSE. I should like to ask the Senator from Missouri whe by coming to an agreement he would suggest that we could perhap a time for voting on the measure, if we adjourn now and take it u the morning, or whether some amendments are in question?

Mr. STONE. I do not quite understand the Senator.

Mr. PENROSE. My query was, whether the Senator from Missouri in mind offering any amendments to the measure or whether his gestion was that we could fix a time for voting on the bill?

Mr. STONE. I do not know, Mr. President, at this moment of amendments that are to be proposed. I have not heard of any. I sume that if any agreement should be made it would be with refer to some time for disposing of this measure. I say that because not suppose that the Senator from Indiana and those who are ac with him would consider any agreement that did not fix some time the vote. I can not give any assurance, I have no right to give assurance, that any agreement will be made, and I am not asking adjournment upon the basis that it can be made; but I do not t any progress can be made toward an agreement by continuing an definite session. Nothing can be accomplished in that way—I give surance of that much—and if it is desired to do anything with bill, ws had better go home, sleep a while, get breakfast, and come in better humor than we would be if we were compelled to go on this bill to-night.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yiel the Senator from Utah?

Mr. STONE. Certainly.

Mr. SMOOT. I ask unanimous consent that we take a vote upon bill and pending amendments at 6 o'clock to-morrow.

Mr. STONE. Mr. President, I will object to any agreement of kind to-night.

Mr. SMOOT. Will the Senator agree for an early vote on Friday

Mr. STONE. I will not make any agreement to-night for a vote.

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

Mr. STONE. It might be that some arrangement of that kind c be made after consultation, but I have no right to make any ag ment. I am not authorized to do it.

Mr. OVERMAN. Mr. President, I suggest to the Senator that prob in the morning, when we are all fresh and have had a night's rest, might get together, as we did on another question, and settle it. not believe in agreeing to anything to-night.

Mr. BEVERIDGE. That was at 8 o'clock in the morning.

Mr. OVERMAN. If we adjourn now we might be able to come to s agreement, but I do not think we can do so to-night. I suggest to Senator from Missouri that he remembers what took place here other night, that we had Democrats talk him over, and there was s understanding arrived at, and it might be accomplished again.

Mr. BEVERIDGE. But not at this hour.

Mr. OVERMAN. Well, if the Senator wants to go on——

Mr. BEVERIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield the Senator from Indiana?

Mr. BEVERIDGE. I do not desire the Senator to yield to me. asked me a question.

Mr. STONE. If I did or did not, I will yield with great pleasure the Senator.

Mr. BEVERIDGE. I will wait until the Senator is through.

Mr. STONE. Well, I am through, if the Senator desires to have floor.

Mr. MARTIN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield the Senator from Virginia?

Mr. STONE. Yes.

Mr. MARTIN. Mr. President, I simply want to suggest that it is likely that an agreement to vote will be gotten under the threat of all-night session. I am ready to vote now. I do not want a minu delay, but I do not want to stay here all night, and I do not want come to any consent agreement under the threat of an all-night sessi I do not like that sort of practice. I think the consent ought to given; I think there ought to be a vote on this measure. I see object in preventing it and I am ready for a vote, but I am not re for a consent agreement under a menace that if we do not do it will be kept here all night.

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which a large percentage of the survivors would be entitled by reason of their attaining the next higher age specified in the bill entitling them to the increased rates provided thereunder.

That is on the bill as reported from the House, and that meant an increase of $57,000,000 added to the $153,000,000 of regular pension appropriations, making $210,000,000.

But I addressed an inquiry to the Secretary of the Interior as to what would be the increase under the bill as amended by the Senate committee, being the bill which we are now considering. It is as follows:

SECRETARY OF THE INTERIOR,
Washington, February 20, 1911.

MY DEAR SIR: I have your letter of February 20, asking me what is my estimate of the total pension appropriation for 1913 under the Sulloway bill as reported by the Senate committee.

In reply, I would say that my estimate, pursuant to verbal information from the Commissioner of Pensions, is about $200,000,000.

Very truly, yours, R. A. BALLINGER, *Secretary.*

Hon. LEROY PERCY,
United States Senate.

That being an increase carried by the bill of $47,000,000, I just wished to make the correction. So that is the estimated increase, and no pension bill has ever yet failed to exceed the estimate in regard to it. It is not $40,000,000, but $47,000,000 for the second year.

Mr. HALE. What has become of the question of order?

The VICE PRESIDENT. The Chair was about to decide it.

Mr. HALE. Let us hear it.

The VICE PRESIDENT. The bill under consideration is a general appropriation bill, to which the Senator from West Virginia [Mr. SCOTT] offers an amendment that is substantially a bill which he has heretofore reported from the Committee on Pensions. The Senator from Massachusetts [Mr. LODGE] invokes in opposition to the amendment the third clause of Rule XVI, which reads:

No amendment which proposes general legislation shall be received to any general appropriation bill.

The Senator from Kansas [Mr. CURTIS] suggests that the Chair shall submit the proposition of order to the Senate under the second clause of Rule XX. The Chair assumes that that clause of Rule XX was intended to cover a case where the Chair might possibly have some doubt as to the question of order. In this instance it is so clear to the Chair that the amendment is a legislative provision that the Chair feels constrained not to comply with the request of the Senator from Kansas, but to decide the question as a matter of procedure having nothing to do with the merits, as an amendment which can not be received when the rule is invoked against it. The Chair therefore sustains the point of order.

If there be no further amendments, the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

Mr. McCUMBER. Before the bill is passed I wish to put in the RECORD the statement that the number of pensioners on the pension roll was decreased 25,000 between 1909 and 1910, and that this appropriation bill carries $8,287,000 less than was used in 1909 and $6,000,000 less than was used in 1910.

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.

REVISION OF LAWS—JUDICIARY TITLE.

Mr. HEYBURN submitted the following concurrent resolution (S. Con. Res. 43), which was considered by unanimous consent and agreed to:

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill (S. 7031) to codify, revise, and amend the laws relating to the judiciary the enrolling clerk is directed to strike out from the bill as reported from conference that part of section 151 thereof which reads as follows: "In any proceeding under this section the court shall determine as a preliminary inquiry the question of limitation, delay, or laches; and if it shall be of opinion that the delay in presenting the claim is not excusable, and that the bar of the statute of limitation should not be removed, it shall not proceed further to find the existence of loyalty, liability, or the extent thereof, in such case, but shall report such finding in bar to the House by which the claim or matter was referred."

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. HALE. I move to take up House bill 32866, the diplomatic and consular appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 32866) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1912, which had been reported from the Committee on Appropriations with amendments.

Mr. HALE. I ask unanimous consent to dispense with the formal reading of the bill and that the amendments of the committee be acted upon as they are reached in the reading.

Mr. OWEN. I object.

The VICE PRESIDENT. Objection is made. The Secretary will read the bill.

The Secretary proceeded to read the bill and read to line 3 on page 3.

Mr. HALE. I renew my request that the formal reading of the bill be dispensed with, that the bill be read for amendment, the committee amendments to be first considered.

The VICE PRESIDENT. Is there objection to the request of the Senator from Maine? The Chair hears none.

The Secretary continued the reading of the bill.

The first amendment of the Committee on Appropriations was, on page 17, after line 22, to strike out:

ARBITRATION OF OUTSTANDING PECUNIARY CLAIMS BETWEEN THE UNITED STATES AND GREAT BRITAIN.

For the expenses of the arbitration of outstanding pecuniary claims between the United States and Great Britain, including office rent in the District of Columbia and the compensation of arbitrator, umpire, agent, counsel, clerical and other assistants, to be expended under the direction of the Secretary of State, and to be immediately available and to continue available until expended, $50,000.

The amendment was agreed to.

The next amendment was, on page 19, after line 3, to insert:

INTERNATIONAL CONGRESS ON SOCIAL INSURANCE.

The President of the United States is hereby authorized to extend to the International Congress on Social Insurance an invitation to hold its next triennial congress in the United States.

The amendment was agreed to.

The next amendment was, on page 19, after line 8, to insert:

INTERNATIONAL CONGRESS ON ALCOHOLISM AT THE HAGUE, HOLLAND.

For expenses of delegates to be designated by the President to the Thirteenth International Congress on Alcoholism at The Hague, Holland, September, 1911, $4,500, including secretarial and stenographic work and transcription of reports.

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.

FORTIFICATIONS APPROPRIATION BILL.

Mr. PERKINS. I move that the Senate proceed to the consideration of House bill 32865, known as the fortifications appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 32865) making appropriations for fortifications and other works of defense, for the armament therefor, for the procurement of heavy ordnance for trial and service, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. PERKINS. I ask that the formal reading of the bill be dispensed with——

Mr. OWEN. I object, Mr. President.

The VICE PRESIDENT. Objection is made, and the Secretary will read the bill.

The Secretary proceeded to read the bill.

Mr. PERKINS. Mr. President, I now renew my request that the formal reading of the bill be dispensed with; that it be read for amendment, the committee amendments to be first considered.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The first amendment of the Committee on Appropriations was, under the subhead "Under the Engineer Department," on page 1, after line 9, to insert:

For construction of gun and mortar batteries, $125,000.

The amendment was agreed to.

The next amendment was, on page 2, after line 15, to insert:

For the acquirement by the Secretary of War of the lands at Cape Henry, Va., as contemplated by the project of the War Department, as embodied in the report of the Secretary of War for the year 1906, which lands have been duly surveyed by the Government of the United States and embrace an area of 300 acres, more or less, or such portion thereof as he may deem advisable, by purchase or by condemnation proceedings, under the provisions of the act of August 18, 1890 (Supplement to the United States Revised Statutes, p. 780), either or both, $150,000, or so much thereof as may be necessary for said purpose.

The amendment was agreed to.

The next amendment was, under the subhead "Armament of fortifications," on page 4, line 11, before the word "thousand," to strike out "one hundred and fifty" and insert "five hundred," so as to make the clause read:

For the purchase, manufacture, and test of ammunition for mountain, field, and siege cannon, including the necessary experiments in connection therewith and the machinery necessary for its manufacture at the arsenals, $500,000.

The amendment was agreed to.

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The next amendment was, under the head of "Fortifications in insular possessions," subhead "Engineer Department," on page 7, after line 10, to insert:

Construction of mining casemates, cable galleries, torpedo storehouses, cable tanks, and other structures necessary for the operation, preservation, and care of submarine mines and their accessories at the defenses of the Philippine Islands, $173,000.

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.

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. 28406) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1912.

The message also announced that the House had passed the following bills:

S. 6059. An act to remove cloud from the title of the southeast quarter of the northeast quarter of section 23, township 47, range 23 west of the fifth principal meridian, except 10 acres off of the north side thereof, in Pettis County, Mo., and to release the title of the United States therein to George R. Shelley, his heirs and assigns;

S. 9271. An act for the relief of William H. Walsh;

S. 10761. An act to amend section 3 of the act of Congress of May 1, 1888, and extend the provisions of section 2301 of the Revised Statutes of the United States to certain lands in the State of Montana embraced within the provisions of said act, and for other purposes;

S. 10792. An act to promote the erection of a memorial in conjunction with a Perry's victory centennial celebration on Put in Bay Island during the year 1913 in commemoration of the one hundredth anniversary of the Battle of Lake Erie and the northwestern campaign of Gen. William Henry Harrison in the War of 1812; and

S. 10822. An act to extend the time for the completion of a bridge across the Missouri River at or near Yankton, S. Dak., by the Winnipeg, Yankton & Gulf Railroad Co.

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

H. R. 25192. An act to amend section 11, act of May 28, 1896; and

H. R. 32251. An act authorizing the sale of allotments of Nekquel-o-kin, or Wapato John, and Wue-til-qua-soon, or Peter, Moses agreement allottees.

HOUSE BILL REFERRED.

H. R. 25192. An act to amend section 11, act of May 28, 1896, was read twice by its title and referred to the Committee on the Judiciary.

H. R. 32348. An act supplementary to and amendatory of the act entitled "An act for the division of the lands and funds of the Osage Nation of Indians in Oklahoma," approved June 28, 1906, and for other purposes, was read twice by its title and referred to the Committee on Indian Affairs.

WEYMOUTH BACK RIVER BRIDGE, MASSACHUSETTS.

The VICE PRESIDENT laid before the Senate the bill (H. R. 30273) for the relief of the city of Quincy, the towns of Weymouth and Hingham, and the Old Colony Street Railway Co., all of Massachusetts, which was read twice by its title.

Mr. LODGE. I ask that the bill may lie upon the table. I desire to make a motion in regard to it later.

The VICE PRESIDENT. The bill will lie upon the table.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. SCOTT. I move that the Senate proceed to the consideration of the bill (H. R. 32436) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1912, and for other purposes.

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

Mr. SCOTT. I ask unanimous consent that the formal reading of the bill be dispensed with and that it be read for amendments, the amendments of the committee to be first considered.

The VICE PRESIDENT. Is there objection to the request of the Senator from West Virginia?

Mr. OWEN. Mr. President, I object.

The VICE PRESIDENT. The Senator from Oklahoma objects. The Secretary will read the bill.

The Secretary proceeded to read the bill.

Mr. OWEN. Mr. President, I should like to understand the bill as it is being read. I do not wish to be unduly troublesome about it, but I should like to have it read in such a way that I could understand it as it is being read. I do not like to have the words run like wheat pouring through a funnel.

The VICE PRESIDENT. The Chair thinks the Assistant Secretary, who is reading the bill, is a fairly good reading clerk.

Mr. OWEN. One of the best in the world, Mr. President. I have never known a better.

The VICE PRESIDENT. The Assistant Secretary will continue the reading.

The reading of the bill was resumed.

Mr. STONE. Mr. President, there was so much confusion that I could not even hear the title of the bill.

The VICE PRESIDENT. The Military Academy appropriation bill is under consideration.

The Assistant Secretary resumed the reading of the bill.

Mr. STONE. Mr. President, I have just this moment been able to secure a copy of the bill. I should like to ask at what page the Secretary is reading?

The VICE PRESIDENT. At the top of page 8.

Mr. OWEN. Mr. President, I should like to know whether there is a printed report upon this bill.

The VICE PRESIDENT. The calendar will show. The Chair is not advised.

Mr. OWEN. Is there a printed Senate report on it?

Mr. HALE. Let me say to the Senator that on appropriation bills, not dealing with single subjects as other bills do which reports in detail are made, it is not, and it never has been, the practice to make reports in detail. The only report in connection with an appropriation bill that is ever made, if any, the only report that I make when I report an appropriation bill—is simply a statement of the amounts carried, because the details are so many that a report on every item is practically impossible. I think the Senator will see that. The general rule in making a report that applies to a single subject matter does not apply to an appropriation bill, and I have no doubt that is the case here in connection with this bill. If there is a report, it simply states the amount of the appropriation.

Mr. OWEN. Mr. President, that explains, of course, why I have not been able to get the report; but I must confess that as a representative of the State of Oklahoma, I should like to know what these items mean. If I am not to have any report and if a large number of the great appropriation bills shall be rushed through here in the last 48 hours of the session, it is obviously impossible for me to know, and why should I give my consent to the appropriation of six or eight hundred million dollars without knowing what the items mean? I do not think that is right.

Mr. HALE. The Senator has got to confront the situation.

Mr. OWEN. I am trying to confront it, Mr. President.

Mr. HALE. It is utterly impossible, under the stress of weather that we are in now, for the Committee on Appropriations to make a detailed report on every item.

Mr. GALLINGER. And it never has been done.

Mr. HALE. It has never been done and it never will be done. Mr. President, in a condition such as we are in now. The Senator is in the same situation as all the rest of us are. We are confronting Saturday noon. The great reason why we do not make reports is that every item in the bill comes up. The bill is considered item by item by the Senate. Each item explains itself; and, if necessary, the Senator in charge of the bill will state the reasons for the different items. You cannot and never will have an elaborate report in detail on an appropriation bill on every item.

Mr. OWEN. I hold in my hand what purports to be a report on this bill.

Mr. HALE. I think it is so brief——

Mr. OWEN. A little memorandum. That is all the report that was presented.

Mr. HALE. That is all.

Mr. OWEN. I should like to read into the RECORD, if I may, the remarkable report upon this bill explaining to the Senate what this bill signifies.

Mr. HALE. It does not pretend to explain it.

Mr. OWEN. It does not pretend to?

Mr. HALE. I have made a hundred just such reports.

Mr. OWEN. I shall have to acquiesce in that.

Mr. SCOTT. Mr. President——

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

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Mr. OWEN. Certainly.

Mr. SCOTT. I understand the Senator from Oklahoma is insisting on a full reading of the bill. I should think he would wait until the bill is read through the first time.

Mr. KEAN. That has been yielded.

Mr. SCOTT. Did the Senator yield? I am very much obliged.

Mr. OWEN. No, sir; I did not yield. I simply rose to ask for a report on this bill, and was advised by the chairman of the Appropriations Committee that there was no report on it, and that it had not been the habit of the Appropriations Committee to make any report on these appropriation bills, because the items were so numerous; and we are expected to stand here and appropriate a thousand million dollars without any report to guide us, because they are so numerous that they can not be printed.

This memorandum, which is supposed to be something of a report, I should like to read into the RECORD:

Memorandum submitted by the Superintendent of the United States Military Academy under date of February 25, 1911, with reference to vacancies at the Military Academy.

Mr. GALLINGER. There is a long report which I will send to the Senator from Oklahoma—at least a different report.

Mr. OWEN. Well, there is a report, after all.

Mr. GALLINGER. Yes.

Mr. OWEN. I will read the first one and then I will read the second.

Mr. GALLINGER. The second one is on the back of the first.

Mr. BANKHEAD. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Alabama?

Mr. OWEN. I do.

Mr. BANKHEAD. I should like to have the attention of the senior Senator from Maine for a moment. We have had quite a strenuous session to-day; we have been here almost eight hours; and I should like to ask the Senator if he does not agree with me that in the interest of economy of time and the dispatch of business we should take a recess until 8 o'clock?

Mr. HALE. That is a matter for the Senate to settle. My experience has been, as I have said before, that at a night session, taking a recess about 6 o'clock until 8 o'clock, to give Senators an opportunity to go home and get their dinners, take a little nap or whatever is requisite, the Senate can do more business by 12 o'clock, midnight, than if we undertake to go straight on. It is a burden to Senators, as the Senator from Alabama has indicated—eight or nine hours here. A little respite, I think, works for the benefit of the dispatch of business, and I should say that we will be farther along at 12 o'clock to-night if we take a recess from 6 o'clock, or from now, until 8 o'clock. But that the Senate must decide.

Mr. BANKHEAD. Mr. President——

Mr. HALE. Let us finish this bill and then take a recess.

Mr. SCOTT. For my part I hope we will finish this bill before we take a recess.

The VICE PRESIDENT. The Senator from Oklahoma still has the floor.

Mr. SCOTT. I believe I am entitled to the floor.

The VICE PRESIDENT. No; the Senator from Oklahoma has the floor.

Mr. PENROSE. Regular order!

The VICE PRESIDENT. The reading of the bill is the regular order.

Mr. KEAN. The Senator from Oklahoma desired to read the report. Let him read it.

Mr. OWEN. I have no objection to the continuation of the reading of the bill, but I desire to call attention to this report at the first convenient moment, and I desire also an explanation of the items which are in this bill. I do not think we can possibly dispose of it by 6 o'clock, because there are many things which I desire to have explained.

Mr. HALE. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Maine?

Mr. OWEN. I do.

Mr. HALE. I see what the Senator wants—not delay, but explanation. Will he not withdraw his request for the formal reading of the bill? Then we can go on and take it up item by item for explanation. That would help us so much.

Mr. OWEN. I would prefer to have the bill read, and shall insist upon the regular order—the reading of the bill.

The VICE PRESIDENT. The Senator from Oklahoma insists upon the reading of the bill.

Mr. FLINT. I hope the Senator will not insist on that. Many of us desire to leave at 6 o'clock.

The VICE PRESIDENT. The regular order is the reading of the bill.

The Secretary resumed and concluded the reading of the bill.

The VICE PRESIDENT. The Secretary will now read the bill for committee amendments, if there be no objection. The Chair hears none.

The first amendment of the Committee on Military Affairs was, under the subhead "Permanent establishment," on page 2, line 5, after the word "cadets," to strike out "three hundred thousand" and insert "three hundred and thirty thousand."

The amendment was agreed to.

The next amendment was, after the amendment just agreed to, to insert:

Provided, That whenever any cadetship at the United States Military Academy is available for the appointment of a cadet from any State at large, or from any congressional district or Territory, the President shall appoint a cadet from the United States at large to fill such cadetship unless the proper Senator, Representative, or Delegate in Congress shall nominate an eligible candidate for appointment to such cadetship within six months after having been requested by the War Department to nominate such a candidate: *Provided further*, That hereafter whenever all vacancies at the Military Academy shall not have been filled as a result of the regular annual entrance examination the superintendent shall fill not to exceed 30 of the remaining unfilled vacancies by admissions from the whole list of alternates, selected in their order of merit established at such entrance examination, preferably from the same State in which the vacancy occurs. The admissions thus made shall be credited to the United States at large and shall not interfere with or affect in any manner whatsoever any appointment authorized by existing law: *And provided further*, That whenever by the operation of this or any other law the Corps of Cadets exceeds its authorized maximum strength as now provided by law the admission of alternates as herein prescribed shall cease until such time as the Corps of Cadets may be reduced below its present authorized strength.

Mr. NELSON. I make the point of order against that amendment that it is general legislation. I make the point of order that the entire proviso is general legislation.

The VICE PRESIDENT. There is no doubt at all in the mind of the Chair about its being general legislation. The point of order is sustained.

The next amendment of the Committee on Military Affairs was, on page 3, line 20, before the word "assistant," to strike out "eight" and insert "nine;" in the same line, after the word "captains," to insert "two of whom are hereby authorized hereafter for the department of English and history and the department of ordnance and gunnery, one for each department, respectively;" and in line 25, before the word "dollars," to strike out "three thousand two hundred" and insert "three thousand six hundred," so as to make the clause read:

For pay of 9 assistant professors (captains), 2 of whom are hereby authorized hereafter for the department of English and history and the department of ordnance and gunnery, 1 for each department, respectively, in addition to pay as first lieutenants, $3,600.

The amendment was agreed to.

The next amendment was, on page 4, line 3, before the word "senior," to strike out "four" and insert "three;" in line 4, after the word "tactics," to strike out "ordnance and gunnery;" and in line 6, before the word "hundred," to strike out "six" and insert "two," so as to make the clause read:

For pay of 3 senior assistant instructors of artillery and infantry tactics and practical military engineering (captains), in addition to pay as first lieutenants, $1,200.

The amendment was agreed to.

The next amendment was, on page 4, line 9, after the word "lieutenants," to strike out "not mounted," so as to make the clause read:

For pay of 7 instructors of cavalry, artillery, and infantry tactics (captains), in addition to pay as second lieutenants, $4,900.

The amendment was agreed to.

The next amendment was, on page 5, line 5, after the word "artillery," to strike out "detachment" and insert "detachments," so as to make the clause read:

For pay of the Military Academy band, field musicians, general Army service, cavalry and artillery detachments, and enlisted men on detached service, and extra pay for enlisted men on special duty.

The amendment was agreed to.

The next amendment was, on page 5, line 8, before the word "band," to strike out "one" and insert "One," so as to make the clause read:

For pay of military band: One band sergeant and assistant leader, $900.

The amendment was agreed to.

The next amendment was, on page 8, line 16, after the word "men," to insert "employed," so as to make the clause read:

For extra pay of four enlisted men employed as printers at headquarters United States Military Academy, at 50 cents each per day, $626.

The amendment was agreed to.

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The next amendment was, on page 9, line 15, after the word "soldier," to insert "employed," so as to make the clause read:

For extra pay of one ordnance soldier employed as draftsman and lithographic printer, at 50 cents per day, $156.50.

The amendment was agreed to.

The next amendment was, on page 9, line 18, after the word "soldier," to insert "employed," so as to make the clause read:

For extra pay of one ordnance soldier employed as machinist, at 50 cents per day, $156.50.

The amendment was agreed to.

The next amendment was, on page 9, line 21, after the word "soldier," to insert "employed," so as to make the clause read:

For extra pay of one ordnance soldier employed as clerk, at 50 cents per day, $156.50.

The amendment was agreed to.

The next amendment was, on page 10, line 13, after the word "men," to insert "employed," so as to make the clause read:

For extra pay of four enlisted men employed as assistants and attendants at the library, at 50 cents each per day, $684.

The amendment was agreed to.

The next amendment was, on page 10, line 16, after the word "man," to insert "employed," so as to make the clause read:

For extra pay of one enlisted man employed as clerk in the department of practical military engineering and to the officer in charge of waterworks and works of construction at the Military Academy, at 50 cents per day, $156.50.

The amendment was agreed to.

The next amendment was, on page 10, line 21, after the word "men," to insert "employed," so as to make the clause read:

For extra pay of three enlisted men employed as clerks in the office of the quartermaster, United States Military Academy, at 50 cents each per day, $521.50.

The amendment was agreed to.

The next amendment was, on page 11, line 4, after the word "men," to insert "employed," so as to make the clause read:

For extra pay of 2 enlisted men employed as messengers in the office of the adjutant, United States Military Academy, at 35 cents each per day, $219.10.

The amendment was agreed to.

The next amendment was, under the subhead "Pay of civilians," on page 12, line 25, before the word "clerk," to insert "pay of," so as to make the clause read:

For pay of clerk to the disbursing officer and quartermaster, $1,500.

The amendment was agreed to.

The next amendment was, on page 13, line 1, before the word "clerk," to insert "pay of," so as to make the clause read:

For pay of clerk to adjutant in charge of cadet records, $1,500.

The amendment was agreed to.

The next amendment was, on page 13, line 3, before the word "one," to insert "pay of," so as to make the clause read:

For pay of 1 clerk to the adjutant, $1,500.

The amendment was agreed to.

The next amendment was, on page 13, line 5, before the word "clerk," to insert "pay of," so as to make the clause read:

For pay of clerk to treasurer, $1,800.

The amendment was agreed to.

The next amendment was, on page 13, line 7, before the word "one," to insert "pay of," so as to make the clause read:

For pay of 1 clerk to the quartermaster, $1,400.

The amendment was agreed to.

The next amendment was, on page 13, line 9, before the word "two," to insert "pay of," so as to make the clause read:

For pay of 2 civilian instructors in French, to be employed under rules prescribed by the Secretary of War, $2,000 per year each, $4,000.

The amendment was agreed to.

The next amendment was, on page 13, line 12, before the word "two," to insert "pay of," so as to make the clause read:

For pay of 2 civilian instructors in Spanish, at $2,000 per year each, to be employed under rules prescribed by the Secretary of War, $4,000.

The amendment was agreed to.

The next amendment was, on page 13, line 15, before the word "two," to insert "pay of," so as to make the clause read:

For pay of 2 expert civilian instructors in fencing, broadsword exercises, and other military gymnastics as may be required to perfect this part of the training of cadets, $3,000.

The amendment was agreed to.

The next amendment was, on page 14, line 2, before the word "assistant," to strike out "librarian's," and in the same line, after the word "assistant," to insert "librarian," so as to make the clause read:

For pay of assistant librarian, $1,200.

The amendment was agreed to.

The next amendment was, on page 14, line 4, after the word "gymnasium," to insert "who shall hereafter be selected and appointed by the Superintendent of the Military Academy under Schedule A, classified positions excepted from examination under rule 2, clause 3, civil-service rules, who shall be qualified to act as trainer for the various cadet athletic teams," so as to make the clause read:

For pay of one custodian of gymnasium, who shall hereafter be selected and appointed by the Superintendent of the Military Academy under Schedule A, classified positions excepted from examination under rule 2, clause 3, civil-service rules, who shall be qualified to act as trainer of the various cadet athletic teams, $1,200.

The amendment was agreed to.

The next amendment was, on page 15, line 14, before the word "dollars," to strike out "two hundred" and insert "one thousand two hundred," so as to make the clause read:

For pay of chapel organist and choirmaster, $1,200.

The amendment was agreed to.

The next amendment was, on page 16, line 2, before the word "dollars," to strike out "one thousand one hundred" and insert "one thousand two hundred," so as to make the clause read:

For pay of attendant and skilled photographer in the department of drawing, $1,200.

The amendment was agreed to.

The next amendment was, on page 16, line 17, before the word "dollars," to strike out "seven hundred and fifty" and insert "nine hundred," so as to make the clause read:

For pay of one copyist, typewriter, and attendant in the department of modern languages, $900.

The amendment was agreed to.

Mr. OWEN. Mr. President, I desire this bill to be read, not skipped over from point to point.

The VICE PRESIDENT. It is being read for amendment now, under the order of the Senate.

Mr. OWEN. Has the bill been read entirely through?

The VICE PRESIDENT. It has.

The next amendment was, on page 17, line 22, before the word "dollars," to strike out "seven thousand" and insert "seven thousand eight hundred," so as to make the clause read:

For pay of six clerks in the office of the adjutant, headquarters United States Military Academy, $7,800.

Mr. OWEN. I object, and I ask an explanation of it, until it is explained I shall not withdraw my objection.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. OWEN. I demand the yeas and nays on the amendment.

The yeas and nays were not ordered.

The next amendment was, on page 19, line 13, after the word "bands," to insert "and for contingencies not otherwise provided for," so as to make the clause read:

For stationery, namely: Blank books, paper, envelopes, quills, pens, rubbers, erasers, pencils, mucilage, wax, wafers, folders, paste, rules, files, ink, inkstands, typewriters, typewriting supplies, furniture, penholders, tape, desk knives, blotting pads, and rubber bands, and for contingencies not otherwise provided for, $2,500.

The amendment was agreed to.

The next amendment was, on page 20, line 8, after the word "and," to strike out "guardhouse" and insert "cadet headquarters," so as to make the clause read:

For camp stools, camp and office furniture, and repairs to same; doormats for cadet barracks, sinks, and cadet headquarters; for stationery, typewriting supplies and repairs, for use of instructor and assistant instructors of tactics; for books and maps, binding and mounting maps; for plumes, silk and worsted sashes for officers and acting officers; for furniture, curtains, and rugs for reception room, $1,445.

The amendment was agreed to.

The next amendment was, on page 20, line 25, before the word "parts," to strike out "separate" and insert "spare;" on page 21, line 1, before the word "purchase," to insert "for;" in line 2, after the word "fire-control," to strike out "stations," and insert "stations," so as to make the clause read:

For purchase of carbons, oils, cleaning materials, spare parts, repairs and maintenance of searchlight, and for purchase of rubber matting and heating apparatus for Coast Artillery fire-control stations, $500.

The amendment was agreed to.

The next amendment was, on page 23, line 9, after the word "to," to strike out "stereoptican" and insert "stereoptic," so as to make the clause read:

For department of drawing: Drawing material, instruments, and stationery for use of instructors; repairs to models and purchase of models; desks, stretchers, drawing boards, racks, and stands; frames; drawings; books and periodicals on art, architecture, topography, and technology; binding maps, books, and so forth; repairs to stereopticon and purchase of lantern slides; photographic apparatus and materials; purchase of new instruments and repair of old ones, for use of cadets and for contingent expenses, $1,530.

The amendment was agreed to.

The next amendment was, under the subhead "Miscellaneous items and incidental expenses," on page 27, after line 8, to insert:

For steel shelving, map drawers, gallery, and stairway, together with large tables, chairs, and other office furniture, and extra electric lighting for the new map room, to remain available until expended, $5,000.

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Mr. OWEN. Mr. President, before that is submitted to the Senate I desire to have it explained by the chairman of the committee.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. OWEN. It is obvious that no explanation is intended to be given of any of these items——

Mr. HALE. Mr. President——

Mr. OWEN. And the purpose is simply to force this matter through without giving any explanation.

Mr. HALE. Mr. President——

Mr. OWEN. I do not think any great progress will be made——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Maine?

Mr. OWEN. I yield, with pleasure, to the Senator from Maine.

Mr. HALE. The Senator should bear in mind that every one of these amendments is insignificant and not of the least account. They deal with commas and semicolons.

Mr. OWEN. Five thousand dollars is the amount involved in this item.

Mr. SCOTT. The misspelling of words.

Mr. HALE. The misspelling of words.

Mr. OWEN. This item involves $5,000.

Mr. HALE. I was going to say that it is about the only amendment that involves any money. All the rest have been of the most trivial character and do not touch the fate of the bill in the least. This is about the only amendment, and it involves only $5,000.

Mr. OWEN. Only $5,000, yes; a very small, trivial item, not worth explaining.

Mr. HALE. It is not, compared with a battleship.

Mr. OWEN. And I do not believe in too many battleships.

Mr. HALE. I will make the point of order, if the Senator will allow me, or he can make it, and that will settle it.

Mr. OWEN. I do not wish to make any point of order upon it——

Mr. HALE. I will make the point of order.

Mr. OWEN. If there is sufficient reason for its adoption.

Mr. HALE. It has not been estimated for.

The VICE PRESIDENT. The Chair does not understand what the point of order is.

Mr. HALE. There is no estimate for it. It was put in without any estimate from the department.

The VICE PRESIDENT. If that is true, the point of order is sustained.

The next amendment was, on page 27, line 22, before the word "purchase," to strike out "for" and insert "For," so as to make the clause read:

Purchase of instruments for band and repairs to same: For purchase of reeds, pads, strings, and other materials necessary for brass, wood, wind, and string instruments; for purchase of music stands and other equipments; for purchase of music for military band and orchestra and for extra parts; and for contingent expenses not otherwise provided for; all to be purchased in open market on order of superintendent, $1,500.

The amendment was agreed to.

The next amendment was, under the subhead "Buildings and grounds," on page 31, after line 18, to strike out:

For repairs and necessary alterations and additions to the cadet hospital, as follows:

The amendment was agreed to.

The next amendment was, on page 33, after line 10, to insert:

For carrying on the development of the general plan for improvements to roads and grounds on the military reservation of West Point, designed under contract by authority of the Secretary of War, $3,000.

Mr. OWEN. I do not know whether the Senator from Maine would prefer to make a point of order against this amendment or to offer a reasonable explanation of it.

Mr. SCOTT. If the Senator will allow me, I will state that that item was estimated for at $5,000 and the committee cut it down to $3,000. The contracts have been made and the Government will be compelled to carry them out. I hope the Senator will not offer any objection to it.

Mr. OWEN. Is this the only amount appropriated for the roads or are other appropriations made for the improvement of the roads and grounds there?

Mr. SCOTT. This is the only appropriation, and we cut it down $2,000.

Mr. OWEN. I have no objection, Mr. President.

The amendment was agreed to.

The next amendment was, on page 34, after line 3, to insert:

Hereafter military attachés while serving on duty at embassies [illegible] shall have the rank of colonel, and while serving on duty at legations abroad shall have the rank of lieutenant colonel: *Provided*, That all officers serving as military attachés shall continue to receive the same pay and allowances which they receive under existing law, and nothing in this act shall be construed to increase such pay or allowances.

Mr. HALE. I make the point of order against the amendment.

The VICE PRESIDENT. The point of order is sustained.

The next amendment was, on page 34, after line 11, to insert:

The consent of the United States is hereby given to the city of Miles City, Mont., to locate, construct, maintain, and operate a pumping station with accessory equipment, upon the property of the United States at Fort Keogh, in the State of Montana, upon the approval of the Secretary of War as to the location of the works and the design and character of the construction, and under such terms, conditions, and regulations as may from time to time be prescribed by him regarding the use of the reservation for this purpose and the operation and maintenance of the plant.

The amendment was agreed to.

The VICE PRESIDENT. This completes the amendments of the committee.

Mr. OWEN. I supposed that a motion would be made to simply pass the bill without objection, including all the items. I do not know what the practice is with regard to this bill, whether it is to pass it item by item or to pass it in bulk. I should like to be informed by the Chair what is the practice.

The VICE PRESIDENT. If there be no further amendments, as in Committee of the Whole, the bill will be reported to the Senate, and in the Senate opportunity is again offered for amendment after amendments recommended by the Committee of the Whole have been concurred in, which is ordinarily done in bulk.

Mr. OWEN. It is after 6 o'clock. I should be very glad if the Senator from Maine would renew the genial suggestion that he made a little while ago, that we might take a recess until 8 o'clock, so that we might come back feeling in better spirits and humor after having taken that balm which promotes geniality and good-fellowship.

Mr. HALE. I should like very much, and I think the Senator would like, to have this bill out of the way. I am only waiting to finish it in order to make a motion to take a recess until 8 o'clock. I hope the Senator will let us pass the bill, as we have practically passed it now.

Mr. OWEN. We have not passed the bill yet. It was read so rapidly I did not really recognize the fact that it had been read. Our Assistant Secretary is so excellent a reader, and he read it so fast and so smoothly, and I was so kindly entertained by another gentleman while he was reading it, I did not discover it until it had been read. Therefore I have not the slightest idea what is in the bill.

Mr. HALE. The Senator at the end of a two hours' recess, when we come back here at 8 o'clock, I think——

Mr. OWEN. I might diligently engage in studying the bill during the two hours when the Senator from Maine takes dinner?

Mr. HALE. I hope the Senator could spend the time a great deal better. I trust the Senator will let the bill go through, and I will then make the motion for a recess.

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

The VICE PRESIDENT. Are there other amendments to be offered?

Mr. OWEN. I should like to know what will be the order after 8 o'clock, whether we shall take up the tariff-board bill or continue with other appropriation bills.

Mr. HALE. We will take up the Post Office appropriation bill.

Mr. PENROSE. I thought I would take a little turn at the Post Office appropriation bill to-night. I have been waiting for 10 days to call it up.

Mr. OWEN. I understood that the special order was going to be the tariff-board bill.

The VICE PRESIDENT. That bill is not now the unfinished business.

Mr. OWEN. I should like to have this bill considered item by item, because it is an important matter.

Mr. LODGE. It has been considered.

The VICE PRESIDENT. That has been done. The question is on the engrossment of the amendments and the third reading of the bill.

Mr. OWEN. It has been done in such a fashion that it has been impossible to have the attention of the Senate addressed to the items.

Mr. PENROSE. Regular order!

Mr. OWEN. I do not know what the items are, and I should like to consider them.

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

The bill was read the third time.

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The VICE PRESIDENT. Shall the bill pass?

Mr. OWEN. Mr. President——

Mr. LODGE. It has gone beyond the amendment stage.

Mr. OWEN. I do not propose any amendment to the bill, but if this practice is expected to continue I shall insist upon a consideration of each and every item upon every one of these appropriation bills, and I shall expect to have an explanation of them.

Mr. HALE and Mr. PENROSE. That is right.

Mr. OWEN. I have a right to ask it, and I am not violating any parliamentary propriety in asking it. I do not know what is in this bill. I simply assume that it is all right.

Mr. HALE. Mostly commerce.

Mr. OWEN. Mostly commerce, and incidentally there is $1,800,000 appropriated.

Mr. HALE. Which is the old appropriation.

Mr. OWEN. I am willing to yield for a recess until 8 o'clock, and I am willing that this bill shall pass now, entering my protest, however, against it, because I do not think it is right for Congress to be passing these appropriation bills while the legislative representatives of the people of the United States are knocking at these doors asking the right to be heard and asking the right to pass the great bills necessary to the maintenance of the Government, and which are fixing the fiscal policy of this country for the next 18 months. On this matter I now yield with that protest.

The VICE PRESIDENT. The question is, Shall the bill pass?

The bill was passed.

CONSERVATION OF NAVIGABLE STREAMS.

The VICE PRESIDENT announced the appointment of Mr. GALLINGER and Mr. SMITH of Maryland under the provisions of section 4 of an act entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of land for the purpose of conserving the navigability of navigable rivers."

RECESS.

Mr. HALE (at 6 o'clock and 10 minutes p. m.). I move that the Senate take a recess until a quarter past 8 o'clock.

The motion was agreed to; and the Senate took a recess until 8 o'clock and 15 minutes p. m.

EVENING SESSION.

The Senate reassembled at 8 o'clock and 15 minutes p. m.

INDIAN ALLOTMENTS.

The VICE PRESIDENT. The Chair lays before the Senate a bill from the House of Representatives.

The bill (H. R. 32251) authorizing the sale of the allotments of Nek-quel-e-kin, or Wapato John, and Que-til-qua-soon, or Peter, Moses agreement allottees, was read twice by its title.

Mr. JONES. This is a House bill. A bill exactly like it has been reported to the Senate and is on the Senate Calendar. I ask that the bill be passed. It is important that it should receive consideration.

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

Mr. PENROSE. Mr. President——

The VICE PRESIDENT. It is just a short bill.

There being no objection, the bill was considered as in Committee of the Whole.

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

On motion of Mr. JONES, the title was amended so as to read: "A bill authorizing the sale of a portion of the allotments of Nek-quel-e-kin, or Wapato John, and Que-til-qua-soon, or Peter, Moses agreement allottees."

The VICE PRESIDENT. Action upon the Senate bill 10530 of like title, upon the calendar, will be indefinitely postponed.

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. 3501. An act providing for the taking over by the United States Government of the confederate cemetery at Springfield, Mo.;

S. 5269. An act to provide for allotments to certain members of the Hoh, Quileute, and Ozette tribes of Indians in the State of Washington;

S. 5843. An act to authorize the extension of Van Buren street NW.;

S. 9698. An act granting permission to the city of Miles C Mont., to operate a pumping station on the Fort Keogh M tary Reservation, Mont.;

S. 10274. An act to authorize the construction of the Bro way Bridge across the Willamette River at Portland, Oreg.;

S. 10791. An act to eliminate from forest and other reser certain lands included therein for which the State of Id had, prior to the creation of said reserves, made applicatio the Secretary of the Interior under its grants that such la be surveyed.

The message also announced that the House had agreed the report of the committee on conference on the disagree votes of the two Houses on the amendment of the House to bill of the Senate (S. 10177) to authorize additional aids navigation in the Lighthouse Establishment, and for other poses.

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

H. R. 11637. An act for the relief of the heirs of Maria Sainte Ana Schrepper;

H. R. 25370. An act to waive the age limit for admissio the Pay Corps of the United States Navy for one year in case of Paymaster's Clerk Arthur Henry Mayo;

H. R. 31728. An act to authorize the Manhattan City Interurban Railway Co. to construct and operate an elec railway line on the Fort Riley Military Reservation, and other purposes;

H. R. 32223. An act authorizing the Secretary of the Inte to classify and appraise unallotted Indian lands;

H. R. 32721. An act to extend the time for commencing completing the construction of a dam authorized by the act titled "An act permitting the building of a dam across the sissippi River in the county of Morrison, State of Minneso approved June 4, 1906; and

H. R. 32883. An act to extend the time for the completio a bridge across the Morris and Cummings Channel, at a p near Aransas Pass, Tex., by the Aransas Harbor Term Railway Co.

The message also announced that the House had agreed the amendment of the Senate to the bill (H. R. 29157) mak appropriations for the payment of invalid and other pe of the United States for the fiscal year ending June 30, 1 and for other purposes.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H. R. 324 making appropriations for the support of the Military Acad for the fiscal year ending June 30, 1912, and for other purpo asks a conference with the Senate on the disagreeing votes the two Houses thereon, and had appointed Mr. HULL of Io Mr. YOUNG of Michigan, and Mr. HAY managers at the con ence on the part of the House.

The message also announced that the House had disagr to the amendments of the Senate to the bill (H. R. 32866) m ing appropriations for the Diplomatic and Consular Service the fiscal year ending June 30, 1912, asks a conference with Senate on the disagreeing votes of the two Houses thereon, had appointed Mr. FOSTER of Vermont, Mr. FASSETT, and HOWARD managers at the conference on the part of the Hous

The message further announced that the House had disagr to the amendments of the Senate to the bill (H. R. 32865) m ing appropriations for fortifications and other works of defe for the armament thereof, for the procurement of heavy nance for trial and service, and for other purposes, asks a ference with the Senate on the disagreeing votes of the Houses thereon, and had appointed Mr. SMITH of Iowa, GRAFF, and Mr. SHERLEY managers at the conference on part of the House.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the Ho had signed the enrolled bill (H. R. 17433) amending sec 1709 of the Revised Statutes of the United States, and it thereupon signed by the Vice President.

POST OFFICE APPROPRIATION BILL.

Mr. PENROSE. I move that the Senate proceed to con eration of House bill 31539, the Post Office appropriation

The motion was agreed to; and the Senate, as in Commit of the Whole, proceeded to consider the bill (H. R. 315 making appropriations for the service of the Post Office partment for the fiscal year ending June 30, 1912, and for ot purposes, which had been reported from the Committee Post Offices and Post Roads, with amendments.

Mr. PENROSE. I ask that the formal reading of the be dispensed with, and that the amendments of the commit be acted upon as they are reached in the reading.

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The VICE PRESIDENT. The Senator from Pennsylvania asks unanimous consent that the formal reading of the bill be dispensed with, and that it be read for action on the committee amendments. Is there objection?

Mr. OWEN. I object.

The VICE PRESIDENT. Objection is made. The Secretary will proceed with the reading of the bill.

The Secretary proceeded to read the bill, and read as follows:

That the following sums be, and they are hereby, appropriated for the service of the Post Office Department, in conformity with the act of July 2, 1836, as follows:

OFFICE OF THE POSTMASTER GENERAL.

For advertising for the Post Office Department and postal service, $1,500.

Mr. OWEN. I wish to ask whether this is a final reading of that item, and if no explanation will be offered with regard to the item?

The VICE PRESIDENT. It is the formal reading of the bill.

Mr. OWEN. I should like to have that item explained.

The VICE PRESIDENT. The Secretary will continue the reading. The Chair can not compel an explanation.

Mr. BEVERIDGE. That can not be done, I will say to the Senator, under this order until the bill has been read. After the reading of the bill any item that the Senator or any other Senator desires to have explained must be explained, but under this order it can not be done.

The VICE PRESIDENT. The Secretary will continue the reading of the bill.

Mr. PENROSE. Mr. President, I would simply like to state for the information of the Senate that the Senator from Oklahoma is a member of the Senate Committee on Post Offices and Post Roads; that he has had access to the hearings in all these matters; and if he is now ignorant of the provisions of the bill it is entirely his own fault.

Mr. OWEN. Mr. President——

The VICE PRESIDENT. The Secretary will continue the reading of the bill.

Mr. OWEN. I am quite willing to accede to the impeachment that I am not as well informed with regard to the bill as I might be. I have not been able always to be present at the hearings, and the bill is a very large one.

Mr. PENROSE. Mr. President, I do not know how the Senator from Oklahoma has been putting in his time during the last three or four weeks, but here are the House hearings, which, with the most ordinary industry, would have enabled him to become entirely familiar with the matter concerning which he makes the inquiry.

The VICE PRESIDENT. The Secretary will continue the reading of the bill.

The Secretary resumed the reading of the bill.

Mr. OWEN. I should like to know just where the Secretary is reading.

The VICE PRESIDENT. At the bottom of page 20, line 20.

The Secretary resumed the reading of the bill.

Mr. STONE. Mr. President, I am trying to keep track of the reading.

Mr. BEVERIDGE. Regular order, Mr. President.

Mr. STONE. I am the regular order. I can make an inquiry of the Chair.

Mr. BEVERIDGE. The Senator is not——

Mr. STONE. I know as much about it as the Senator from Indiana, and I know I have a right to make an inquiry of the Chair.

The VICE PRESIDENT. For what purpose does the Senator rise?

Mr. STONE. I desire to know what part of the bill is now being read.

The VICE PRESIDENT. Page 31, line 3. The Secretary will continue the reading.

The Secretary resumed the reading of the bill.

Mr. STONE. Mr. President, I notice the Secretary omitted to read the proviso beginning in line 7, on page 21.

The VICE PRESIDENT. That is an amendment, which will be hereafter read. The bill is now being read in full. Later it will have to be read for the amendments.

Mr. STONE. But it is not being read in full.

The VICE PRESIDENT. The Chair does not understand the Senator.

Mr. STONE. I said I did not think the bill was being read in full.

The VICE PRESIDENT. The bill is being read in full, but not the amendments. The Secretary will continue the reading.

The Secretary resumed the reading of the bill.

Mr. STONE. Mr. President——

The VICE PRESIDENT. For what purpose does the Senator rise?

Mr. STONE. For what purpose?

The VICE PRESIDENT. Yes; for what purpose.

Mr. STONE. I will state to the Chair in due course of time.

The VICE PRESIDENT. The regular order, which has been demanded, is the reading of the bill. It can not be interrupted by debate. If the Senator from Missouri rises to a parliamentary inquiry, the Chair will be very glad to hear him.

Mr. STONE. Well, I will make a parliamentary inquiry.

The VICE PRESIDENT. The Senator will please state it.

Mr. STONE. When the bill is being read the first time, do I understand the Chair to say that it is not open to debate?

The VICE PRESIDENT. It is not open to debate during the first reading. At the conclusion of the reading it is.

Mr. STONE. Very well.

The Secretary resumed and concluded the reading of the bill.

The VICE PRESIDENT. The bill will be read for amendment. Without objection, the committee amendments will be first reported.

The first amendment of the Committee on Post Offices and Post Roads was, under the subhead "Office of the Postmaster General," on page 2, line 16, before the word "inspectors," to strike out "sixty-five" and insert "seventy-five," and in line 18, before the word "thousand," to strike out "four" and insert "nineteen," so as to make the clause read:

For salaries of post-office inspectors: For salaries of 15 inspectors in charge of divisions, at $3,000 each; 10 inspectors, at $2,400 each; 15 inspectors, at $2,250 each; 26 inspectors, at $2,100 each; 15 inspectors, at $2,000 each; 29 inspectors, at $1,900 each; 65 inspectors, at $1,800 each; 75 inspectors, at $1,700 each; 75 inspectors, at $1,600 each; and 75 inspectors, at $1,500 each; in all, $719,450.

Mr. STONE. Mr. President, I desire to make one or two observations at this point before we proceed further with the consideration of the bill.

The Senator from Oklahoma [Mr. OWEN] stated this afternoon, during the debate on the tariff-board bill, in substance, that he would oppose to the utmost of his strength the passage of any appropriation bill until the tariff-board bill had been voted upon. I do not share in that view. At the same time, without any thought or intention of attempting any delay for the mere sake of delay in the consideration of these appropriation bills, I do want to say that it seems to me the height of folly, speaking from a legislative point of view, for the Senate, in a single day or in a few hours, to rush through these great appropriation bills, without any inquiry into them, without Senators understanding the provisions of the various measures, and thus in a hasty and ill-considered way appropriating hundreds of millions of dollars.

Mr. President, it is unfortunate that we are so near the close of the session with so many of these bills still unacted upon. All will agree to that, but that is not the fault of Senators who wish to be informed with regard to the bills as we go along, and certainly not the fault of the Senators on this side of the Chamber. For a good while Democratic Senators have been insisting that these appropriation bills should be taken up and considered so that something approximating adequate time might be had for their proper consideration.

Mr. President, some of these bills have been reported and have been standing on the calendar of the Senate for quite a while. This Post Office bill is one of those. I have not looked just recently to see the day when it was reported; but I think it must have been approximately two weeks ago; maybe not quite so long.

Mr. OWEN. February 9.

Mr. STONE. I am just told it was reported February 9. That is three weeks ago. Now, Mr. President, why this bill has been kept on the calendar without the Senator from Pennsylvania, who is in charge of it, calling it up and having it considered, I do not know.

Now it is brought here within something like 35 hours of the hour of adjournment, and we are asked to put it through hurriedly.

Mr. President, this is a very important appropriation bill, aside from the very large amount of money it carries. It relates to a service of peculiar interest to all the people of the country. Many provisions somewhat novel have been introduced into this measure. I think it ought to be discussed, not extensively, not to any great length, but it ought not to be pressed through with undue haste.

Mr. President, I do not think that the failure of the passage of one or two of these bills would be a public calamity as some others seem to think it would. I have no desire that any should fail; I am willing that they should be passed; but if perchance the time is too short, if it is wholly inadequate for a proper consideration, and one or two of them should go over for consideration at the extra session, which we are told is to be called, no great harm can befall the country; no harm what-

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ever can befall the country. On the contrary, good to the country may be the result.

I read in the Washington Times of yesterday afternoon an article under the heading which I read:

Taft worried over running expenses—On anxious seat when supply measure is likely to be held over.

I desire to read an extract from that article:

It is not alone the fate of the Canadian reciprocity bill which is giving the President concern to-day, but he is known to be worried over the possibility of a part of the big appropriation bills being thrown over into the extra session.

If this were to take place, the President knows that a Democratic House would not take care of the administration's projects with the care exercised by the present body. In other words, the administration would be at the mercy of the Democratic majority in the House and would have to depend on that body for its sinews.

* * * * * * *

The President does not want this Congress to adjourn without passing the appropriation bills. He will be very well satisfied to leave the fate of the reciprocity program to the Democrats of the next Congress, if need be, but he will not take any pleasure in calling upon a Democratic House for the money upon which to run the administration for the next year.

* * * * * * *

These the President is greatly concerned over, and would dislike to leave to the tender mercies of the Democrats in any event.

Mr. President, I wish I could allay these very unnecessary apprehensions of the President. His administration will not suffer at the hands of a Democratic House of Representatives. Anyhow, he will be obliged to face that situation after the adjournment of this Congress and when the next Congress assembles.

If this Post Office appropriation bill, for example, or any one of them, should perchance fail of enactment at this session and go over to the extra session which we are told will be called, I do not know that the Democratic House, following Democratic lines with reference to public expenditures—by which I mean applying a more rigid system and policy of economy in appropriations for the public service, stopping waste and extravagance, and appropriating only for such things as are necessary for the proper conduct of the Government and for its maintenance in all its functions and all its vigor—could make material reductions in any of these appropriations. If the appropriations made are what they ought to be and are necessary, they would be made again by the next House and in ample time for the use of the money appropriated before the expiration of the current fiscal year.

On the other hand, if there are items that ought not to be in the bill, or if there have been appropriations made for a particularly meritorious purpose, yet extravagantly, no harm would come, as I have said, to the Government or to any branch of the public service by having the appropriations scrutinized and, if it should be done, trimmed down.

Mr. BEVERIDGE. Mr. President——

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

Mr. STONE. I will yield.

Mr. BEVERIDGE. I thank the Senator.

In view of the Senator's last statement, I will ask him whether it is his purpose to defeat these appropriation bills? The Senator has just said that no harm can come if they go over; that if they are extravagant, the next House can revise them, and if they are not, no harm can come.

Now, at this late time, I should like to know, and the Senate has the right to know, the Senator's intention; whether or not he intends to defeat these appropriation bills.

Mr. STONE. I stated at the very beginning that I had no such intention. I shall not obstruct the progress of the consideration of these bills with any idea of defeating them. What I was saying was not what the Senator from Indiana understood me to say.

Mr. BEVERIDGE. If the Senator from Missouri will permit me further——

Mr. STONE. Let me complete what I was saying in answer to the question.

I had read an extract from a Washington newspaper purporting to give expression to the apprehensions of the President; his fear of having these appropriation bills, or any of them, go over to the Democratic House at an extra session. I was proceeding to say some things that I thought might have the effect—and hoped it would—of allaying these apprehensions and fears of the President.

I was saying that even if unfortunately it turned out that one or two of them failed of passage at this session and went over, no calamity would afflict the country on that account. I was proceeding further to say, and did say, that if they went over they would be duly inspected; that if money could be legitimately saved it would be saved; that if the appropriations made were what they ought to have been they would not be materially changed, perhaps not changed at all; and tha did not believe, on the whole, there was such a crying, pres urgency and need for the passage of all of these bills within next 35 or 40 hours that we should go on here appropria hundreds of millions of dollars in these bills without a wor inquiry or discussion.

Senators have no right to complain if fair and legitimate cussion is had. Three or four of these bills passed before adjourned for dinner. I sat here, as other Senators sat h without saying a word. Three or four went through carryi good many million dollars. A Senator near me says that of them carried one hundred and forty-odd million dolla the pension appropriation bill. Yet there was not a word about it; no inquiry made of any of them.

I think there is no reason for complaint at the desire of Senator to be properly heard while these bills are under co eration. During the last session, and during every session s I have been a Member of this body, when these bills come have seen Senators on both sides of the Chamber discuss t discuss separate items in them, discuss the bills as a whole, hours and hours.

The Post Office appropriation bill has frequently taken than a day in passing through the Senate. Yet now, if proposed to discuss it for two or three hours altogether as go through it, a bill that carries over $200,000,000, they we are obstructing legislation. I shall not be intimidated self or deterred by any suggestion of that kind. I shall e cise my right and discharge my duty, for it is a duty of e Senator here to look closely into and scrutinize these g supply bills. We are appropriating the money of the pe which is collected from them through the processes of taxa and to dish it out with a scoop shovel, with blinds over eyes, and without asking questions, indifferent in regard to amount or the manner of the appropriation or the purpos the appropriation, is not, in my judgment, a proper disch of the duty of the gentlemen who are here to represent several constituencies.

Mr. President, I have seen proper to say this much at time, and as we go through the bill and through the other they come up, I may have occasion to ask some questions, to debate some items as we go along, and whenever I thin ought to be done I shall do it without asking leave of any

Mr. OWEN obtained the floor.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. HALE. Mr. President——

The VICE PRESIDENT. Will the Senator from Oklah yield to the Senator from Maine?

Mr. OWEN. With great pleasure.

Mr. HALE. To make a report from the committee.

Mr. OWEN. I am going to make a report for the Commi on Post Offices, since that committee has failed to do so.

Mr. HALE. No; I ask the Senator to yield that I may m a report.

Mr. OWEN. I will yield with great pleasure. I thought Senator asked me if I was going to make a report, an advised him that I was.

Mr. HALE. From the Committee on Appropriations I re back with sundry amendments the bill (H. R. 32909) mal appropriations for sundry civil expenses of the Governm for the fiscal year ending June 30, 1912, and for other purpo The bill has to be printed. I shall probably ask the Senat meet at 10 o'clock to-morrow morning in order to take it I am obliged to the Senator for yielding.

Mr. CULBERSON. May I ask the Senator from Main he has any expectation of calling up the sundry civil ap priation bill to-night?

Mr. HALE. No; I think I shall ask the Senate to mee 10 o'clock to-morrow to take it up.

Mr. CULBERSON. The Senator will call it up to-morr

Mr. HALE. Yes.

VISITORS TO ANNAPOLIS.

The VICE PRESIDENT appointed Mr. WETMORE and THORNTON members of the Board of Visitors on the part the Senate to attend the next annual examination of mids men at the Naval Academy, at Annapolis, Md., under the quirements of the act of February 14, 1879.

MILITARY ACADEMY APPROPRIATION BILL.

The VICE PRESIDENT laid before the Senate the ac of the House of Representatives disagreeing to the amendm of the Senate to the bill (H. R. 32436) making appropriati for the support of the Military Academy for the fiscal y ending June 30, 1912, and for other purposes, and requestin conference on the disagreeing votes of the two Houses there

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Mr. SCOTT. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. SCOTT, Mr. DIXON, and Mr. TALIAFERRO conferees on the part of the Senate.

DAUPHIN ISLAND, ALA.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 10638) to authorize the Secretary of War to sell certain lands owned by the United States and situated on Dauphin Island, Mobile County, Ala.

Mr. JOHNSTON. I move that the Senate nonconcur in the amendment of the House and ask for a conference on the disagreeing votes of the two Houses, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. BRIGGS, Mr. DICK, and Mr. JOHNSTON conferees on the part of the Senate.

ARMY APPROPRIATION BILL.

Mr. WARREN. I desire to call up the conference report on the bill (H. R. 31237) making appropriation for the support of the Army for the fiscal year ending June 30, 1912.

The VICE PRESIDENT. Is there objection to the consideration of the conference report? The Chair hears none.

Mr. OWEN. Has the conference report been read?

Mr. WARREN. The conference report has been read. I move that it be adopted.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

DIPLOMATIC AND CONSULAR 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. 32866) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1912, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HALE. I move that the Senate insist on its amendments disagreed to by the House of Representatives, agree to the conference asked by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed; and the Vice President appointed Mr. HALE, Mr. KEAN, and Mr. FOSTER conferees on the part of the Senate.

FORTIFICATIONS 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. 32865) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance or trial and service, and or other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. PERKINS. I move that the Senate insist on its amendments disagreed to by the House of Representatives, agree to the conference asked 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. PERKINS, Mr. WARREN, and Mr. MARTIN conferees on the part of the Senate.

THE ORGANIZED MILITIA.

The VICE PRESIDENT. The Chair calls attention to the bill (H. R. 28436) to further increase the efficiency of the Organized Militia, and for other purposes, a second reading of which was objected to this morning by the Senator from Georgia [Mr. BACON]. The Senator from Georgia now withdraws his objection, and the bill will be considered, read twice, and referred to the Committee on Military Affairs.

VAN BUREN STREET NW.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 5843) to authorize the extension of Van Buren Street NW., which were, on page 1, line 5, to strike out all after the word "after" down to and including "feet," in line 9, and insert "the passage of this act;" on page 2, lines 1 and 2, to strike out "said street between the limits named" and insert "Van Buren Street NW., from Piney Branch Road to its present western terminus, east of Third Street NW., with a width of 60 feet."

Mr. GALLINGER. I move that the Senate concur in the amendments made by the House of Representatives.

The motion was agreed to.

PETITION.

Mr. CURTIS. I present a telegram transmitting resolutions adopted by the Legislature of the State of Kansas, which I ask may be printed in the RECORD and referred to the Committee on Commerce.

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

STATE HOUSE, *Topeka, Kans., March 2, 1911.*

Hon. CHAS. CURTIS (Hon. J. L. BRISTOW, *Senate;* Hon. D. R. ANTHONY, Hon. CHAS. F. SCOTT, Hon. PHILIP P. CAMPBELL, Hon. J. M. MILLER, Hon. W. A. CALDERHEAD, Hon. W. A. REEDER, Hon. VICTOR MURDOCK, Hon. E. H. MADISON, *House of Representatives*), *Washington, D. C.*

DEAR SIR: I have the honor to herewith transmit to you a copy of senate concurrent resolution No. 23, which was adopted by the senate and the house of representatives of the Kansas Legislature yesterday:

Senate concurrent resolution 23.

Resolved by the Senate of the State of Kansas (the House concurring therein), That whereas the subject of subirrigation is of the most vital importance to many homesteaders now living on our arid lands; and

Whereas the freshets in the Cimarron River carry off annually in destructive floods millions of dollars' worth of precious water just at the season of the year when our crops are perishing for want of moisture; and

Whereas it is now claimed that by subirrigation with tiles its value may be multiplied from six to tenfold; and

Whereas our neighboring State of Oklahoma is likewise interested in these waters to a certain extent, and is now preparing to appropriate the entire stream without regard to the natural and equitable rights of the State of Kansas therein; and

Whereas by the present activity of the said State in surveying the ditches, attempting to appropriate the sites along the river already surveyed by the National Government, and by offering to throw open its "new college lands" to the public, and impliedly conveying in a promise of water rights to be supplied by water from the Cimarron River—an interstate stream—the interests of our community and State are imperiled and an emergency is created which, as a State, we are unable to cope with, and the only remedy promising a fair deal between the States is, as we believe, an equitable division of this property right by the National Government: Therefore be it

Resolved by the Senate of the State of Kansas (the House concurring therein), That our United States Senators are instructed and our Members of the House of Representatives requested to unite in an energetic and vigorous effort to have immediate steps taken for the construction of one or more demonstration plants on the west line of Kansas, provving the economy of this form of irrigation, and consisting of and comprehending a reservoir at the aforementioned Government reservoir site at Garrett, Okla., a ditch leading therefrom to a system of subirrigation, tile conduits leading out onto the arid lands lying on the highest general levels of Morton County, Kans.

Respectfully,

F. W. BRINKERHOFF,
Assistant Secretary of the Senate.

POST OFFICE APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 31539) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1912, and for other purposes.

Mr. OWEN. Mr. President, it is true that I have been a member of this committee, and it is true that I am justly charged with not knowing all about this bill. It is also true that the Senate has dropped into a habit, more or less, in the management of bills before the committees of having the majority members so completely in control, and the minority so little consulted that the minority has drifted into a negligible quantity. I do not think it is very good practice. I think it would be better if the minority of committees should be consulted in the formation of bills.

I well recall the formation of the tariff bill, and the Senate will recall it, that the bill was drawn up, written out, completed, amendments made from time to time, without any consultation whatever with the Senate, and it was justified by those who pursued that method of government by pointing out that the bad precedent had been originally followed by the Democrats on one occasion when they wrote the Wilson bill.

I would like to say in extenuation for my imperfect command of this bill and imperfect knowledge of it that I am on nine committees. The session has been short, the duties of my office have been exacting and difficult, and now, when we come to consider this bill in the closing hours, a bill which involves the expenditure of $243,000,000, there is an obvious purpose not to explain any of the items. It is to be rushed through the Senate just as fast as a reading clerk can mention the words, whether the item be $1,500 or $7,000,000, the bill aggregating $243,000,000. It is read through inside of 25 minutes, and every Senator is supposed to understand all about it, to know whether these items are judicious or whether they are injudicious, whether they are too large or whether they are not.

There has been a large amount of work done by the committees in connection with this bill, but the Senate, when it passes upon this question as in Committee of the Whole, ought to do so intelligently. I submit as a matter of common sense that the Senate, if it is responsible for this bill, ought to be informed with regard to these items.

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Ambassador Bryce, in his work called the American Commonwealth, has said of our Government that it is a government by committees. It is a government of delegated powers. A committee on committees is appointed, and that committee appoints the several committees of the Senate; it appoints the control of the committees, and then that committee exercises the power of the Senate. While the Senate assumes as in Committee of the Whole to exercise the legislative function for itself, it is obvious that it is merely a perfunctory recording of the action of the committee; and certain it is that the minority members of the committee are but a negligible quantity in the framing of these bills.

I think the Senate ought to have before it the facts with regard to this bill with some manner of explanation. The estimates covering the bill in the Book of Estimates make an aggregate of $250,733,945. The House committee recommended $253,047,868, an increase of $2,313,923. During the consideration of the bill in the House of Representatives several amendments to the bill were adopted, which decreased the amount $807,400 and increased it $4,000,000, making a net increase of $3,192,600 in the total appropriations for 1912. The appropriation for the postal service for 1911 is $243,907,020, being $12,333,448 less than for 1912. The shortages for 1911 being deducted from this amount leaves a net increase of $10,346,075 over the appropriation for 1911.

Under the general head of Postmaster General, there are various items, such as advertisement, rent of suitable buildings, gas, electric power, etc., post-office inspectors, with their salaries, per diem, clerks at headquarters, traveling expenses, livery hire, miscellaneous expenses, payment of rewards. The appropriation for advertising for 1911 was $3,000; the estimate for 1912 for advertising was $1,500. The House committee recommended for 1912 $1,500 according to the estimate, and the House appropriated for 1912 $1,500. This is reported to the Senate in this bill as the first item, not having been changed from the estimate.

Under the head of rent of suitable buildings, the appropriation for 1911 was $34,400; the estimate for 1912 was $34,400. The House committee recommended for 1912 on this item $34,400, and the House appropriated for 1912 $34,400.

In this connection the statement of Mr. Theodore Weed, the chief clerk of the department, is as follows:

The CHAIRMAN. Are you responsible for the making of contracts for buildings which are occupied by the mail-bag repair shops? Does that come under your supervision?

Mr. WEED. Yes.

The CHAIRMAN. When do those contracts expire?

Mr. WEED. Of course, most of our contracts are yearly contracts. There is one big item to which you probably refer, the rent of the mail-bag repair shop and the Division of Supplies, which buildings are commonly designated as our annex.

Mr. Weed says:

Of course most of our contracts are yearly contracts. There is one big item to which you probably refer, the rent of the mail-bag repair shop and the Division of Supplies, which buildings are commonly designated as our annex. We have a lease for them which runs under special act of Congress for 10 years from the date of its beginning.

The CHAIRMAN. You mean you have an option for 10 years?

Mr. WEED. No; I do not mean we have an option for 10 years. I mean that by special act of Congress we are obliged to occupy those buildings for 10 years.

The CHAIRMAN. When do those leases expire?

Mr. WEED. In 1918.

The CHAIRMAN. There have been no changes, of course, since you have held your present position?

Mr. WEED. No, sir.

Under the head of "Advertising and contracting," Mr. Weed, the chief clerk of the department, gives this explanation:

The CHAIRMAN. Do you have charge of the appropriations for advertising in the Post Office Department?

Mr. WEED. Yes, sir.

The CHAIRMAN. For what general purposes is that spent?

Mr. WEED. Generally speaking, for the supplies of the department.

The CHAIRMAN. How do you advertise?

Mr. WEED. I might state that our advertising is steadily dwindling. You will observe that this year we cut our appropriation from $3,000 to $1,500. There is a possibility that next year will see a further cut, because since the creation of the general supply committee, under the Secretary of the Treasury, they have taken over most of the advertising. Thus far we have only issued one advertisement, most of our business of course coming in the spring, in anticipation of contracts for the ensuing fiscal year. Generally speaking, we advertise for letter boxes, fasteners, satchels, furniture for City Delivery Service, mail pouches and sacks, facing slips, etc.

The CHAIRMAN. For those things that are used exclusively by the Post Office Department, I presume?

Mr. WEED. Not exclusively. In some instances for the postal service.

The CHAIRMAN. The postal service?

Mr. WEED. Yes; department and service.

The CHAIRMAN. You make contracts as a result of this advertising for a year, do you not?

Mr. WEED. Yes; for one year. There are a few exceptions where the contract, under special provision of Congress, is entered into for four years.

The CHAIRMAN. Having made those contracts as a result of this advertising, do you buy all the supplies of that particular kind from that contractor?

Mr. WEED. Yes, sir; except in cases of emergency.

The CHAIRMAN. There is no variation from that?

Mr. WEED. Not that I recall at the moment. Generally speaking, I should say no.

Mr. STAFFORD. Do the advertisements that are paid for from this item cover the supplies for the postal service as well as for the Postal Department?

Mr. WEED. Yes, sir.

Mr. STAFFORD. What character of articles purchased has been transferred to the Treasury Department?

Mr. WEED. Mostly articles for departmental service in Washington.

Mr. STAFFORD. Has any article, so far as the postal service is concerned, been transferred?

Mr. WEED. That is a mooted question now. I think the Department of Justice is considering the matter, at the request of the Secretary of the Treasury, as to whether all the items for the postal service should be contracted for by the supply committee.

Mr. STAFFORD. Will you specify some of the articles that have been formerly purchased by the Post Office Department which have been transferred to the supply department of the Treasury Department?

Mr. WEED. Typewriters, desks, stationery, including pens and pencils, and all kinds of office paraphernalia.

Mr. STAFFORD. As to the articles that have been transferred to the supply committee, does the committee purchase one type?

Mr. WEED. So far as possible; yes, sir.

Mr. STAFFORD. Take, for instance, desks. Do they purchase one style of desk?

Mr. WEED. Well, there are several types of desk that are standard.

Mr. STAFFORD. Are those standards of one make or different makes, or are they different styles?

Mr. WEED. The Derby Desk Co. was awarded the contract by the Treasury Department on several styles of desks, and whenever it is necessary for us to purchase that style of desk we must do so from the Derby Desk Co., except in cases of emergency, as provided by law.

Mr. STAFFORD. Is that contract to run for a longer period than a year or merely a year?

Mr. WEED. One year.

Mr. STAFFORD. What has been the policy in regard to typewriters and other mechanical devices?

Mr. WEED. Owing to the fact that there are so many different correspondence schools, each of which has its own favorite typewriter, which, of course, is reflected in the departmental service by many clerks using different makes of machines, that item is left open, so it is left to each department now to purchase any typewriter it desires.

Mr. STAFFORD. Are you acquainted with the policy inaugurated by the Navy Department several years ago by which one style of typewriter was adopted for use in that department?

Mr. WEED. I am quite familiar with it.

Mr. STAFFORD. Do you know whether the adoption of one typewriter has met with any difficulty in the administration of the Navy Department?

Mr. WEED. Of course, I am not familiar with the administration of the Navy Department, but, generally speaking, I should say no; it has not. It is a very excellent idea, and I wish it could be adopted for the entire Government service.

Mr. STAFFORD. You have had sufficient experience to enable you to testify in regard to this. Is it not a fact that stenographers can readily adjust themselves to any style of typewriter? It is merely a temporary whim of theirs which prevents them from adopting any other style of typewriter than the one they have been accustomed to?

Mr. WEED. That is all, Mr. STAFFORD. I was a typewriter myself. I might say that I have used five different makes of machines in the past, and each time I thought the particular one I was then using was the only machine in existence.

Mr. STAFFORD. So the Post Office Department has not centered upon any one style of typewriter for use whereby economy might be obtained in that respect?

Mr. WEED. We have in the postal service.

Mr. STAFFORD. By enabling you to get a lower price?

Mr. WEED. We have, in the postal service; yes, sir.

Mr. STAFFORD. How long has that been adopted?

Mr. WEED. Since July 1, 1910.

Mr. STAFFORD. What typewriter is it, and what are the terms?

Mr. WEED. The Royal typewriter, which, in quantities of 100 or more, is sold to the Government service for $50 a machine under the most favorable exchange rates we would have any right to expect.

Mr. STAFFORD. How long is that contract to last?

Mr. WEED. It is not an exclusive contract. It is an offer on their part, made to all departments, which has been accepted by the Post Office Department.

Mr. STAFFORD. Is the Royal typewriter manufactured by manufacturers who are in the Typewriter Trust, so called?

Mr. WEED. It is not.

Mr. STAFFORD. Have the postal service availed themselves of the offer of the Royal typewriter people?

Mr. WEED. Yes, sir.

Mr. STAFFORD. How many typewriters have they purchased from their offer?

Mr. WEED. Roughly speaking, I should say 270.

Now comes a suggestion of economy which could be advantageously used throughout the Government, not only in the Postal Department, but in the Navy Department, in the Army, in the Interior Department, and in all of the departments of the Government, so as to have standard machines with interchangeable materials and parts, so that there should not be a great variety and difficulty of meeting the demands in cases of any exigency in dealing with this matter. Although that is a comparatively small economy, by following out a system of that kind the most important economies could be brought about in the administration of the Government.

In looking at the testimony in these matters it will be found that there is hardly any place where the committee is not practically subject to the suggestions made by the officers of the department. The estimates are made, the officer of the department appears; he justifies the estimates, and the committee is helpless after the examination is made, and the appropriation is large.

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In this appropriation bill it is represented that the postal service is annually running behind several million dollars, and that it is necessary to make up that difference by imposing a severe tax on the advertisements which are carried in the magazines of the country. Because of this alleged deficit, a deficit which I think might be easily corrected by economical administration throughout the department, the fraternal publications of the country, the publications of scientific journals, the publications of labor organizations, the publications of scientific societies, are all subjected to regulations which prevent them from carrying advertisements freely in their journals which would help to carry their expenditures, and which, moreover, would serve the most useful purpose in promoting trade and commerce in this country, as well as building up those institutions and promoting the great purposes for which they are established.

I do not think there is any greater purpose than the purpose, for example, of the great benevolent organizations of this country, such as the Woodmen of the World, the Masonic Order, the Knights of Pythias, the Odd Fellows, and all of the great organizations which teach the brotherhood of man, which teach the square deal as between man and man, which teach good fellowship, which teach the homely virtues that make life worth while in this country, and which establish a foundation for society itself, which teach morality and teach the fundamental essence of religion. I think that these journals, engaged in that service in the country, inspired by no sordid or selfish motive, ought to be given every opportunity to expand, so that they may fulfill in the highest measure the purposes for which they are organized. It was for that reason that I proposed an amendment to this bill, an amendment which in effect is the Dodds bill, and as a minority member I submitted my views with regard to that.

I will pause a moment in the discussion of these items, to which I will immediately refer. I will not lose the connection in any way, because I am going to make a logical, careful, and complete report to the Senate upon this Post Office appropriation bill, covering every item in it, and I will demonstrate that I am not as unfamiliar with the matter as I appear to have been.

Mr. President, when I came to submit my views on this proposed amendment I discovered that there was no report of the committee, and therefore my views could not attach themselves to anything in the way of a report. The amendment which I propose to offer is in substance the Dodds bill, only with some slight verbal changes, to this effect:

Provided, That from and after the passage of this act all periodical publications issued from a known place of publication at stated intervals, and as frequently as four times a year, by or under the auspices of a benevolent or fraternal society or order organized under the lodge system, and having a bona fide membership of not less than 1,000 persons, or by a regularly incorporated institution of learning, or by a regularly established State-wide institution of learning supported in whole or in part by public taxation, or by or under the auspices of a trades-union, and all publications of strictly professional, literary, historical, or scientific societies, including the bulletins issued by State boards of health, shall be admitted to the mails as second-class matter, and the postage thereon shall be the same as on other second-class matter; and all such periodical publications shall have the right to carry advertising matter, whether such matter pertains to such benevolent or fraternal societies or orders, trades-unions, strictly professional, literary, historical, or scientific societies, or to other persons, institutions, or concerns; but such periodical publications hereby permitted to carry advertising matter must not be designed or published primarily for advertising purposes, and shall be originated and published to further the objects and purposes of such organizations, respectively; and all such periodicals shall be formed of printed paper sheets, without board, cloth, leather, or other substantial binding such as distinguish printed books for preservation from periodical publications: *Provided further*, That the circulation through the mails of such periodical publications as second-class matter shall be limited to copies mailed to members, exchanges, and bona fide subscribers, together with 10 per cent of such circulation in addition as sample copies: *Provided further*, That the office of publication of any such periodical publication shall be fixed by the association or body by which it is published, or by its executive board, and such publication shall be printed at such place and entered at the nearest post office thereto.

This proposed amendment is the same as the Dodds bill, which has already been passed by the House with certain verbal changes, by omitting unimportant words, to make the meaning clearer.

The reason why this is justified is substantially as follows:

During the past year many scientific, technical, fraternal, and labor journals have been subject to much inconvenience, owing to recent rulings of the Post Office Department. These rulings practically force all scientific and technical societies and fraternal and labor organizations publishing journals either to omit all advertising from their journals or to give up the right to send their journals to members as one of the privileges of membership.

The department has so framed its rules as to impose this unjust regulation upon these journals devoted to scientific purposes, devoted to fraternal purposes, and having only a use which of itself is purely free from any commercial interest or sordid purpose.

Either of these alternatives would greatly injure these journals and would also seriously hamper these organizations and would cripple the humane work which they are endeavoring to do. For the relief of these and other journals similarly published by trades unions, fraternal organizations, etc., and in order to fix by statute their standing and rights, a bill (H. R. 22239) was introduced in the House of Representatives last winter by Mr. DODDS, of Michigan. After repeated and exhaustive hearings this bill was unanimously approved by the House Committee on the Post Office and Post Roads and later passed the House unanimously. (See H. Rept. No. 1437, 61st Cong., 2d sess.) It is now in the Senate, having been referred to the Senate Committee on Post Offices and Post Roads.

The amendment of February 25, 1911, proposed to be offered by me, is in substance the Dodds bill in the form of an amendment to H. R. 31539—Post Office appropriation bill.

MISSISSIPPI RIVER DAM.

Mr. NELSON. Will the Senator from Oklahoma be kind enough to yield to me for a moment?

Mr. OWEN. I yield to the Senator from Minnesota.

Mr. NELSON. From the Committee on Commerce I report back favorably the bill (H. R. 32721) to extend the time for commencing and completing the construction of a dam authorized by the act entitled "An act permitting the building of a dam across the Mississippi River in the county of Morrison, State of Minnesota," approved June 4, 1906, and ask for its present consideration.

The bill was read the first time by its title, the second time at length, 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.

ARTHUR HENRY MAYO.

Mr. GALLINGER. I ask the Senator from Oklahoma if he will kindly yield to me?

Mr. OWEN. I do.

Mr. GALLINGER. From the Committee on Naval Affairs I report favorably the bill (H. R. 25370) to waive the age limit for admission to the Pay Corps of the United States Navy for one year in the case of Pay Clerk Arthur Henry Mayo, and I call the attention of the Senator from New Jersey to it. I ask unanimous consent for its present consideration.

The bill was read.

Mr. KEAN. I join in the request for the immediate 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 a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to waive the age limit for admission to the Pay Corps of the United States Navy for one year in the case of Paymaster's Clerk Arthur Henry Mayo."

QUINCY, MASS., ETC.

Mr. GALLINGER. From the Committee on Commerce I report favorably the bill (H. R. 30273) for the relief of the city of Quincy, the towns of Weymouth and Hingham, and the Old Colony Street Railway Co., all of Massachusetts; and I direct the attention of the Senator from Massachusetts to it.

Mr. LODGE. I ask for 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 a third reading, read the third time, and passed.

ARANSAS HARBOR TERMINAL RAILWAY CO.

The VICE PRESIDENT laid before the Senate the bill (H. R. 32883) to extend the time for the completion of a bridge across the Morris and Cummings Channel, at a point near Aransas Pass, Tex., by the Aransas Harbor Terminal Railway Co.

Mr. BAILEY. That is merely a bill to extend the time for building a bridge, and I ask for its present consideration.

The bill was read the first time by its title, the second time at length, 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.

MATTAWOMAN CREEK BRIDGE.

Mr. SMITH of Maryland. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Maryland?

Mr. OWEN. I yield to the Senator from Maryland.

Mr. SMITH of Maryland. I ask unanimous consent for the present consideration of the bill——

Mr. SMOOT. If we are going on to the calendar, I have no objection to the bill.

Mr. SMITH of Maryland. Let this bill go through. It is just a brief bill. I hope the Senator from Utah will not object to it.

Mr. SMOOT. I want to give notice now that I will object to any other bill being called from the calendar.

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Mr. SMITH of Maryland. I ask unanimous consent for the present consideration of the bill (H. R. 31239) to authorize Park C. Abell, George B. Lloyd, and Andrew B. Sullivan, of Indianhead, Charles County, Md., to construct a bridge across the Mattawoman Creek, near the village of Indianhead, Md.

Then I shall ask for the consideration of another bill.

By unanimous consent, 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 read a third time, read the third time, and passed.

MARINE SCHOOLS.

Mr. SMITH of Maryland. I also ask for the present consideration of the bill (H. R. 24145) for the establishment of marine schools, and for other purposes.

Mr. SMOOT. I must call for the regular order. I think the Senator will have plenty of time to get his bill through.

CONFEDERATE CEMETERY AT SPRINGFIELD, MO.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 3501) providing for the taking over by the United States Government of the Confederate cemetery at Springfield, Mo., which were, on page 1, line 10, to strike out "to;" on page 1, line 12, to strike out "to;" on page 1, line 14, to strike out the comma and insert "or;" on page 1, line 14, to strike out "or civil;" and on page 2, line 19, to strike out "this bill" and insert "carrying out the provisions of this act."

Mr. WARNER. I move that the Senate concur in the House amendments.

The motion was agreed to.

POST OFFICE APPROPRIATION BILL.

The Senate as in Committee of the Whole resumed the consideration of the bill (H. R. 31539) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1912, and for other purposes.

Mr. BANKHEAD. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Alabama?

Mr. OWEN. I yield.

Mr. BANKHEAD. With the consent of the Senator from Oklahoma, I desire at this time to submit some remarks directed to several provisions of this bill. Will the Senator yield to me?

Mr. OWEN. I yield.

The VICE PRESIDENT. The Senator from Oklahoma yields to the Senator from Alabama; or does he yield the floor?

Mr. OWEN. I intended to yield to the Senator from Alabama only temporarily, but I will yield the floor.

The VICE PRESIDENT. And take the chance of getting it again?

Mr. OWEN. I think I will take no great chances.

The VICE PRESIDENT. The Senator from Oklahoma yields.

Mr. BANKHEAD. Mr. President, disclaiming any purpose or intention of delaying in the least the passage of this bill, I think perhaps this is the proper time for me to point out to the Senate some of the objectionable features in the bill. I am a member of this committee, and, as such, I attended every meeting at which the bill was considered.

To my mind this is the most important appropriation bill or supply bill that is to be considered by the Senate. This bill appropriates nearly $250,000,000, and the Post Office Department, through its operation, reaches sooner or later almost every man, woman, and child in the country.

I confess, Mr. President, that I have very little patience with the suggestion that the Post Office Department should be expected or required to pay its expenses. It is a favorite argument with some Senators, and they dwell upon it with seeming pleasure, that the Post Office Department ought to be required to pay all of its expenses from its revenues. What other department of the Government pays any of its expenses? What other department of the Government is so important to this country as the Post Office Department? More than half of the business of the country, commercial and otherwise, is conducted through this department. Therefore I contend that we should be extravagant, if necessary, or at least liberal, when we come to deal with this department of the Government.

But the purpose I have in mind is to point out to the Senate, if I can, some sections or some provisions of this bill that ought to be corrected.

I want to say to the Senate that there is a very large-sized joker in this bill, and I think I will be able to point it out. There is a weapon concealed in this bill which may be used, and the purpose of its concealment here is and was to virtually destroy one of the great branches of the Post Office Department, that being the Rural Delivery Service.

There is a provision in this bill which repeals that vision of the House bill which came over making an appro tion for the star-route service of about $7,000,000. At the s time they repealed that provision of the House bill which vided for the rural service, and attempted to consolidate two into one item—both appropriations being included in

Now, why? If Senators will take the trouble to read hearings before the House Post Office Committee they will why. It was admitted there by the post-office official appeared before that committee that the purpose of this le lation was to enable the Post Office Department to substi rural free delivery for star route or star route for rural, put the rural service under contract when they choose to do so the star route to rural service.

Now, the effect of that amendment in this bill will be as I have stated it if the department carries out its avo purpose. What else? The House provided that rural carr on standard routes or routes of 24 miles should receive $1 per year.

This provision is interwoven with and a part of the two w I have just referred to, one referring to the star-route ser and the other to the rural service. They are combined made one provision of the bill.

This amendment as reported by the committee to the Se undertakes to fix the salary of these carriers, as I am a to state.

It will be observed that the provisions of the bill as pa by the House provided a salary of $1,000 on all standard ro of 24 miles, and, of course, a less amount on routes corresp ingly shorter. This provides that carriers on routes emana from a first-class office—mark you, from a first-class offi shall receive $1,000; that on routes emanating from a sec class office they shall receive $975; that on routes from third fourth class offices they shall receive $950, and on all the o routes in proportion—that is to say, on all routes below standard of 24 miles—they shall receive in proportion as reduction comes from the first and second to the third fourth classes. The effect of that amendment is that on a large number of routes the pay will be much less than it is On some of them the pay is cut just about half in two. seems to me that this is unfair, that it is unjust and unrea able; and it seems to me that it can have no other result ex to destroy, practically, the efficiency of the Rural Deli Service.

We have provided here an appropriation of $42,000,000 the pay of rural carriers and $7,000,000, in round numbers, star routes, but that has all been combined in one item, into that is put a provision for the regulation of the pa these carriers.

I am calling the attention of the Senate to that fact no order that they may have it before them, and that Sena may have an opportunity to think about it before we r these provisions in the consideration of the bill, when we it up section by section and paragraph by paragraph. Whe reach these provisions of the bill, my purpose is to mov strike from the bill the amendment reported by the commi In other words, I want to restore the provisions of the bi passed by the House as they relate to the star-route ser the provisions of the House bill that relate to Rural Free livery Service, and the provisions of the House bill that re to the pay of rural carriers.

Let these three propositions, Mr. President, stand upon t own merits. Let us deal with them singly and as they des to be dealt with, each upon its respective merits, if it has merits.

I understand from the reading of the report that the pre administration of the Post Office Department have mad great effort to economize, to wipe out the deficit, which year was about $17,000,000, and they have succeeded admir indeed. The deficit this year amounts to only about $5,000 as compared with $17,000,000 last year, and in addition to more than $6,000,000 has been paid from the revenues of department from some sources to liquidate obligations exis before the beginning of the last fiscal year. So the expe and receipts of the Post Office Department are about equal

Mr. President, this economy has resulted in a serious im ment of the efficiency of the service. If I am correctly formed more than $1,000,000 of the appropriation made for rural service last year has been turned into the Treasury; 1,000 routes have been examined and favorably reported and no action has been taken upon them, and when inquiry been made as to why this delay, the answer comes back "t are no available funds for the extension of this service."

Whatever these economies may have been, Mr. Presid perhaps they are commendable in some respects, but I in

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Mr. HALE. Mr. President, I move to amend the amendment on page 188, by striking out all after the word "Virginia," in line 27, down to and including the words "nineteen hundred and nine," in line 3, on page 189.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 188, line 27, after the word "Virginia," it is proposed to amend the amendment of the committee by striking out "in accordance with the estimate and recommendation of the Lighthouse Board in their report of June 30, 1909."

Mr. OWEN. Mr. President, I should like to understand what the purpose is in striking out that language. Why should the estimate which seems to determine this matter be struck out?

Mr. HALE. It is simply, Mr. President, because since the estimate was made, three years ago, there are better methods of expending the money than to be limited to what at that time was put into the estimates. This is done at the request of the Lighthouse Board. It makes no change in the amount, but gives them the opportunity of adapting it to their present methods.

Mr. OWEN. Very well; I have no objection.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, in the item for "Salaries, Lighthouse Service," on page 191, line 25, after the word "dollars," to insert the following proviso:

Provided, That the salary of the lighthouse inspectors shall not exceed $3,600 for one inspector in the third district, and shall not exceed $3,000 each for the other inspectors: *And provided*, That the total of the salaries of 17 inspectors shall not exceed $46,800.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Fisheries," on page 214, after line 3, to insert:

For the establishment of a fish-cultural station in Kentucky, including the purchase of site, construction of buildings and ponds, and equipment, $25,000.

The amendment was agreed to.

The next amendment was, on page 214, after line 6, to insert:

Fish-cultural station, Wyoming: For the establishment of a fish-cultural station in the State of Wyoming, including purchase of site, construction of buildings and ponds, and equipment, at some suitable point to be selected by the Secretary of Commerce and Labor, $25,000.

The amendment was agreed to.

The next amendment was, on page 214, after line 11, to insert:

For a biological and fish-cultural station on the St. Johns River, Fla., $50,000.

The amendment was agreed to.

The next amendment was, on page 214, after line 13, to insert:

For the establishment of a fish-cultural station, including purchase of site, construction of buildings and ponds, and equipment, at a point in the State of South Carolina to be selected by the Secretary of Commerce and Labor, $25,000.

The amendment was agreed to.

The next amendment was, under the subhead "Miscellaneous objects, Department of Commerce and Labor, immigration stations," on page 216, after line 17, to insert:

The Secretary of Commerce and Labor be, and he is hereby, authorized and directed to enlarge, equip, and put into effective operation the immigration station at New Orleans, La., provided for in the act of March 4, 1907.

The amendment was agreed to.

The next amendment was, on page 216, after line 22, to insert:

There is hereby appropriated as follows: Additional for buildings and approaches, $50,000; one steel vessel, $25,000; additional land to complete the boundaries of the reservation, $15,000; equipment for operating the station, including furniture, furnishings of offices, hospital, medical laboratory, restaurant, etc., $50,000; in all, $140,000.

The amendment was agreed to.

The next amendment was, on page 217, after line 6, to insert:

The Secretary of Commerce and Labor is hereby authorized to apply unexpended balances of the amounts appropriated in this act to the carrying out of the general purpose of improvement and equipment of the immigration station.

The amendment was agreed to.

The next amendment was, on page 217, after line 10, to insert:

For the construction of the immigrant station at Boston, Mass., $125,000.

The amendment was agreed to.

The next amendment was, on page 217, after line 12, to insert:

The limit of cost for building a pier at the immigration station, Philadelphia, Pa., and the erection and furnishing of the necessary buildings at that station in accordance with plans and specifications prepared by the Supervising Architect of the Treasury Department, and under the supervision of the said department, and the act of February 6, 1905 (33 Stats., p. 6), is hereby extended in the sum of $105,000, and appropriations made for said station may be used for the erection of more than one building and a pier.

The amendment was agreed to.

The next amendment was, on page 221, after line 9, to insert:

Senate Office Building: 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, $46,120.

The amendment was agreed to.

The next amendment was, on page 221, after line 15, to insert:

To provide gratings for the area ways of the Senate Office Building, including labor and materials for same, $5,048.60.

The amendment was agreed to.

The next amendment was, on page 222, after line 3, to insert:

For refrigerating apparatus for the Senate and House wings of the Capitol and Senate and House Office Buildings, and for each and every purpose connected therewith, including the cooling of the air supplied to the Senate Chamber and the Hall of the House, completion of the ice-water plants in the Senate and House Office Buildings, for labor, materials, and personal services, $72,200, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 222, line 13, after the word "the," where it occurs the second time, to strike out "House Office Building" and insert "Senate and House Office Buildings;" in line 15, after the word "the," strike out "House Office Building," and insert "Senate and House Office Buildings;" and in line 17, after the word "operation," to strike out "$18,237.20" and insert "$36,474.40, to be immediately available," so as to make the clause read:

To provide suitable transportation for freight and other purposes in the subway leading from the Capitol to the Senate and House Office Buildings and in the sub-basement corridors of the Senate and House Office Buildings, and for each and every purpose connected therewith, including temporary operation, $36,474.40, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 224, after line 7, to insert:

Inspector for the Joint Committee on Printing, as provided for in section 20 of an act to provide for the public printing and binding, approved January 12, 1895, $2,000, one half to be paid by the Secretary of the Senate and the other half to be paid by the Clerk of the House of Representatives.

The amendment was agreed to.

The next amendment was, on page 224, after line 14, to insert:

Alaskan investigation: To defray the expenses of a joint committee to consist of five Members of the Senate and five Members of the House of Representatives, who shall be appointed five by the Presiding Officer of the Senate and five by the Speaker of the House of Representatives, $10,000; and said committee shall make an investigation into the existing conditions in the Territory of Alaska and report upon the same at the next regular session of Congress, with recommendations for such legislation as may be deemed necessary, the said sum to be disbursed by the Secretary of the Senate upon vouchers to be approved by the chairman of the committee.

The amendment was agreed to.

The next amendment was, under the head of "Government Printing Office," subhead "Public printing and binding," on page 226, line 12, after the word "dollars," to strike out "inspector of paper and material, as provided for in section 20 of an act to provide for the public printing and binding, approved January 12, 1895, $2,000;" and in line 20, before the word "thousand," to strike out "twelve" and insert "ten," so as to make the clause read:

Office of the Deputy Public Printer: Deputy Public Printer, $4,500; 2 clerks of class 1; 1 clerk, $900; 1 chemist, $1,600; 1 messenger, $840; 1 messenger boy, $420; in all, $10,660.

The amendment was agreed to.

The next amendment was, in the item of appropriation "for the public printing, for the public binding, and for paper for the public printing and binding," etc., on page 229, line 5, to increase the appropriation from $4,581,230 to $4,621,230.

The amendment was agreed to.

The next amendment was, on page 229, line 11, before the word "thousand," to strike out "two hundred and ninety-three" and insert "three hundred and thirty-one," so as to make the clause read:

In all, for public printing and binding, including salaries of office force, payments for holidays and leaves of absence, and the last-named sum, $5,331,750; and from the said sum printing and binding shall be done by the Public Printer to the amounts following, respectively, namely.

The amendment was agreed to.

The next amendment was, on page 229, line 17, before the word "thousand," to strike out "fifty-eight" and insert "fifty-six," so as to make the clause read:

For printing and binding for Congress, including the proceedings and debates, $1,856,850. And printing and binding for Congress chargeable to this appropriation, when recommended to be done by the Committee on Printing of either House, shall be so recommended in a report containing an approximate estimate of the cost thereof, together with a statement from the Public Printer of estimated approximate cost of work previously ordered by Congress, within the fiscal year for which this appropriation is made.

The amendment was agreed to.

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The next amendment was, on page 231, line 10, before the word "thousand," to strike out "fifty" and insert "ninety," so as to make the clause read:

For the Patent Office, as follows: For printing the weekly issue of patents, designs, trade-marks, and labels, exclusive of illustrations; for printing and binding the monthly volumes of patents, and for printing, engraving illustrations, and binding the Official Gazette, including weekly, monthly, bimonthly, and annual indexes, $590,000.

The amendment was agreed to.

The next amendment was, under the subhead "Office of the superintendent of documents," on page 235, line 21, before the word "dollars," to insert "five hundred," so as to read:

For superintendent of documents, $3,500; assistant superintendent of documents, $2,500.

The amendment was agreed to.

The next amendment was, in the item of appropriation for salaries in the office of the superintendent of documents, on page 236, line 20, to increase the total appropriation for the maintenance of the office of superintendent of documents from $99,884 to $100,384.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. HALE. I offer the following amendment——

Mr. CULBERSON. Mr. President——

Mr. HALE. There are certain committee amendments to offer.

Mr. CULBERSON. I call attention to the first committee amendment, which was passed over at my request. I will wait, of course, the pleasure of the Senator.

Mr. HALE. The Senator will let me get through with these amendments. On page 4, after line 14, I move to insert what I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 4, after line 14, insert:

INTERNATIONAL CONFERENCE TO PROMOTE UNIFORM LEGISLATION CONCERNING LETTERS OF EXCHANGE.

For the participation by the United States in the adjourned meeting at The Hague, in 1911, of the International Congress for the purpose of promoting uniform legislation concerning letters of exchange, including compensation and actual necessary traveling and subsistence expenses of an expert delegate and a secretary, $9,000, to be made immediately available.

The amendment was agreed to.

Mr. ROOT. Are other than committee amendments in order?

The VICE PRESIDENT. Committee amendments are now being disposed of.

Mr. HALE. If the Secretary will turn to page 214, I offer an amendment to correct the language there. I move to strike out lines 12 and 13 and insert instead what I send to the desk.

The SECRETARY. It is proposed to strike out lines 12 and 13, on page 214, and to insert:

For a marine biological station on the Gulf of Mexico at a point on the coast of the State of Florida.

Mr. TALIAFERRO. The Senator from Maine, I think, has omitted to incorporate the appropriation of $50,000 in his amendment.

Mr. GALLINGER. That is in.

Mr. TALIAFERRO. He left out the amount.

Mr. HALE. It is in.

Mr. TALIAFERRO. The Senator struck it out in the bill, and it is not inserted in the amendment.

Mr. HALE. Let the amendment be again read.

The SECRETARY. Strike out lines 12 and 13 and insert:

For a marine biological station on the Gulf of Mexico at a point on the coast of the State of Florida, $50,000.

The amendment was agreed to.

Mr. HALE. Now, the Senator from Texas has an amendment to offer.

Mr. CULBERSON. The first committee amendment on page 2 was passed over at my suggestion in order that I might examine it. When this amendment was presented to the committee it was not specially guarded as to officials drawing a double salary, but I notice that the amendment as it appears in the printed bill now does guard that by the words, "such officials to receive no compensation beyond their official salaries," and, consequently, it removes the objection which I had to it.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. OWEN. I have two amendments which I should like to offer.

The VICE PRESIDENT. The first amendment sent to the desk by the Senator from Oklahoma will be read.

The SECRETARY. It is proposed to insert the following under the heading "Public Health and Marine-Hospital Service," on page 89, after line 17:

That the salary of the Surgeon General of the Public Health and Marine-Hospital Service shall be $6,000 per annum, and the salary of the Assistant Surgeon General shall be $500, in addition to the pay and allowances of his grade; for the 10 senior surgeons on the active list, $3,500; for surgeons, $3,000; for passed assistant surgeons, $2,400; for assistant surgeons, $2,000; and the longevity pay and allowances of the said commissioned medical officers shall be the same as now provided by law: *Provided*, That the retirement of the commissioned medical officers shall be the same as is now provided for medical officers of the Navy.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. OWEN. Under the heading "National parks" I move to insert:

Platt National Park: For maintenance, bridging, roads, trails, and sewerage, under direction of the Secretary of the Interior, $50,000.

The amendment was agreed to.

Mr. CULBERSON. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 2, line 8, strike out "four" and insert "two," before the words "hundred thousand;" and strike out all after the word "dollars," in line 9, to the words "nineteen hundred and thirteen," in line 10, so that if amended it will read:

And to enable him to do any and all things in connection therewith authorized by law, $200,000, together with the balance unexpended July 1 next of the appropriation made for these purposes for the fiscal year 1911.

Mr. HALE. Mr. President——

Mr. CULBERSON. I understood that the Senator from Maine would have no objection to this amendment.

Mr. HALE. I am not in favor of it, but the provision ought to be amended in order that it may be in the hands of the conferees upon any legislation that may be adopted creating the new tariff board. Otherwise, if this is not changed, the conferees would have no jurisdiction and could not act upon anything that Congress may do with reference to the other board. I think the Senator from Iowa [Mr. CUMMINS] has an amendment covering it, to which I shall not object. I do not say that I am in favor of it, but it leaves the whole matter to the conferees.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. One amendment is pending.

Mr. HALE. Therefore I shall not object to it.

Mr. CUMMINS. I have an amendment to offer to come in at the same point.

The VICE PRESIDENT. Is it an amendment to the amendment?

Mr. CUMMINS. It is not.

Mr. HALE. It is an additional amendment.

Mr. OVERMAN. I should like to inquire of the Senator from Maine whether he is going to insist on that amendment if the bill is not passed. If that bill does not pass, does the Senator mean that he will not insist on this Senate amendment cutting down from $400,000 to $200,000?

Mr. HALE. I shall do the best I can representing the Senate. I can not say——

Mr. OVERMAN. I want it understood that here is an appropriation of $400,000 carrying over.

Mr. BEVERIDGE. The Senator is bound to stand by the action of the Senate.

Mr. OVERMAN. The Senator said that he wants it to go into conference. I think the Senator should insist on it.

Mr. HALE. I shall do the best I can.

Mr. CULBERSON. I am not in favor of the original proposition, but if it is to be adopted I insist upon my amendment. The original law, which will be found in the last paragraph of section 2 of the tariff act of 1909, simply authorized the President to employ persons to assist him in enforcing the maximum and minimum clauses of the tariff act and to enable officers to administer the customs laws of the United States. In some way, by an improper construction of the law itself, as I understand it, this provision is now sought to be used as authority to establish a tariff board or a tariff commission. The amendment which I seek to have adopted by the Senate will prevent a further inroad by limiting the appropriation to the present fiscal year, and not extend it beyond the present fiscal year to usurp the function of the Sixty-second Congress. The law has not only been tortured out of shape and perverted, but the attempt is made to go beyond that now, and, as I have said, to trench upon the rights of the Sixty-second Congress, and appropriate for two fiscal years instead of one, as is the uniform rule in this body, and it ought to be the rule. I insist not only that the amendment shall be adopted, but that if it is adopted, like the Senator from North Carolina, I shall presume that the conferees on the part of the Senate will stand by the Senate amendment.

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Mr. HALE. I agree with all the Senator said. I do not think this ought to cover more than one Congress, and if the Senator from Iowa will offer his amendment——

Mr. CUMMINS. Has the amendment of the Senator from Texas been disposed of?

The VICE PRESIDENT. It has not.

Mr. CULBERSON. I insist on the regular order. The Senator from Iowa does not offer an amendment to the amendment.

Mr. CUMMINS. I thought the amendment of the Senator from Texas had been disposed of.

Mr. HALE. I thought so, too.

Mr. CULBERSON. If so, all right.

The VICE PRESIDENT. Under the regular order, the question will first be taken on the amendment of the Senator from Texas. Is there objection to the amendment offered by the Senator from Texas? The Chair hears none, and the amendment is agreed to.

Mr. HALE. Now the Senator from Iowa can offer his amendment.

Mr. CUMMINS. I offer the following.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 2, line 8, after the word "law," insert the following:

Or if a tariff board be established by law, then for the purpose of meeting the expenditures authorized by the law.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. BAILEY. Mr. President, I think it is a foolish practice to appropriate money out of the Treasury upon conditions and suppositions. I shall not occupy the time of the Senate in pointing out what I think is a bad precedent, but I should like to have the Chair submit the question to the Senate so that I can vote against it.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Iowa.

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

The yeas and nays were ordered.

Mr. CUMMINS. I will call for a division.

The VICE PRESIDENT. A sufficient number have ordered the yeas and nays.

Mr. CUMMINS. I will be content with a division.

The VICE PRESIDENT. The yeas and nays have been ordered.

Mr. SCOTT (to Mr. CUMMINS). Withdraw the demand.

Mr. CUMMINS. Very well; I withdraw it.

The VICE PRESIDENT. Without objection, the order entered for the call of the roll will be annulled. The Senator from Iowa asks for a division.

The amendment was agreed to; there being on a division—ayes 39, noes 24.

Mr. HALE. I ask authority for the clerks to correct the totals.

The VICE PRESIDENT. Without objection, that order will be made.

Mr. ROOT. I offer the following amendment.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 4, after line 14, insert:

BUREAU OF THE INTERPARLIAMENTARY UNION FOR THE PROMOTION OF INTERNATIONAL ARBITRATION.

For contribution by the United States toward the maintenance of the Bureau of Interparliamentary Union for the Promotion of International Arbitration, $2,500.

Mr. ROOT. That item was carried in the diplomatic and consular appropriation bill last year, but it went out on a point of order in the House this year. It is a matter that many Members of the Senate and House are concerned in. Most of the other countries of the world contribute their part toward it, and it would be rather disagreeable and injurious for us to retire from it.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. LODGE. On page 92, line 6, after the word "altitudes," I move to insert the words "or in Mexico."

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. HEYBURN. On page 17, line 9, I move, after the words "post office," to insert the words "and courthouse." It was evidently omitted by inadvertence.

Mr. HALE. That is right.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. JONES. I desire to move, in line 20, page 158, the following amendment.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 158, after line 20, insert:

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.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. BURTON. On page 243 I move to strike out lines 1 to 10, inclusive, the heading being, "Fortifications, Isthmian Canal." I do not propose to make any remarks on this subject, though I very much regret that by reason of the limited time remaining we are unable to discuss this very important question.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. On page 243 strike out line 1 down to and including line 10, as follows:

FORTIFICATIONS, ISTHMIAN CANAL.

For construction of seacoast batteries on the Canal Zone, $2,000,000.

For the purchase, manufacture and test of seacoast cannon for coast defense, including their carriages, sights, implements, equipments, and the machinery necessary for the manufacture at the arsenals, to cost ultimately not to exceed $1,966,000, $1,000,000, the same to be immediately available and to continue available until expended.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. CULBERSON. I offer an amendment to come in after line 12, page 2.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 2, after the word "eleven," in line 12, insert the following:

The tariff board shall make report to each House of the Congress on the iron and steel schedule, the cotton and cotton manufactures schedule, and the wool and woolen schedule not later than the first Monday in December, 1911.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The question being put, there were on a division—ayes 24, noes 43.

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

The yeas and nays were ordered.

The VICE PRESIDENT. The Secretary will call the roll.

Mr. STONE. I should like to have the amendment read.

The VICE PRESIDENT. Without objection, the amendment will be again read.

The Secretary again read the amendment.

The VICE PRESIDENT. The Secretary will call the roll on agreeing to the amendment.

The question being taken by yeas and nays, resulted—yeas 40, nays 43, as follows:

YEAS—40.

Bacon	Clarke, Ark.	Jones	Simmons
Bailey	Culberson	McCumber	Smith, Md.
Bankhead	Cummins	Martin	Smith, S. C.
Beveridge	Curtis	Newlands	Stone
Borah	Fletcher	Overman	Swanson
Bourne	Foster	Owen	Taliaferro
Bristow	Frazier	Paynter	Taylor
Brown	Gore	Percy	Thornton
Chamberlain	Gronna	Rayner	Tillman
Clapp	Johnston	Shively	Watson

NAYS—43.

Bradley	Crawford	Heyburn	Richardson
Brandegee	Cullom	Kean	Root
Briggs	Depew	Lodge	Scott
Bulkeley	Dick	Lorimer	Smith, Mich.
Burkett	Dillingham	Nelson	Smoot
Burnham	Flint	Nixon	Stephenson
Burrows	Frye	Oliver	Warner
Burton	Gallinger	Page	Warren
Carter	Gamble	Penrose	Wetmore
Clark, Wyo.	Guggenheim	Perkins	Young
Crane	Hale	Piles	

NOT VOTING—8.

Aldrich	Dixon	La Follette	Sutherland
Davis	du Pont	Money	Terrell

So Mr. CULBERSON's amendment was rejected.

Mr. CULBERSON. I offer another amendment.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. On page 2, line 12, after the words "nineteen hundred and eleven," insert:

The tariff board shall make report to each House of the Congress on the wool and woolen schedule not later than the first Monday of December, 1911.

The VICE PRESIDENT. The question is on agreeing to the amendment.

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

The yeas and nays were ordered.

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Mr. BAILEY. Mr. President, I simply want to remark before the roll is called that the majority illustrate now an objection which I made to a presidential board in discussing that question the other night. I said that under a congressional board any Senator could get this information at any time and that no Senator could get it except when the Senate was in session; but it did not occur to me that the Senate would not direct that board to report upon any reasonable request, yet the Senate has just voted against requiring that board to report next December. That board has been in existence more than a year and has spent thousands of dollars from the Public Treasury, and if it has not qualified itself to report on at least one schedule by the next regular session of Congress the money has been worse than wasted. I am reluctant to believe that a majority of the Senate will not require that board to report, so that, if not called together in extraordinary session earlier, Congress may proceed promptly when it meets in the next regular session to do the work it has been commissioned by the people to do.

Mr. NEWLANDS. Mr. President, the Senator from Texas will, however, observe that progress is being made; that by a vote of 43 against 40 alone did the stalwart forces of the opposing party obtain a victory.

Mr. BAILEY. But the result is just the same as if the vote had been double.

Mr. NEWLANDS. I wish to say that I am myself as surprised as is the Senator from Texas that such information should be denied; but such information will not be denied by the next Congress. The people will have their own way regarding this matter, and will render their verdict regarding such recalcitrancy as is shown here. I have no doubt about the ultimate triumph of the tariff board, and that ultimately, under the guidance of Congress, under the instruction of Congress, and under rules fixed by Congress, it will give the country and Congress the statistics and the facts and the action that they desire upon this great and important question.

Mr. HALE. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Maine?

Mr. NEWLANDS. Certainly.

Mr. HALE. Let me appeal to the Senator from Texas, who, I think, will realize that every additional hour or half hour that we take in passing this most important of all the appropriation bills imperils its final passage. I wish, if Senators want to discuss the province or range of action and the duty of the tariff board, however it may be constituted, they will refrain, and not insist upon delaying the passage of this bill. I can do nothing more than make this appeal; but with the other appropriation bills yet to be considered, and devoting ourselves to their preparation—some of us not giving ourselves a minute's respite—between now and to-morrow noon we shall have very hard work to get the bills through. I have been hopeful that we should do so, but if this bill is delayed Senators will see the danger of the failure of some of these great bills. While the yeas and nays have been ordered, I hope, after they are taken, that Senators will not seek to put upon this bill what will only hinder it in its final passage.

Mr. BAILEY. Mr. President, I can not resist any reasonable appeal of the Senator from Maine, and I shall not put myself in the way of the prompt passage of this bill, though I am very sure, if it were to entirely fail and the whole question be remitted to the next Congress, that we could make a better one, because, if we provided sustenance for this tariff board at all, we would provide that it must furnish the information which it is said to have been organized to obtain for the benefit of Congress.

Mr. CULBERSON. Mr. President, I think the Senator from Nevada [Mr. NEWLANDS] had not concluded his remarks. If so, I yield to him with pleasure.

The VICE PRESIDENT. The Senator from Nevada had once yielded the floor.

Mr. CULBERSON. I did not so understand, and I yield to the Senator from Nevada.

The VICE PRESIDENT. Very good. The Chair will recognize the Senator from Nevada.

Mr. NEWLANDS. Mr. President, I wish simply to add one word.

The Senator from Maine [Mr. HALE] complains that every amendment of this kind and the discussion aroused by it is likely to endanger the ultimate passage of an important appropriation bill, and yet I think the Senator will hardly deny that Senators, acting upon their responsibility, have the right of presenting amendments. It seems to me that the discussion upon this question could be very easily avoided by the acquiescence of the Senator, without discussion or debate, in a demand for a report by a board organized by Congress for the purpose of securing information regarding the tariff, a board which has for a long time been engaged in this duty, and which doubtless will be ready to report upon this question by December next.

So the plea of the Senator from Maine is a plea for the suppression of information, the securing of which Congress has authorized for a specific purpose, for the information of Congress, the body charged with responsibility regarding the tariff. The responsibility, therefore, for delay must be fastened upon the stalwart element of the dominant party, which throughout has fought the measure of reform known as a tariff board and which, driven into legislation providing for its organization, now seeks to defeat the accomplishment of its beneficent purpose.

I do not regret for a moment what participation I may have had in the creation of a tariff board and in the organization of a board of experts with a view to securing——

Mr. HALE. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Maine?

Mr. NEWLANDS. In one moment—with a view to securing information, but I do regret that the Senate, by a constantly diminishing vote, it is true, has endeavored to defeat the operation of its own measure, passed by the Senate as a solemn act of legislation.

Mr. HALE. Mr. President, I am so desirous of pushing forward the appropriation bills, and this one particularly, in which I think I am backed by nine-tenths of the Senate, that, if the order for taking the yeas and nays can be reconsidered, I shall not make any further objection, but let the amendment pass so far as I am concerned. So I ask unanimous consent——

Mr. CULBERSON. Mr. President——

The VICE PRESIDENT. Will the Senator from Texas permit the Senator from Maine to finish his statement?

Mr. CULBERSON. Certainly.

Mr. HALE. I ask unanimous consent that the ordering of the yeas and nays be reconsidered and vacated.

Mr. CULBERSON. I am willing for that, Mr. President, provided the amendment is adopted.

Mr. HALE. I do not propose to make any further objection to it.

Mr. CULBERSON. But I do not know whether some other Senator on that side of the Chamber may not do so.

Mr. HALE. I do not think so.

Mr. GALLINGER. We shall all vote for it.

The VICE PRESIDENT. Is there objection to the request of the Senator from Maine that the order for the yeas and nays be annulled? The Chair hears none. The question is on the amendment.

The amendment was agreed to.

Mr. STONE. I desire to offer an amendment to come in between lines 7 and 8, on page 99.

The VICE PRESIDENT. The amendment proposed by the Senator from Missouri will be stated.

The SECRETARY. On page 99, after line 7, it is proposed to insert:

That hereafter no enlisted man in the service of the United States, the Army and Navy, respectively, whether a noncommissioned officer, musician, or private, shall be detailed, ordered, or permitted to leave his post to engage in any pursuit, business, or performance in civil life for emolument, hire, or otherwise, when the same shall interfere with the customary employment and regular engagement of local civilians in their respective arts, trades, or professions.

The amendment was agreed to.

Mr. ROOT. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from New York will be stated.

The SECRETARY. On page 174, after line 14, it is proposed to insert:

To pay the amounts added to the salaries of the Chief Justice and the Associate Justices of the Supreme Court by the act to codify, revise, and amend the laws relating to the judiciary, passed at the present session of Congress, $9,000.

Mr. HALE. That is right. The amendment ought to be adopted.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. SMOOT. 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. On page 168, after line 2, it is proposed to insert:

For solicitor of the Government Printing Office in the Department of Justice, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall exercise the functions of his office under the supervision and control of the head of the Department of Justice, and who shall receive a salary of $3,000 per annum.

The amendment was agreed to.

Mr. SMOOT. I offer the amendment which I send to the desk.

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The VICE PRESIDENT. The amendment proposed by the Senator from Utah will be stated.

The SECRETARY. On page 230, line 16, after the word "Department," it is proposed to insert "including paper for checks, warrants, and drafts, and for supplies for bookbinding."

The amendment was agreed to.

Mr. JONES. On page 10, line 3, after the words "post office," I move to insert the words "and courthouse."

The SECRETARY. On page 10, line 3, after the words "post office" it is proposed to insert the words "and courthouse," so as to read:

Bellingham, Wash., post office and courthouse: For continuation of the building under present limit, $125,000.

The amendment was agreed to.

Mr. JONES. On page 44, line 4, after the words "post office," I move to insert the words "and courthouse."

The VICE PRESIDENT. The amendment proposed by the Senator from Washington will be stated.

The SECRETARY. On page 44, line 4, after the words "post office," it is proposed to insert "and courthouse," so as to read:

North Yakima, Wash., post office and courthouse: For continuation of building under present limit, $75,000.

The amendment was agreed to.

Mr. OWEN. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from Oklahoma will be stated.

The SECRETARY. On page 225, after line 2, it is proposed to insert:

To provide a legislative reference bureau as a part of the Congressional Library, under the direction of the Librarian of Congress, $10,000.

The amendment was agreed to.

Mr. HALE. Now, Mr. President, I hope we shall pass the bill.

Mr. CARTER. Mr. President, I offer two amendments, which I send to the desk and ask to have considered.

The VICE PRESIDENT. The first amendment proposed by the Senator from Montana will be stated.

The SECRETARY. On page 38, at the end of line 10, it is proposed to insert:

Provided, That a site for said building may, with the consent of Miles City, be erected within the limits of the area of land heretofore granted by the United States to said Miles City for a public park.

The amendment was agreed to.

The VICE PRESIDENT. The second amendment submitted by the Senator from Montana will be stated.

The SECRETARY. On page 35, after line 6, it is proposed to insert:

Livingston, Mont., post office: For commencement of building under present limit on site heretofore acquired, $20,000.

The amendment was agreed to.

Mr. FRYE. I offer an amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 186, after line 21, it is proposed to insert:

Monhegan Island, Me., Light Station: For improving the light and fog signal at Monhegan Island, Me., $10,000.

The amendment was agreed to.

Mr. SMITH of Michigan. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 121, line 13, after the word "dollars," it is proposed to insert:

Provided, That the survey of said northern and northwestern lakes be extended so as to include the lakes and other navigable waters constituting the navigation system of the New York canals.

The amendment was agreed to.

Mr. OVERMAN. I offer the amendment which I send to the desk, to be inserted at the proper place in the bill.

The SECRETARY. On page 29, line 2, it is proposed to insert:

Hickory, N. C.: For erection of building upon site already acquired, $20,000.

The amendment was agreed to.

Mr. OWEN. On page 172, I move to strike out lines 12 to 23, inclusive.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 172, it is proposed to strike out the following:

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, and not to exceed $10,000 of said sum shall be available for the expenses of the United States on appeals to the Supreme Court of the United States.

The VICE PRESIDENT. The question is on the amendment of the Senator from Oklahoma. [Putting the question.] By the sound the "noes" have it.

Mr. OWEN. On that item I will ask for the yeas and nays, if necessary.

The VICE PRESIDENT. The yeas and nays are demanded.

Mr. OWEN. It is a very important matter to my State, Mr. President.

Mr. KEAN. Let the question be again put.

Mr. OWEN. I desire very much that that item should go out.

The VICE PRESIDENT. The Chair will put the question again, if the Senator so desires, if he withdraws the request for the yeas and nays.

Mr. OWEN. Very well.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Oklahoma.

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.

CONSTITUTION FOR PROPOSED STATE OF ARIZONA.

The VICE PRESIDENT presented a communication from the governor, the chief justice, and the secretary of the Territory of Arizona, transmitting a certified copy of the constitution of the proposed State of Arizona adopted by the constitutional convention convened by law, and which was subsequently submitted to and ratified by the people of that Territory (H. Doc. No. 1423), which, with the accompanying paper, was referred to the Committee on Territories 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 passed the following bills:

S. 3662. An act for the erection of a monument over the grave of President John Tyler;

S. 4023. An act for the relief of Arthur G. Fisk;

S. 4196. An act to place David Robertson on the retired list of the United States Army;

S. 6639. An act for the relief of Margaretha Weideman, Clarence C. Weideman, and Auguerite E. Weideman, owners of lots Nos. 1, 2, and 3, square No. 434, in the city of Washington, D. C.;

S. 7574. An act for the relief of John M. Bonine;

S. 7648. An act for the relief of Charles J. Smith;

S. 8300. An act to authorize the extension of Seventeenth Street NE.;

S. 8774. An act to change the name of Messmore Place to Mozart Place;

S. 9094. An act to authorize the Secretary of War to sell to the Nahant & Lynn Street Railway Co. a portion of the United States coast defense military reservation at Nahant, Mass.; and

S. 10536. An act directing the Secretary of War to convey the outstanding legal title of the United States to lot No. 20, square No. 253, in the city of Washington, D. C.

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

S. 1981. An act to amend section 1 of an act approved January 30, 1897, entitled "An act to prohibit the sale of intoxicating liquors to Indians, providing penalties therefor, and for other purposes;" and

S. 9529. An act for the relief of Alexander Wilkie.

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 Senate to the bill (H. R. 31596) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1912.

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

S. 5269. An act to provide for allotments to certain members of the Hoh, Quileute, and Ozette Tribes of Indians in the State of Washington;

S. 5843. An act to authorize the extension of Van Buren Street NW.;

H. R. 26290. An act providing for the validation of certain homestead entries;

H. J. Res. 291. Joint resolution authorizing the Secretary of War to receive for instruction at the Military Academy at West Point, Mr. Melchor Batista, of Cuba; and

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H. J. Res. 294. Joint resolution for the appointment of members of the Board of Managers of the National Home for Disabled Volunteer Soldiers.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT laid before the Senate a telegram transmitting a joint memorial adopted by the Legislature of the State of Montana, which was ordered to lie on the table and to be printed in the RECORD, as follows:

HELENA, MONT., *March 2, 1911.*

Hon. JAMES S. SHERMAN,
President United States Senate, Washington, D. C.:

The following joint memorial to Congress of the United States was this day passed by the Legislative Assembly of the State of Montana, and under the rules of said assembly I am directed to transmit the same to your honorable body. A copy of this memorial properly attested follows immediately by mail:

House joint memorial No. 11, introduced by McQuitty, to the Congress of the United States, urging the ratification of trade agreement with the Dominion of Canada.

To the honorable Senate and House of Representatives in Congress of the United States assembled:

Whereas there is now pending before the Congress of the United States a bill to enact into law the trade agreement between United States of America and the Dominion of Canada; and

Whereas the ratification of this agreement will materially reduce the present high cost of living to the people of the United States, and will furnish an increased market for the products of the Northwest: Now, therefore, be it

Resolved by the house of representatives of the Twelfth Legislative Assembly of the State of Montana (the senate concurring), That this assembly hereby urgently petition the Congress of the United States to ratify said trade agreement without delay.

W. W. MCDOWELL, *Speaker.*
W. R. ALLEN, *President of the Senate.*
FINLAY MCRAE, *Chief Clerk of the House.*

The VICE PRESIDENT presented a petition of the New England Shoe and Leather Association, praying for the ratification of the proposed reciprocal agreement between the United States and Canada, which was ordered to lie on the table.

He also presented a memorial of the State Business Men's Association of Connecticut, remonstrating against the enactment of legislation relative to the sale of manufactured articles, which was referred to the Committee on Interstate Commerce.

Mr. PILES. I present a telegram transmitting a memorial from the Legislature of the State of Washington, which I ask may be printed in the RECORD and referred to the Committee on Foreign Relations.

There being no objection, the telegram was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

OLYMPIA, WASH., *March 2, 1911.*

Hon. SAMUEL H. PILES,
United States Senate, Washington, D. C.:

The Legislature of the State of Washington has this day passed the following joint memorial:

Whereas in certain countries discrimination is made against American citizens on account of race or creed, and passports furnished to such citizens are refused recognition and effect: Now therefore be it

Resolved by the senate (the house concurring), That the President of the United States be, and he is hereby, requested to use every effort to have American citizens respected abroad without regard to race or creed; and

Be it further resolved, That we do hereby indorse and call upon Congress to pass the resolution now pending therein looking to the universal recognition of American passports so that no discrimination will be made against passports carried by American citizens, no matter what the race or creed of the holders.

WILLIAM T. LAUBE,
Secretary of the Senate.

Mr. GRONNA presented a petition of sundry citizens of Lidgerwood, N. Dak., praying for the enactment of legislation providing for the regulation and control of the waters of Niagara Falls, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Munich, N. Dak., praying for the adoption of an amendment to the Constitution recognizing the Deity, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Lamoure County, N. Dak., praying for the passage of the so-called parcels-post bill, which was referred to the Committee on Post Offices and Post Roads.

Mr. FRYE presented memorials of Local Union No. 11, International Brotherhood of Paper Makers, of Livermore Falls; of Local Union No. 152, International Brotherhood of Paper Makers, of Millinackel; of Presumpscot Grange, No. 15, of Portland; of Local Grange No. 165, of Perham; of Aurora Grange, No. 202, of Strong; of Local Grange No. 368, of Brighton; of Local Grange No. 329, of Abbot; of Pomona Grange and of Capital Grange, of Augusta, of the Patrons of Husbandry, all in the State of Maine, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were ordered to lie on the table.

Mr. OVERMAN presented a memorial of sundry retail merchants of North Carolina, remonstrating against the passage of the so-called parcels-post bill, which was ordered to lie on the table.

He also presented a petition of Thelma Camp, No. 101, Woodmen of the World, of Robersonville, N. C., 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 petitions of Washington Camps No. 15, of Raleigh; No. 33, of North Henderson; and No. 14, of Millingport, Patriotic Order Sons of America; of Rehobeth Council, of Terrell; and of Local Council of Crescent, Junior Order United American Mechanics, all in the State of North Carolina, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. SHIVELY presented a memorial of Eagle Spring Grange, No. 1510, Patrons of Husbandry, of Madison, Ind., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which was ordered to lie on the table.

He also presented a memorial of Local Union No. 11, United Mine Workers of America, of Terre Haute, Ind., remonstrating against any increase in the rate of postage on periodicals and magazines, which was ordered to lie on the table.

He also presented petitions signed by 286 members of Indianapolis Typographical Union, No. 1, of Indiana, and of the S. P. Lesh Paper Co., of Indianapolis, Ind., praying for the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of the Jacob Mezger Co., of the Bauer Cooperage Co., of the Daniel Stewart Drug Co., of A. J. Greenwoldt & Co., and of A. Kiefer Drug Co., all of Indianapolis; of James Walsh & Co., of the Greendale Distilling Co., of Lawrenceburg; and of the Hammond Distilling Co., of Hammond, all in the State of Indiana; and of the Murphy Distilling Co., of Cincinnati, Ohio, praying for the enactment of legislation to provide for loss of distilled spirits deposited in internal-revenue bonded warehouses, which were referred to the Committee on Finance.

He also presented petitions of G. W. van Pelt, A. F. English, Anna Farley, Fannie Jackson, Mrs. George W. Carooll, Sarah H. Hoffman, C. E. Morrell, Nannie Tucker, Mrs. John Numan, Mrs. Robert Spurlin, A. Johnson, Mrs. S. T. Knersly, Mrs. Charles Shipman, Mrs. George Johnson, Miss Martin, Ethel M. Locker, Mrs. John Dougall, Mattie A. Ryan, Elizabeth Beckner, Eva Hedrick, Cora Wood, William Cauzzart, Ada Burns, F. D. Stanton, Mrs. Emma Hamilton, Carrie Belle Garrison, Mrs. Allie Copple, Mrs. Fred. Pickett, Gertrude Laws, Robert Miller, Mrs. Henry Phelps, Mrs. Ball, Mrs. Delia Peters, Mrs. Fred Byrum, Stanley Jones, Mrs. Mae Gigham, Cornelia Vanersdale, Mrs. Leslie Sosby, Amanda Burgher, Mrs. Charles Parrish, Mary Fields, Clara Caldwell, Viola Goodwin, Julia R. Smithers, Mrs. Joseph Westrich, Ada Falkner, Elmira Davis, Albert Anderson, Mrs. Mona B. Jackson, Mrs. Koller, Carrie Traylor, Mrs. Roy Griffith, George W. Parrish, Atur Schultz, Mrs. Vena Yeatts, Mrs. Margaret Hoop, Sarah E. Henry, Mildred White, Mrs. Nova Urick, Mary S. Miles, Mrs. Hallard L. Payne, Mrs. Dora Wainscott, Mrs. Ella Ray, Charley Ross, Anthony Henry, Anna Heaney, Eva James, Mrs. Creed, Jane Neilis, Kate Farrell, Mrs. G. B. Manlove, Elizabeth Burns, Mrs. C. B. Elliott, Mrs. Nerha Collins, Mrs. J. Terrell, Ida Moore, Mrs. Oscar Denny, Mrs. Height, Clara Worland, Mrs. Ena Fritter, Bell Webber, Blance Moore, Walter F. Crane, Phillip Weeze, Mrs. Alice Young, Alfred Curry, Mrs. Anna Jones, Rose Harland, Mrs. Estella Piatt, Mrs. Ida Cunningham, Deliah Gardner, Mrs. John Phelps, Edith Goebel, Mrs. George Weimer, Phoebe Smith, Lucy Young, Mrs. J. P. Lundy, Mrs. Laura Henry, Maude Tresler, Mrs. E. W. Higbon, Edna Kennedy, Joseph J. Smith, Mrs. Florence Amick, Mrs. W. J. Kirby, Clifton C. Macy, James M. Brown, John E. Hupp, Katie Curry, Mrs. Mina Mohr, Mrs. Frank Porter, and Eva Plunkett, all of Shelbyville, in the State of Indiana, praying for the establishment of a national bureau of health, which were referred to the Committee on Public Health and National Quarantine.

Mr. WATSON presented a memorial of Washington Camp No. 39, Patriotic Order Sons of America, of Bakerton, W. Va., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

Mr. DEPEW presented memorials of Thousand Islands Grange, of Penfield Grange, of Henderson Grange, of Huguenot Grange, of Oak Grove Grange, of Sylvan Grange, and of Elk Creek Grange, all of the Patrons of Husbandry; of local unions International Brotherhood of Paper Makers, and of sundry citizens of Fort Covington, Adams, Fort Edward, Ticonderoga,

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Representatives to the bill (S. 10638) to authorize the Secretary of War to sell certain lands owned by the United States and situated on Dauphin Island, in Mobile County, Ala.

The message also announced that the House had passed the bill (S. 6104) providing for the appointment of Commander Robert E. Peary a rear admiral in the Navy as an additional number in grade and placing him upon the retired list, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the concurrent resolution of the Senate providing for the printing of the proceedings held on the occasion of the dedication of the Stephenson Grand Army Memorial.

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. 32865) making appropriations for fortifications and other works of defense, for the procurement of heavy ordnance for trial and service, and for other purposes; further insists upon its disagreement to the amendments of the Senate Nos. 1 and 2; agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SMITH of Iowa, Mr. GRAFF, and Mr. SHERLEY managers at the conference on the part of the House.

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. 1031. An act for the relief of Jaji Bin Ydris;

S. 3662. An act for the erection of a monument over the grave of President John Tyler;

S. 4023. An act for the relief of Arthur G. Fisk;

S. 4196. An act to place David Robertson on the retired list of the United States Army;

S. 6639. An act for the relief of Margaretha Weideman, Clarence C. Weideman, and Auguerite E. Weideman, owners of lots Nos. 1, 2, and 3, square No. 434, in the city of Washington, D. C.;

S. 7031. An act to codify, revise, and amend the laws relating to the judiciary;

S. 7574. An act for the relief of John M. Bonine;

S. 7648. An act for the relief of Charles J. Smith;

S. 8300. An act to authorize the extension of Seventeenth Street NE.;

S. 8774. An act to change the name of Messmore Place to Mozart Place;

S. 9094. An act to authorize the Secretary of War to sell to the Nahant & Lynn Railway Co. a portion of the United States Coast Defense Military Reservation at Nahant, Mass.;

S. 9270. An act for the relief of Frank W. Hutchins;

S. 9351. An act to amend an act entitled "An act providing for the retirement of certain medical officers of the Army," approved June 22, 1910;

S. 9874. An act to refund to the Gate of Heaven Church, South Boston, Mass., duty collected on stained-glass window;

S. 9954. An act for the relief of Lincoln C. Andrews;

S. 10177. An act to authorize additional aids to navigation in the Lighthouse Establishment, and for other purposes;

S. 10274. An act to authorize construction of the Broadway Bridge across the Willamette River at Portland, Oreg.;

S. 10357. An act authorizing the Secretary of the Interior to issue patent to David Eddington covering homestead entry;

S. 10536. An act directing the Secretary of War to convey the outstanding legal title of the United States to lot No. 20, square No. 243, in the city of Washington, D. C.;

H. R. 31596. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1912;

H. R. 32436. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1912, and for other purposes; and

H. R. 32866. An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1912.

PROHIBITION OF INTOXICATING DRINKS TO INDIANS.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1981) entitled "An act to amend section 1 of an act approved January 30, 1897, entitled 'An act to prohibit the sale of intoxicating drinks to Indians, providing penalties therefor, and for other purposes.'"

Mr. CLAPP. I move that the Senate nonconcur in the amendment of the House, and request a conference with the House on the disagreeing votes of the two Houses, 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. CLAPP, Mr. BROWN, and Mr. CHAMBERLAIN conferees on the part of the Senate.

HANSELL HATFIELD.

H. R. 9624. An act for the relief of Hansell Hatfield, of McMinn County, Tenn., was read the first time by its title.

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

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

Be it enacted, etc., That in the administration of the pension laws Hansell Hatfield shall hereafter be held and considered to have been mustered into the military service of the United States in 1861 as a private in Company F, Twelfth Regiment Kentucky Volunteer Infantry, and to have been honorably discharged from the military service of the United States as a member of the said company and regiment, after more than 90 days' service therein, on account of wounds received in the line of duty at the Battle of Fishing Creek, which disabled him for further service.

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

NATIONAL M'KINLEY BIRTHPLACE MEMORIAL ASSOCIATION.

H. R. 32907. An act to incorporate the National McKinley Birthplace Memorial Association was read twice by its title.

Mr. DICK. 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.

HOUR OF MEETING.

Mr. HALE. I move that when the Senate adjourns to-day it be to meet at 8 o'clock to-morrow morning.

The motion was agreed to.

NAVAL APPROPRIATION BILL.

Mr. PERKINS. I move that the Senate resume the consideration of the bill (H. R. 32212) making appropriations for the naval service for the fiscal year ending June 30, 1912, and for other purposes.

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

Mr. PERKINS. I ask that the Secretary resume the reading of the bill where it was left off last night.

The VICE PRESIDENT. The Secretary will resume the reading of the bill.

Mr. HALE. Mr. President, I desire at once to go to work in committee on the general deficiency appropriation bill. I therefore, with the permission of the Senator in charge of the bill, ask unanimous consent that I may now offer the amendment to the naval appropriation bill which I send to the desk.

The VICE PRESIDENT. Without objection, the amendment offered by the Senator from Maine will be received and stated.

The SECRETARY. On page 67, line 8, after the word "appropriation," it is proposed to insert "for construction and machinery of battleships;" and in line 8, after the word "any," to strike out the word "boat" and insert the word "battleship."

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Naval Affairs was, on page 55, after line 2, to strike out:

The Secretary of the Navy shall have plans, specification, and estimates prepared of the cost for the completion of the crypt at the United States Naval Academy, Annapolis, Md., as a permanent resting place for the body of John Paul Jones, and shall report the same to the next session of Congress.

And to insert:

That the Secretary of the Navy shall have estimates, plans, and specifications prepared for the completion of the crypt of the chapel at the United States Naval Academy, Annapolis, Md., as a permanent resting place for the body of John Paul Jones, the cost of said crypt and furnishing of same, including architect's fee and all other expenses of every character connected therewith, not to exceed the sum hereinafter appropriated, said plans and specifications to be approved by the Superintendent of the United States Naval Academy and the Secretary of the Navy.

That the sum of $75,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the completion and furnishing of said crypt in accordance with said plans and specifications.

The amendment was agreed to.

The next amendment was, on page 55, line 24, to increase the total appropriation for the maintenance of the Naval Academy from $550,420 to $625,720.

The amendment was agreed to.

The next amendment was, under the subhead "Marine Corps," on page 57, line 8, before the word "dollars," to strike out

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"one thousand six hundred" and insert "two thousand," so as to make the clause read:

Pay of civil force: In the office of the Major General Commandant: One chief clerk, at $2,000; 1 clerk, at $1,400; 1 messenger, at $971.28.

The amendment was agreed to.

The next amendment was, on page 59, line 3, to increase the total appropriation for pay of civil force, Marine Corps, from $29,911.28 to $30,311.28.

The amendment was agreed to.

The next amendment was, on page 59, line 10, to increase the total appropriation for pay, Marine Corps, from $4,280,601.28 to $4,281,001.28.

The amendment was agreed to.

The next amendment was, on page 62, line 12, before the word "thousand," to strike out "ten" and insert "twenty-seven," and in the same line, after the word "dollars," to insert:

Provided, That $17,000 of the above amount shall be used for repairs to and fitting up the buildings, including heating plant and refrigerating apparatus, boathouse piling, landing and floats, walkway and boat davits, and painting the wharf, for the use of the Marine Corps School of Application at the naval station at Port Royal, S. C.

So as to make the clause read:

For repairs of barracks, Marine Corps: Repairs and improvements to barracks and quarters at Portsmouth, N. H.; Boston, Mass.; Narragansett Station, R. I.; New York, N. Y.; Philadelphia, Pa.; Annapolis, Md.; headquarters and navy yard, District of Columbia; Norfolk, Va.; Port Royal and Charleston, S. C.; Pensacola, Fla.; New Orleans, La.; Mare Island and San Francisco, Cal.; Bremerton, Wash.; Sitka, Alaska; and Isthmus of Panama; for the renting, leasing, improvement, and erection of buildings in Porto Rico, the Territory of Hawaii, the Philippine Islands, at Guam, the District of Columbia, and at such other places as the public exigencies require; and for per diem to enlisted men employed under the direction of the Quartermaster's Department on the repair of barracks, quarters, and the other public buildings, $127,000: *Provided*, That $17,000 of the above amount shall be used for repairs to and fitting up the buildings, including heating plant and refrigerating apparatus, boathouse piling, landing and floats, walkway and boat davits, and painting the wharf, for the use of the Marine Corps School of Application at the naval station at Port Royal, S. C.

The amendment was agreed to.

The next amendment was, on page 62, after line 19, to insert:

Barracks, grounds, etc., Boston, Mass., $100,000; officers' quarters, Boston, Mass, $48,000; in all, $148,000.

The amendment was agreed to.

The next amendment was, on page 65, line 10, to increase the total appropriation under quartermaster, Marine Corps, from $3,092,357 to $3,257,357.

The amendment was agreed to.

The next amendment was, on page 65, line 13, to increase the total appropriation for maintenance of the Marine Corps, exclusive of public works, from $7,372,958.28 to $7,538,358.28.

The amendment was agreed to.

The next amendment was, under the subhead "Increase of the Navy," on page 65, line 21, before the word "vessel," to strike out "known," and in line 22, after the word "speed," to strike out "at least equal to that of any known battleship," so as to make the clause read:

That, for the purpose of further increasing the Naval Establishment of the United States, the President is hereby authorized to have constructed two first-class battleships, each carrying as heavy armor and as powerful armament as any vessel of its class, to have the highest practicable speed and the greatest practicable radius of action, and to cost, exclusive of armor and armament, not to exceed $6,000,000 each.

The amendment was agreed to.

The next amendment was, on page 66, line 10, after the word "appropriation," to insert "for said battleships," and in line 12, after the word "of," to strike out "any boat" and insert "either of said battleships," so as to make the clause read:

Four submarine torpedo boats, in an amount not exceeding in the aggregate $2,000,000, and the sum of $800,000 is hereby appropriated for said purpose: *Provided*, That no part of this appropriation for said battleships shall be expended for the construction of either of said battleships by any person, firm, or corporation which has not at the time of the commencement and construction of said vessels established an eight-hour workday for all employees, laborers, and mechanics engaged or to be engaged in the construction of the vessels named herein.

Mr. MARTIN. Mr. President, it was understood that that amendment would be disagreed to. I now call the attention of the chairman of the committee to it. That would leave the text as it came from the House.

Mr. PERKINS. Mr. President, that amendment was decided upon, I will say to the Senator, by the action of the committee. The committee agreed that the eight-hour law should apply to the construction of two battleships, but did not think it advisable to extend the provision so that it would apply to all the other vessels, such as torpedo boats, torpedo-boat destroyers, colliers, and so forth.

Mr. MARTIN. I move that the amendment be disagreed to. I could not hear the statement of the chairman of the committee.

The PRESIDING OFFICER (Mr. KEAN in the chair). The question is on agreeing to the amendment.

Mr. PENROSE. Mr. President, I suggest to the Senator from Virginia that he let this paragraph go to conference, and if any opposition develops to it, I believe the conferees will agree to restore the House provision.

Mr. MARTIN. Mr. President, I have very strong convictions about this matter. I do not think there should be any impairment of the system of eight hours of labor on Government work. It is a policy that has been adopted. I do not think there should be any step backward in relation to it, and this is a step backward.

It leaves the eight-hour law applicable to the battleships, but does not make it applicable to smaller work, and I can not see the force or the wisdom of having a rule made applicable to the construction of the great ships of the Navy and not applicable to the lesser ones. I do not want to delay the bill, but I will have to ask for a roll call in order to take the sense of the Senate upon it. I thought it was understood. I think the Senator from Wisconsin had some conversation with the chairman of the committee in relation to it, and I understood the matter was adjusted.

Mr. PERKINS. If the Senator insists upon it, on behalf of the committee I will make no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. OWEN. What is the amendment?

Mr. THORNTON. Let us know what it is. There is so much confusion and disorder we can not understand.

The PRESIDING OFFICER. The Secretary will again state the amendment.

The SECRETARY. On page 66, line 12, the committee proposes to strike out the words "any boat" and insert "either of said battleships."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. PERKINS. If this amendment is adopted, the Senator should understand that these two battleships will be constructed under the eight-hour law. I think, to remove any friction, we had better disagree to the amendment.

Mr. SHIVELY. I call for order in the Senate. I want to hear what the Senator from California has to say. It is impossible to do so now.

Mr. PERKINS. I suggest that under the circumstances, the question being liable to create conflict with the House, the committee had better recede from this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was not agreed to.

Mr. JONES. What about the amendment in line 11, "for said battleships?"

The PRESIDING OFFICER. It is all one amendment.

Mr. LODGE. That was disagreed to at the same time. It is all one amendment.

Mr. JONES. It was not read by the clerk.

The PRESIDING OFFICER. Yes; the amendment was read at first, but not the second time.

Mr. JONES. That part was not read by the clerk.

The PRESIDING OFFICER. It was read at first.

Mr. JONES. That may be true.

The amendment was agreed to.

The next amendment was, on page 66, after line 17, to insert:

One submarine tender, to cost not to exceed $500,000, and the sum of $250,000 is hereby appropriated toward said purpose.

The amendment was agreed to.

The next amendment was, on page 66, after line 20, to insert:

One gunboat, to cost, exclusive of armor and armament, not to exceed $500,000.

The amendment was agreed to.

The next amendment was, on page 66, after line 23, to insert:

One river gunboat, to cost, exclusive of armor and armament, not to exceed $215,000.

The amendment was agreed to.

The next amendment was, at the top of page 67, to insert:

Two seagoing tugs, to cost not to exceed $215,000 each.

The amendment was agreed to.

The next amendment was, on page 67, line 15, after the word "act," to strike out: "*Provided*, That no part of the above appropriation shall be used for the payment of the construction of any collier the total cost of which, exclusive of indirect labor, shall exceed $1,000,000," and insert:

Provided, That the limit of cost of the collier authorized and directed by the naval appropriation act approved May 13, 1908, to be built in such Government yard on the Pacific coast as the Secretary of the Navy shall direct, is hereby increased from the modified million-dollar limit of cost imposed by the act of June 24, 1910, to $1,200,000, exclusive of indirect charges.

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So as to make the clause read:

Construction and machinery: On account of hulls and outfits of vessels and steam machinery of vessels heretofore and herein authorized, $13,531,785.79: *Provided*, That no part of this appropriation shall be expended for the construction of any boat by any person, firm, or corporation which has not at the time of the commencement and during the construction of said vessels established an eight-hour workday for all employees, laborers, and mechanics engaged or to be engaged in the construction of the vessels named herein: *Provided*, That this limitation shall not apply to payments to be made under contracts made prior to the approval of this act: *Provided*, That the limit of cost of the collier authorized and directed by the naval appropriation act approved May 13, 1908, to be built in such Government yard on the Pacific coast as the Secretary of the Navy shall direct, is hereby increased from the modified million-dollar limit of cost imposed by the act of June 24, 1910, to $1,200,000, exclusive of indirect charges.

Mr. OWEN. I should like to understand the meaning of the term "exclusive of indirect charges."

Mr. PERKINS. Heretofore in the work done in navy yards no account has been kept of the interest on the investment in the plant, the cost of the plant, insurance, heat and fire, and superintendency. An account should be rendered separately for them.

Mr. OWEN. It has a definitely ascertained meaning, then, under the practice?

Mr. PERKINS. Yes.

I will send to the desk and ask the clerk to read the following letter.

Mr. PENROSE. As I understand, the amendment simply covers what are commonly known as overhead charges.

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

The amendment was agreed to.

The next amendment was, on page 68, line 14, after the word "upon," to strike out "contracts made" and insert "vessels authorized," so as to make the clause read:

Provided, That this limitation shall not apply to payments to be made upon vessels authorized prior to the approval of this act.

The amendment was agreed to.

The next amendment was, on page 69, after line 8, to insert:

The limit of cost, exclusive of armor and armament, of the battleship Florida, authorized by the naval appropriation act approved May 13, 1908, to be built in a Government navy yard, is hereby increased from $6,000,000 to $6,400,000; and the limit of cost, exclusive of armor and armament, of the battleship authorized and directed by the naval appropriation act approved June 24, 1910, to be constructed in one of the navy yards, is hereby increased to $6,400,000, inclusive of indirect charges.

The amendment was agreed to.

The next amendment was, on page 69, in line 20, to increase the total appropriation for increase of the Navy from $25,755,547.67 to $26,005,547.67.

The amendment was agreed to.

The next amendment was, on page 70, after line 20, to insert:

By a joint resolution of Congress the President of the United States has been authorized and respectfully requested, by a proclamation or in such manner as he may deem proper, to invite all foreign countries and nations to attend and participate in an exposition at the city and county of San Francisco, Cal., on or about the 1st day of January, 1915, to celebrate the completion and opening of the Panama Canal, and also the four hundredth anniversary of the discovery of the Pacific Ocean.

The President is further authorized and respectfully requested, in extending his invitation to the foreign nations in pursuance of the aforesaid joint resolution of Congress, to invite their representatives and their fleets to assemble at Hampton Roads, Va., and from thence come to the city of Washington, there to be formally welcomed by the President; and, at the conclusion of the ceremonies at Washington, the President is requested to proceed to Hampton Roads and there review the assembled fleets as they start on their voyage to the city of San Francisco.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. PERKINS. Last evening we passed over an amendment on page 22, extending to line 6, on page 23.

The SECRETARY. On pages 22 and 23, the proviso beginning in line 24, on page 22, was passed over.

Mr. JONES. While possibly the language in the bill is not just what it should be, and therefore it is well that it go to conference, I want to call the attention of the Senate just briefly to the situation in reference to the purchase of coal.

The Navy uses every year on the Pacific coast about 250,000 tons of coal, and every pound of that coal is taken from the Atlantic and transported at a cost of about $4.35 a ton. In other words, the Government pays for transporting coal for the Navy, to be used on the ships now on the Pacific coast, about or over a million dollars every year. We produce coal on the Pacific coast, and there ought to be some good reason, it seems to me, for the Government taking all the coal that is used in its vessels on the Pacific coast at a great expense to the Government from the Atlantic instead of purchasing coal locally.

The coal costs the Government, delivered at its stations on the Pacific coast, over $7 a ton. Coal can be secured on the Pacific coast and delivered at those stations at from $3.50 to $4 a ton. Furthermore——

Mr. OVERMAN. I should like to inquire of the Senator whether it is the same quality of coal that we get here.

Mr. JONES. I will come to that in just a moment.

It is also true that the greater part of this coal is transported to the Pacific coast in foreign bottoms, in foreign ships, in violation of the coastwise laws of the United States, or at least contrary to the coastwise laws of the United States.

It seems to me there should be some very strong reason for the Government taking the coal from the Atlantic coast under those conditions instead of purchasing it at Pacific coast points.

Upon the suggestion of the Senator from North Carolina the coals on the Pacific coast, outside of Alaska and outside of British Columbia, are not quite such good coals as the coals on the Atlantic coast, but I submit that there is not that difference beween the coals of the Atlantic and Pacific coasts which warrants this action by the department.

I have here a letter from the Secretary of the Navy transmitting memorandum in answer to questions submitted by me with reference to this matter. I asked to be informed whether or not any test had been made as to the efficiency of Pacific coast coals, and the answer was yes; and I also asked, if such tests had been made, what was the result.

Here is the answer from the Navy Department:

Q. 9. If so, when and what was the result?—A. Decrease in efficiency as compared with eastern coals of about 15 per cent. Increase in amount of smoke, soot, cinders, and clinkers. Not suitable for use at high speed under forced draft. These tests are only preliminary and are not relied upon.

Then they say:

A. Tests are now in progress from which definite reports have not been received. Preliminary reports indicate that it takes 8 tons of Pacific coast coal to do the work of 7 tons of coal from the eastern coast.

In other words, the difference between the two coals is really as 8 to 7. I submit that that is not a sufficient difference to warrant this Government in paying a million dollars per year for the transportation of coal to the Pacific coast to be used on our vessels. This coal does make a little more smoke and a little more soot, and has some of these disagreeable features. But a reason of that sort does not appeal to me. Pacific coast coal is used in the Revenue-Cutter Service by the Government of the United States. It is used in practically all the merchant ships on the Pacific coast, and I submit that if it can be used in these great merchant ships and in the Revenue-Cutter Service, at least in times of peace that coal should be used to some extent at least in our battleships and our warships, and that it can be done without very much injury and at a great saving in cost to the Government.

Mr. HEYBURN. I should like to ask the Senator from Washington if in using the term "Pacific coast coal" he includes Alaskan coal.

Mr. JONES. I have not that in mind just now, because Alaskan coal is not being mined. But there is not much question but that that coal is as good as, if not better than, Pacific coast coal.

Mr. HEYBURN. I suggest to the Senator that the tests of the Alaskan coal are higher than those shown by the tables he has presented, and it already belongs to the Government.

Mr. JONES. That is true. But under the condition of things now we do not seem to be able to get the Alaskan coal mined. The other coal is not so good as Alaskan coal. There is no question about the quality of the Alaskan coal, and if we can get legislation through here under which that coal can be mined, then of course there could be absolutely no excuse for the Government, no pretense even, that that coal is not suitable. But I submit that on the tests made by the Government, on its own showing, there is a relative difference of only 8 to 7 between coals on the Atlantic and coals on the Pacific.

In view of the fact that the Pacific coast coal is now used by merchant ships entirely and in the Revenue-Cutter Service and in the other uses that the Government has for coal out there, I think we ought to prevent in some way, if it is possible to do it, the transportation of all this coal to the Pacific coast at this great expense to the Government.

I am perfectly willing that this amendment shall be adopted after this statement, in the hope that the conferees will try to frame some suitable provision. I do not want a monopoly created on the Pacific coast by law, but I do want some fair treatment there and some action taken that is fair to the Government itself, because I submit that what is done and what is being done is not fair either to the Pacific coast or to the Government.

I think I will ask to have printed in connection with my remarks the letter from the Secretary of the Navy.

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The letter is as follows:

THE SECRETARY OF THE NAVY,
Washington, February 24, 1911.

MY DEAR SENATOR: I have the honor to inclose the information requested by you in your letter of the 22d instant. Believe me,

Faithfully, yours, G. V. L. MEYER.

Hon. WESLEY M. JONES, *United States Senate.*

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NAVY DEPARTMENT,
BUREAU OF SUPPLIES AND ACCOUNTS,
Washington, D. C., February 24, 1911.

Memorandum for the Navy Department, referring to the letter from the Hon. WESLEY L. JONES.

1. Since this bureau is not in a position to answer all the questions presented by Mr. JONES, a number of such questions being rather in the province of the Bureau of Steam Engineering, it submits answers to certain questions in form of memorandum only:

Q. 1. What is the cost of Atlantic coal laid down at the coaling stations for the Pacific?—A. The average cost of Atlantic coal laid down at the coaling stations of Mare Island, Tiburon, Puget Sound, and Honolulu is $6.94 per ton.

Q. 2. In what class of vessels is it transported—foreign or domestic?—A. In both foreign and domestic.

Q. 3. How many tons on an average is sent to the Pacific coast each year?—A. About 250,000 tons.

Q. 4. What is the cost of transporting this coal per ton?—A. The average cost of transporting this coal from the Atlantic for the fiscal year 1910 was $4.35 per ton.

Q. 5. What is the cost per ton of the coal itself where purchased on the Atlantic side?—A. $2.70 per ton for the past fiscal year, and that is the current price now.

Q. 6. From whom has the coal been purchased during the last four or five years?—A. Consolidation Coal Co.; Castner, Curran & Bullitt; Berwind-White Coal Mining Co.; Smokeless Fuel Co.; Pocahontas Fuel Co.; W. C. Atwater & Co.; Crozer-Pocahontas Co.; Chesapeake & Ohio Coal & Coke Co.; Chesapeake & Ohio Coal Agency Co.; New River Coal Co.; New River Consolidated Coal & Coke Co.; C. H. Sprague & Sons; Merchants Coal Co.; Maryland Coal & Coke Co.; Sterling Coal Co.; and William Johnson & Co.

Q. 7. Has Pacific coal ever been used to any extent on our ships; and if so, until when, and why did the Government cease to use it?—A. No.

Q. 8. Have tests been made as to the efficiency of the Pacific coast coal?—A. Yes.

2. Questions 9, 10, 11, 12, 13, 14, 15, and 16: It is believed that these questions can be more completely and satisfactorily answered by the Bureau of Steam Engineering or by the department itself, since they are solely of a technical or statistical nature.

T. J. COWIE.

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NAVY DEPARTMENT,
BUREAU OF STEAM ENGINEERING,
Washington, D. C., February 24, 1911.

Memorandum for the Navy Department, referring to the letter from the Hon. WESLEY L. JONES, United States Senate.

The bureau submits the following answers to the questions propounded by Senator JONES and left unanswered by the Bureau of Supplies and Accounts:

Q. 9. If so, when and what was the result?—A. Decrease in efficiency as compared with eastern coals of about 15 per cent; increase in amount of smoke, soot, cinders, and clinkers. Not suitable for use at high speed under forced draft. These tests are only preliminary, and are not relied upon.

Q. 10. Why does the Navy Department not use Pacific coast coal?—A. As yet no means have been discovered of using this coal efficiently on naval vessels.

Q. 11. What specific objections are there to it?—A. Those mentioned in answer to ninth question, and increased deterioration of boilers and boiler fittings; increased relative deterioration when stored for long periods of time; decreased steaming radius, and maximum speed; increased number of firemen required. It is also a material advantage to have firemen on all vessels of the Navy trained to burn the same quality of fuel.

Q. 12. If tests have been made lately, what are the results of such tests?—A. Tests are now in progress from which definite reports have not been received. Preliminary reports indicate that it takes 8 tons of Pacific coast coal to do the work of 7 tons of coal from the eastern coast. If the statement of the Hon. WILLIAM E. HUMPHREY, M. C., that the *Maryland* burned 215 tons of Pacific coast coal to maintain a speed of 15 knots for 24 hours is correct, the Pacific coast coal will make about five-sixths as much steam per ton as eastern coals.

Q. 13. Has the department within the last year or two refused to make tests with Pacific coast coal because it would cost $1,500 or more for new grate bars on the ships to be used in the testing, or something of that kind?—A. No. Comparative tests of Pacific coast and eastern coals are now in progress. On these tests, Navy standard boiler fittings are used in both cases. Special grate bars would probably slightly improve grate efficiency in each case. If found necessary, special grate bars or any other special fittings required will be used before the trials are abandoned.

Q. 14. Was any test made with old grate bars, and if so, would better results have been secured with new grate bars?—A. See answer to question 13.

Q. 15. Has the department any information as to the result of the tests which, I understand, have lately been conducted on the *Maryland* and *West Virginia*, and if so, what do such tests show?—A. See answer to question 12.

Q. 16. Did the *Oregon* use Pacific coast coal on its trip around the Horn in the Spanish War?—A. No. Specially selected British admiralty coal (Cardiff) was used.

H. I. CONE.

Mr. PERKINS. I desire to have printed in the RECORD an extract taken from the House hearings in relation to Pacific coast coal.

I wish to say also that there is every disposition on the part of the Secretary of the Navy to use Pacific coast coal for vessels now stationed on that coast. This explains it fully, and I will not weary the Senate by going into it in detail.

The extract is as follows:

SHIPMENTS TO THE PACIFIC COAST.

1. The question of making shipments to the coal depots in the Pacific has been one of serious concern to the department during the past few years, and American bottoms have been chartered—in the few instances when offered—when the rates were not excessive or unreasonable within the meaning of the law. The honorable, the Attorney General, in his decision dated October 3, 1907, on the question of making shipments of coal from eastern to western ports in American and foreign bottoms, quoted the act of April 28, 1904:

"That vessels of the United States, or belonging to the United States, and no others, shall be employed in the transportation by sea of coal, provisions, fodder, or supplies of any description purchased pursuant to law for the use of the Army or Navy unless the President shall find that the rates of freight charged by said vessels are excessive and unreasonable, in which case contracts shall be made under the law as it now exists * * * provided that no greater charge be made by such vessels for transportation of like goods for private parties or companies."

and stated in his decision in part that:

"It will be observed that this law makes it the duty of the War and Navy Departments to employ, in general, vessels of the United States, and no others, for the transportation of coal and other supplies purchased for the use of the Army or Navy. Of course, if Congress had seen fit by this statute to prohibit the transportation of supplies for the Army or Navy in foreign vessels absolutely, under all circumstances, without exception and without regard to the consequences, any and all such shipments (in foreign bottoms) would be illegal; but the law provides that if the President shall find 'that the rates of freight charged by said vessels are excessive and unreasonable * * * contracts shall be made under the law as it now exists. It is obvious, therefore, that the statute contemplates the possibility that it may be impracticable to comply with its terms without exposing the Government to exorbitant and unreasonable expense, and it is intended, in such event, that even the very strict terms of the prohibition shall not prevent the transportation of articles evidently necessary for the maintenance and efficiency of the national forces. The contingency that there might not be American vessels obtainable at any cost, however great, to transport the articles in question is not expressly covered by the terms of the exception * * *.'

"It remains to be seen what are the means of transportation open to the Navy Department if the President shall determine that the rates of freight charged by American vessels are excessive and unreasonable. The statute says that 'contracts shall be made under the law as it now exists;' that is to say, under the law as it existed prior to April 28, 1904. This language, so far as it affects the Navy, would seem to refer to section 3718, United States Revised Statutes, which is as follows, in so far as relevant:

"'All provisions, clothing, hemp, and other materials of every name and description for the use of the Navy, and the transportation thereof, when time will permit, shall be furnished by contract by the lowest bidder.'

"This provision is codified, with a slight change of language, from the act approved March 3, 1845 (5 Stats., 617), and it would seem to be the only provision of law directly applicable to the transportation of supplies for the Navy. It is obvious that nothing in the language of this statute restricts the competition for which it provides to vessels of American ownership, and I therefore reach the conclusion that when the President shall find the facts he is required to pass upon by the terms of this statute, the Navy Department is authorized to procure transportation for coal or other supplies, which it may purchase for the use of the Navy, through a free competition, open to both American and foreign shipowners. * * *"

2. Former President Roosevelt and President Taft have decided that where an American vessel can transport coal and other supplies at a rate which is not unreasonable or excessive within the meaning of the law and within an advance of 50 per cent over and above that charged for the transportation in a foreign bottom the order shall be given to the American vessel. It can be seen, therefore, that if American shipowners do not care to submit proposals for this service, or if such proposals when submitted are excessive and unreasonable, the department is compelled to have recourse to foreign bottoms in order to make the necessary shipments and at the same time to not exceed the amount appropriated by Congress.

3. When it becomes necessary to transport coal, bids are invited from all the principal shipping companies, each circular advertisement specifically stipulating that "total tonnage will be taken in American bottoms if price is not excessive" (act of Apr. 28, 1904); but, notwithstanding this expressed preference, the only bids received on American vessels for the transportation of coal to the Pacific coast during the past 18 months have been as follows:

Names of firms.	Dates of offer.	Vessels offered.	Tonnage.	Freight per ton.	Accepted.
A. Sewall & Co.	Aug. 13, 1909	Edw. Sewall	5,000	$5.07	Yes.
Do.	Apr. 30, 1909	Wm. P. Frye	5,000	6.50	No.
				7.00	
				7.50	
L. Luckenbach	do			8.00	No.
A. Sewall & Co.	May 14, 1909	Wm. P. Frye	5,000	6.50	No.
				7.00	
Philip Ruprecht	Feb. 26, 1910	Atlas	5,000	6.50	No.
Do.	July 29, 1910	Acme	5,000	6.00	Yes.
A. Sewall & Co.	do	Wm. P. Frye	5,000	6.00	Yes.
Do.	do	Edw. Sewall	5,000	6.00	Yes.
E. F. Luckenbach	do	Lewis Luckenbach.	5,500	6.33	Yes.
Matson Navigation Co.	June —, 1909	Wilhelmina	4,000	7.00	No.
E. F. Luckenbach	Feb. 26, 1910	J. L. Luckenbach	5,000	8.00	All bids rejected.
Do.	Jan. 7, 1910	do	5,000	7.50	No.

And of the foregoing 12 vessels offered, 5 American bottoms were accepted.

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4. On the last opening, on October 14, 1910, bids were invited for two cargoes of coal to San Francisco and the lowest foreign rate per ton was $5.43, a material increase over previous rates, due to the withdrawal of a large amount of tonnage from the Atlantic Ocean which would otherwise have been available. Two bids were received on American steamers at $8 per ton and one sailing vessel at $7 per ton, whereas an American steamer had been chartered a few months before at $6.33 per ton and a sailing vessel at $6 per ton. The American owners were afforded the opportunity of reducing their rates, but declined to do so. The foreign rates being also considered excessive, no charters were made.

Pacific coast coals.—1. All previous tests and examinations of coals mined in the States bordering the Pacific Ocean indicate that the western coals were not suitable for use in the Navy. In the fall of 1909 arrangements were made with the Director of the Geological Survey to send to the Pacific coast a number of expert mine investigators to make a thorough and exhaustive investigation of every known mine of importance, particularly in Washington and British Columbia, the facilities of each mine, quantity and quality of output, etc., so that more definite and reliable data could be obtained. These reports are tabulated and shown in statement marked "B." The inspector visited each mine, personally obtained the information as to the ownership and selling agent from reliable officers of the company or corporation, and mine samples were taken under his personal supervision. The analysis of each mine shown on this statement is the average of a number of samples taken in each mine and should represent the average quality of the output. The method of taking mine samples is for the inspector to spread a canvas on the floor of the mine and dig a groove about 3 inches wide and 3 inches deep from the bottom to the top of the seam, discarding any partings of bone, shale, or slate, which are supposed to be kept out by the miner. In many of these mines, however, there are numerous partings of various kinds difficult of removal, and as the rate of wages is usually on a per-ton basis the miner does not do as careful work as the sampler; consequently it is fully expected that the coal as shipped would be several per cent higher in ash than the mine samples indicate. The analyses, therefore, on the attached statement should be considered to represent the highest quality of coal under the most favorable conditions.

2. The statement shows that the British Columbia coals are somewhat better than the State of Washington coals, but neither equal the straight run of mine of Pocahontas or New River coals obtained in the Eastern States. The volatile matter and ash are excessively high and the fixed carbon and heating values excessively low.

3. It is often contended by western interests that foreign coals, such as British Columbia, Australian, Japanese, etc., should be used by naval vessels on the Pacific; but irrespective of the fact as shown by these mine reports that British Columbia coals—mined in foreign territory—are materially below the standard required, section 3728, Revised Statutes, requires the department to give preference, all other things, including price and quality, being equal, to articles of the growth, production, and manufacture of the United States, and it does so in using American coals, particularly where they are not only more efficient than British Columbia coals, but also when they can be laid down on the western coast at exceedingly reasonable rates.

4. In the hope that some Pacific coast coal may be found which will avoid the necessity of shipping eastern coals to coal depots in the Pacific, the department has arranged for an exhaustive test under actual steaming conditions of a number of the State of Washington coals, and for this purpose has designated one of the large armored cruisers of the Pacific Fleet—the U. S. S. *Maryland*—to make the tests. That vessel will use the Pacific coast coals, and at the same time the U. S. S. *West Virginia* will use the eastern coals in order that a direct comparison as to the relative value of the two coals can be obtained. The tests are now being conducted and the following coals were first selected:

Eight hundred tons "Black diamond," purchased from the Pacific Coast Coal Co., at $4.15 per ton.

Eight hundred tons of "Roslyn," purchased from the Roslyn Fuel Co., at $5.40 per ton.

Eight hundred tons "Occidental," purchased from the Roslyn Fuel Co., at $4.25 per ton.

In addition to the foregoing orders have just been issued for the purchase of the following:

One thousand tons of "Black diamond" or "South Prairie" from the Pacific Coast Coal Co., and 1,000 tons of "Wilkeson" coal from the Wilkeson Coal Co.

This coal is to be delivered to the *Maryland* after the first three coals have been consumed, which will probably be toward the middle of January, 1911. It is expected that the tests on this vessel can be continued on all other known coals mined in the State of Washington.

5. An expert of the Bureau of Mines, formerly the Technologic Branch of the Geological Survey, has been granted permission to be present on the *Maryland* when the first tests are conducted, with a view to investigating fully the question of the combustion of gases and other data as to the point where slag commences to form, the cause of its formation, etc. This information will be of material benefit to the department as well as to the Bureau of Mines. It is the intention to make these tests as fully and exhaustively and as fairly as the facilities of the department permits, so that reliable information can be obtained, and to determine by actual use if the Pacific coast coals are suitable for the purposes of the Navy.

Alaska coals.—1. The preliminary investigations of the Bureau of Mines of coals mined in certain fields in Alaska, as judged by samples taken from outcroppings, indicate that high-grade coals will at some date in the future be available, apparently suitable for use in men-of-war, and within comparatively easy reach of the coast. The reports of the director show that the seams of some of the mines in the Controller Bay region, for example, are as thick as 33 feet, and samples of the coal show it to be low in ash and sulphur and high in heating value, the samples from some seams averaging as high as 15,574 British thermal units per pound, as compared with 14,800 British thermal units per pound for eastern coals. It would be exceedingly desirable from not only an economical but particularly a military point of view, if a permanent source of high-grade coal could be obtained in the region bordering the Pacific coast; but the mining so far in Alaska has not yet been developed, and it will require actual steaming tests to determine whether these coals would be suitable. It is hoped that with the opening of the mines and the delivery of coal to tidewater that some Alaska coal can be obtained suitable for our use. This will avoid the necessity of making any shipments in chartered bottoms to the Pacific coast, and will be of material benefit to the Navy Department to have a source of supply near at hand.

T. J. COWIE.

Tests of coal mined in the State of Washington were authorized by the department in August, 1910, these tests to be carried out on the armored cruisers *Maryland* and *West Virginia*, both of which were at the time undergoing repairs at the Mare Island Navy Yard. The tests were to be undertaken immediately upon the completion of repairs, which date was fixed at November 1. On the 29th of September, however, the commander in chief of the Pacific Fleet requested that these tests be delayed until after the completion of battle practice.

On the 6th of December the commandant of the Mare Island Navy Yard telegraphed that tests could not begin before Christmas, and on the same date the commander in chief that they would begin December 26. Meanwhile, the collier *Saturn* had loaded with coal for the *Maryland*, which vessel had been designated as the one to burn west coast coal, in competition with the Pocahontas coal, which was to be used in the *West Virginia*.

The *Maryland* and *West Virginia* were selected for these tests, because they are identical ships, built from the same plans and by the same builder. Both were at the time of authorization of the tests undergoing a general overhaul of machinery at the Mare Island Navy Yard, and both were to be ready for service on the same date. Both would, therefore, be in the best possible condition, and there could be no claim that one vessel was in better condition than the other, so that the results obtained would be absolutely comparable as far as it is possible to obtain such data from tests made on two ships.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

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

The SECRETARY. On page 65, after line 8, insert:

Provided, That the accounting officers of the Treasury are hereby authorized and directed to remove any disallowances or suspensions in the accounts of disbursing assistant quartermasters, United States Marine Corps, for the fiscal years of 1910 and 1911, for the purchase, maintenance, repair, and operation of motor and other vehicles including the purchase and repair of harness, stable equipment, and accessories of the Quartermaster's Department, United States Marine Corps, when approved by the Secretary of the Navy as necessary for the public service.

The amendment was agreed to.

Mr. LODGE. I offer an amendment to come in at page 28, the end of line 23.

The SECRETARY. On page 28, after line 23, insert:

Naval Station, Guantanamo, Cuba, for emergency repair installations, $378,500.

The amendment was agreed to.

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

The SECRETARY. Insert the following:

That the President of the United States be, and he is hereby, authorized to place Civil Engineer Robert E. Peary, United States Navy, on the retired list of the Corps of Civil Engineers with the rank of rear admiral, to date from April 6, 1909, with the highest retired pay of that grade under existing law.

That the thanks of Congress be, and the same are hereby, tendered to Robert E. Peary, United States Navy, for his Arctic explorations resulting in reaching the North Pole.

Mr. PERKINS. As that amendment has passed the House and the Senate in the form of a bill, I do not feel like raising a point of order against it.

Mr. CLARKE of Arkansas. I make a point of order against the amendment.

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. HEYBURN. On page 70, in line 12, I move to insert after the word "commerce" the words "or trade." That is the language used in the legislation.

The SECRETARY. On page 70, line 12, after the words "foreign commerce," insert the words "or trade."

The amendment was agreed to.

Mr. HEYBURN. Now, on the next line I offer another amendment.

The SECRETARY. On page 70, line 13, after the word "States," insert a comma, and after the word "commerce" insert the words "or trade."

Mr. PERKINS. I have no objection.

The amendment was agreed to.

Mr. OVERMAN. I offer as an amendment what is known as the dental surgeons' bill. I will send it forward to the Clerk that he may read it. I ask the Senator from California if he will accept this amendment?

Mr. LODGE. What is it?

Mr. OVERMAN. It is known as the dental surgeons' bill.

Mr. PERKINS. While the committee is in favor of it as a bill, they are not in favor of putting it on an appropriation bill. Therefore I shall be obliged to make a point of order.

Mr. OVERMAN. It has passed the House of Representatives. It has passed this body several times. Am I to understand that the committee does not want it in this bill?

Mr. PERKINS. It is in conflict with the rules of the Senate.

Mr. OVERMAN. Do I understand the Senator to make the point of order against it?

Mr. PERKINS. Yes; as new legislation.

Mr. OVERMAN. Then I will not formally offer the amendment.

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Mr. PENROSE. While I recognize that it is not wise to load this bill down at this stage of the session with amendments, I have one here in which the Secretary of the Navy is particularly interested and which he considers of importance; and I should ask the chairman of the committee to accept the amendment for the purpose of having it go to conference.

Mr. PERKINS. Let the amendment be read.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. On page 6 or 7 insert the following:

That officers on the active list of the line of the United States Navy who, under authority of law, now perform engineering duty on shore only are hereby made additional to the numbers in the grades in which they are now serving, and shall be carried as additional to the numbers of each grade to which they may hereafter be promoted.

Provided, That said officers shall be entitled to all the benefits of retirement under existing or future laws equally with other officers of like rank and service.

Mr. PERKINS. The Senator from Pennsylvania being a member of the Committee on Naval Affairs and introducing an amendment, I am not disposed to make a point of order against it.

The amendment was agreed to.

Mr. PENROSE. I will ask that the letter of the Secretary of the Navy be inserted in the RECORD without reading.

The PRESIDING OFFICER. Without objection, the letter will be inserted in the RECORD.

The letter is as follows:

THE SECRETARY OF THE NAVY,
Washington, March 1, 1911.

MY DEAR SENATOR: I sent you by special messenger this morning the copy of a letter sent to Senator PERKINS in regard to making the engineer officers extra numbers. I understand that the committee acted finally on the bill and did not include this provision in it.

I would be glad if you could see your way clear to get this provision in the bill on the floor as an amendment and have it go through. It will help the present state of the captains and commanders' list materially and give me some younger captains and commanders for sea commands. The engineer officers themselves agree to the provision; it not only does not hurt them in any way, but is a benefit.

I inclose the suggested language, which is the same as that I sent to Senator PERKINS. It may be introduced on page 6 or 7 of the bill, as I have it now.

Faithfully, yours, G. V. L. MEYER.

Hon. BOIES PENROSE,
United States Senate.

Mr. OWEN. On page 69, line 7, I observe that no purchase of armor or armament shall be made at a price in excess of 100 per cent of the actual cost of manufacture. This armor and armament involves an appropriation in this bill of $10,532,000 in this particular item, and then it is provided that in the purchase of this armor and armament the purchase shall not be made at a price in excess of 100 per cent above the actual cost of manufacture. That seems to me to be a very unreasonable profit in a $10,000,000 transaction—that $5,000,000 of profit should be recognized by an act of Congress as not an unreasonable allowance.

I do not understand why this should be, and I should like to have some explanation of it. It is a House provision not put on in the Senate, and I find no explanation of it in the hearings before the House, at least as far as the index was concerned. Not having been able in the brief time at my disposal to read the hearings in full, and the index showing nothing about armor and armament, there is no explanation available in the printed record of the hearings, as far as I know.

I greatly regret to tax the chairman of the committee to ask for an explanation of it. Perhaps he knows, and perhaps he does not.

Mr. PERKINS. The question of armor and armor plate has been before the Senate for the last 15 years to my knowledge. We have investigated it in that time thoroughly. I have in my library a half dozen books giving the subject in detail. We are paying about $100 less than is paid by the Russians, English, and French. We are paying about $425 for it. In the Navy Yearbook the Senator will find in detail the amounts paid for the armor plate for each battleship and armored cruiser.

Mr. OWEN. I wish to know why, in the purchase of our armor or armament, the price is declared by Congress at a figure not to exceed 100 per cent above the actual cost of making it? That occurs to me like a very unreasonable proposition, and the explanation that we pay four hundred and odd dollars a ton for it not only does not explain it, but, on the contrary, it shows that if this be the policy we place on our statutes it is no wonder we pay so large an amount.

Mr. PENROSE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Pennsylvania?

Mr. OWEN. Certainly.

Mr. PENROSE. As the chairman of the Committee on Naval Affairs has stated, this question has been before the Senate for 15 or 20 years and has been most carefully and thoroughly discussed and investigated and debated. I should like to call the attention of the Senate to the fact that armor plate started at $671 per ton; that it is now $345.89 per ton, and that the American Government is purchasing armor plate cheaper than any other nation in the world.

In this connection some interesting figures are presented. The armor plate of the battleship *Oregon* cost $313.26 per ton. The *Oregon* was one of the early battleships. For the *Wyoming*, which is the most recent battleship, it cost $171.15. Those are very remarkable figures, Mr. President.

Mr. OWEN. They are chiefly remarkable in not explaining my question.

Mr. PENROSE. I was not endeavoring to explain the question. I thought, perhaps, the figures I gave would throw a little light on the subject.

Mr. OWEN. In view of the fact that it has been discussed for 15 years, and there is no answer to my question, I am still in search of further light. I do not think the statutes of the United States ought to declare in a ten-million-dollar transaction a hundred per cent profit over and above the cost. It is not a reasonable and a proper thing to do and I am not willing to do it.

Mr. PAYNTER. My attention was called to this matter by the Member who prepared this amendment. While I recognize the force of the statement of the Senator from Oklahoma, yet I desire to call his attention to the fact that there are two clauses here:

And no purchase of structural steel, ship plates, or machinery shall be made at a price in excess of a reasonable profit above the actual cost of manufacture.

It has been suggested to me that the two clauses should be read together. I have not studied the matter enough to give the Senate an intelligent idea as to its meaning, but it occurs to me that if both clauses are considered together or considered as in a sense related one to the other, a price could not be charged which would be in excess of a reasonable profit. I invite the Senator's attention to that.

Mr. OWEN. If those items should be read together it obviously would mean that a reasonable profit would be 100 per cent.

Mr. PAYNTER. I beg to differ with the Senator on that question. The clause to which the Senator called attention provides that it shall not be in excess of 100 per cent.

Mr. OWEN. Certainly; I understand that.

Mr. PAYNTER. The other provision reads:

And no purchase of structural steel, ship plates, or machinery shall be made at a price in excess of a reasonable profit above the actual cost of manufacture.

This would show that nothing beyond a reasonable price should be allowed.

Mr. OWEN. If that were true——

Mr. PENROSE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Pennsylvania?

Mr. OWEN. In just a moment. If that were true and these two provisions should be read together, then it would mean that a reasonable profit would be not exceeding 100 per cent, and anything up to 100 per cent would be a reasonable profit. That is a doctrine to which I do not feel quite willing to subscribe.

Mr. PENROSE. The Senator from Oklahoma is entirely justified in his criticism. I must apologize to him that I did not fully grasp his query. It will be observed that this is not a committee amendment, but is a House provision.

Mr. OWEN. Certainly.

Mr. PENROSE. I am informed it was put in in the House by some humorist in that body in a spirit of facetiousness and is improperly there. I move that the second provision be stricken out.

Mr. OWEN. I think it would be sufficient to put in a reasonable limitation of percentage. I do not know just what would be a reasonable profit. I should think the Senator from Pennsylvania would know that because he lives in a State where the steel industry flourishes.

Mr. LODGE. Let it be stricken out, and that will take it into conference.

Mr. PENROSE. If it goes into conference it would obviously be impossible for us to consider, 24 hours before adjournment, what is a reasonable profit when the Government builds two battleships and what is not a reasonable profit if Congress ceases for five years to order battleships. In that case at the one figure many of these concerns probably would be in the junk pile. I ask that it may go out for the conference to consider it.

The PRESIDING OFFICER. The language proposed to be stricken out will be read.

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Mr. LODGE. On page 70, strike out from line 17 to line 19.

Mr. CLAPP. That is a limitation. That is simply a reasonable profit.

Mr. LODGE. No; I do not mean the reasonable profit.

Mr. OWEN. It says:

And no purchase of armor or armament shall be made at a price in excess of 100 per cent above the actual cost of manufacture.

This facetiousness seems to be remarkable to be repeated in two different parts of the bill. It does not strike me as being humorous.

Mr. PENROSE. The Senator is lacking in a sense of humor.

The PRESIDING OFFICER. The Senator from Pennsylvania moves to strike out the clause which will be read.

The SECRETARY. Strike out the last proviso in the paragraph, after the word "delivery," in line 23, on page 68.

Mr. OWEN. I do not think that was the intention of the Senator. Let me read it:

Provided further, That no part of this appropriation shall be expended for the purchase of armor or armament from any persons, firms, or corporations that have entered into any combination, agreement, conspiracy, or understanding, the effect, object, or purpose of which is to deprive the Government of fair, open, and unrestricted competition in letting contracts.

The Senator surely does not want to strike that out.

Mr. PENROSE. No; I do not want to strike that out.

Mr. LODGE. Strike out the rest of the paragraph, lines 6, 7, and 8.

The PRESIDING OFFICER. It will be stated.

The SECRETARY. In line 5, after the word "armament," strike out the words:

And no purchase of armor or armament shall be made at a price in excess of 100 per cent above the actual cost of manufacture.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. PAYNTER. I suppose these amendments should be considered separately. Of course, some Members of the Senate might be willing to strike out the clause putting a limit on the price not to exceed 100 per cent profit. I am perfectly willing to retain the provision which provides that they shall not have beyond a reasonable profit.

Mr. LODGE. All that is being done is to strike out the 100 per cent clause. That comes out on page 70.

Mr. PERKINS. On page 70, line 17, after the word "manufacture," I move to strike out the remainder of the paragraph.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. Strike out the following words:

And no purchase of armor or armament shall be made at a price in excess of 100 per cent above the actual cost of manufacture. But this limitation shall in no case apply to any existing contract.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. THORNTON. In behalf of the Senator from South Carolina [Mr. TILLMAN], subject to the acceptance of the chairman of the committee, I desire to offer the following amendment, which I ask to have read.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 7, after line 12, insert:

That chief or principal clerks to general storekeepers at navy yards and naval stations in the service December 1, 1910, and hereafter appointed shall remain under and be appointed in accordance with the competitive civil-service rule, shall be paid from appropriations "Provisions, Navy," and shall receive pay equal to the pay and allowances of paymasters' clerks in the Navy of like length of service.

Mr. HEYBURN. If I heard that correctly, it requires cadets to be appointed under the civil service.

Mr. LODGE. Oh, no; it applies to storekeepers' clerks.

Mr. HEYBURN. It is all right, if it applies to them; but there was some confusion in the Chamber while it was being read.

Mr. LODGE. I do not understand that it covers cadets at the Naval Academy.

Mr. THORNTON. It applies to clerks of storekeepers; that is all.

Mr. LODGE. That is what I understood.

The amendment was agreed to.

Mr. JOHNSTON. I offer an amendment. On page 41, line 6, after the word "dollars," I move to insert:

Provided, That pharmacists shall, after six years from date of warrant, be commissioned chief pharmacists, after passing satisfactorily such examination as the Secretary of the Navy may prescribe, and shall, on promotion, have the rank, pay, and allowances of chief boatswains.

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.

POST OFFICE APPROPRIATION BILL.

Mr. PENROSE. I move that the Senate proceed to the consideration of House bill 31539, the Post Office appropriation bill.

The motion was agreed to, and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 31539) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1912, and for other purposes.

The Secretary resumed the reading of the bill at line 13, on page 39.

The next amendment of the Committee on Post Offices and Post Roads was to insert, as an additional section, after line 12, on page 39, the following:

SEC. 6. That the sum of $500,000, or so much thereof as may be necessary, is hereby appropriated and made immediately available, out of any money in the Treasury not otherwise appropriated, to enable the Postmaster General to continue the establishment, maintenance, and extension of postal savings depositories, including the reimbursement of the Secretary of the Treasury for expenses incident to the preparation, issue, and registration of the bonds authorized by the act of June 25, 1910: *Provided*, That out of such sum an amount not to exceed $10,000 may be expended for the rental, if necessary, of quarters for the central office of the Postal Savings System in the District of Columbia: *And provided further*, That all expenditures under this appropriation shall be audited by the Auditor for the Post Office Department: *And provided further*, That the Postmaster General shall select and designate the post offices which are to be postal savings depository offices, and shall appoint and fix the compensation of such superintendents, inspectors, and other employees as may be necessary in conducting, supervising, and directing the business of such offices, including the employees of a central office at Washington, D. C., and shall prescribe the hours during which postal savings depository offices shall remain open. He shall also from time to time make rules and regulations with respect to the deposits in and withdrawal of moneys from postal savings banks and the issue of pass books or such other devices as he may adopt as evidence of such deposits or withdrawals, and the provisions of the act approved June 25, 1910, are hereby modified accordingly.

Mr. CUMMINS. In its present form I have some objection to that section, but I suggest to the Senator in charge of the bill that on page 40, line 14, the word "banks" is used, and it changes the whole character and scope of the amendment.

Mr. PENROSE. Would the Senator be satisfied with an amendment changing the word "banks" to "depositories?"

Mr. CUMMINS. I simply want an amendment that will make it refer only to the Post Office Department, which——

Mr. PENROSE. I can not hear anything the Senator says, there is so much confusion in the Chamber.

Mr. OWEN. We can not hear anything at all in the Chamber.

The PRESIDING OFFICER. The Chair is aware of that. He is unable to hear anything himself. The Senate will be in order.

Mr. CUMMINS. This section modifies to some extent the law creating the postal savings depositories. Personally I think it is a wise change, except as the section now reads the power seems to be given to the Postmaster General to modify the law with regard to the postal savings banks—that is, those banks in which the Government may deposit the money collected at the post office.

Mr. PENROSE. If the Senator will permit me one moment to make a suggestion, I think I can clear up his very proper criticism. That is a verbal error on line 14, and I was going to offer an amendment to strike out the word "banks" and insert the word "depositories."

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. On page 4, line 14, in the committee amendment, strike out the word "banks," the first word in the line, and insert in lieu thereof the word "depositories."

Mr. CUMMINS. The amendment suggested by the chairman removes all the objection I have to the section.

Mr. PENROSE. The Senator's objection was very wise.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 41, after line 19, to insert:

SEC. 9. That the Postmaster General may authorize postmasters at such offices as he shall designate, under such regulations as he shall prescribe, to issue and pay money orders of fixed denominations, not exceeding $10, to be known as postal notes.

That postal notes shall be valid for six calendar months from the last day of the month of their issue, but thereafter may be paid under such regulations as the Postmaster General may prescribe.

That postal notes shall not be negotiable or transferable through indorsement.

That if a postal note has been once paid, to whomsoever paid, the United States shall not be liable for any further claim for the amount thereof.

Mr. BRISTOW. I should like to inquire of the Senator from Pennsylvania what is the purpose of that section.

Mr. PENROSE. The purpose of the section is to meet a strong public demand in which the poorer people who do not have bank accounts are especially interested. It is a simple and more economic method of transmitting small sums through

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the mails than is now afforded, and thus lessens the use of coins, bills, and postage stamps for that purpose. I have a letter here from the Postmaster General. It is quite brief. I ask to have it read.

The PRESIDING OFFICER. Without objection, the letter will be read.

The Secretary read as follows:

OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., February 1, 1911.

Hon. BOIES PENROSE,
Chairman Committee on Post Offices and Post Roads,
United States Senate.

MY DEAR SIR: With reference to an amendment to H. R. 31539, regarding the introduction of postal notes, submitted with my letter of February 1, I beg to submit the following statement:

To meet a strong public demand, in which the poorer people who do not have bank accounts are especially interested, and to provide an additional, simpler, and more economical method of transmitting small sums through the mails than is now afforded, and thus lessen the use of coins, bills, and postage stamps for that purpose, it is hoped that the Congress at its present session will authorize the Postmaster General to issue and pay money orders for certain fixed sums not exceeding $10, and to be known as postal notes.

Respectfully, FRANK H. HITCHCOCK,
Postmaster General.

Mr. BRISTOW. Will there be any fee charged for using these notes?

Mr. PENROSE. I understand not.

Mr. BRISTOW. Then it is in the nature of a check that is transmitted through the mails.

Mr. PENROSE. It will save the complication and trouble that attach to postal orders. I am not disposed to press the amendment if it is going to lead to any discussion.

Mr. BRISTOW I regret to take up the time of the Senate, but would not that simply take the place of money orders? Since there is to be no fee charged for these notes, and there is a fee charged for money orders, it seems to me it would destroy the business in small money orders.

Mr. PENROSE. Will the Senator be willing to let it go into conference. I will confer about it there and I will not insist upon it if it does not appear feasible.

Mr. NELSON. Will the Senator yield to me for a moment?

Mr. BRISTOW. Certainly.

Mr. NELSON. I want to say to the Senator from Kansas I think it will be a matter of great convenience in small amounts; for instance, if I want to pay a subscription to a paper or any little matter of a dollar or two dollars, I can get a postal note and send it in a letter. It is a great accommodation and harms nobody.

Mr. BRISTOW. That is very true, but are these postal notes to be issued without any fee whatever, so that the Government is to provide the postal note, bear the expense of issuing it, and so forth? In that case they will take the place of money orders for small sums.

Mr. NELSON. There is a slight fee for money orders, but there is no machinery about this note. It will be easy to transmit.

Mr. BRISTOW. Of course, I can see it might be made desirable if proper restrictions were imposed upon it, but the bill does not indicate that there are any. I do not want to object to it. I would suggest that it go to conference and some additional restrictions be put in as to the fee to be charged, and so forth, so that it is not left absolutely wide open.

Mr. PENROSE. The Senator from Kansas will doubtless recall that postal notes were formerly authorized and issued by law. If the Senator will suggest an amendment regarding the fees I will accept it.

Mr. BRISTOW. I would not care to suggest it now, but I will do so later.

Mr. NELSON. Will the Senator allow me? There is no fee fixed in the law now for money orders. The Postmaster General fixes that by an order of the department. This will take the same course. There is no law about the charge for money orders.

Mr. BRISTOW. I make no objection to it.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. PENROSE. I ask unanimous consent to have the following brief statement, giving the history of postal orders, printed in the RECORD.

The VICE PRESIDENT. Without objection, that will be done.

The matter referred to is as follows:

TREASURY DEPARTMENT,
Washington.

The money-order system was established by the act of June 8, 1872 (17 Stat., 297), to promote public convenience and to secure greater security in the transfer of money through the mail. The law directed that no money order should be issued for more than $50, prescribed what fees should be charged, and required the issuing postmaster to send a notice thereof by mail, without delay, to the postmaster on whom it was drawn.

Postal notes without corresponding advices were authorized by the act of March 3, 1883 (22 Stat., 526), when the maximum amount for which a money order could be issued was raised to $100. Section 1 of that act is as follows:

"That for the transmission of small sums under $5 through the mails the Postmaster General may authorize postmasters at money-order offices to issue money orders, without corresponding advices, on an engraved form to be prescribed and furnished by him; and a money order issued on such new form shall be designated and known as a 'postal note,' and a fee of 3 cents shall be charged for the issue thereof. Every postmaster who shall issue a postal note, under the authority of the Postmaster General, shall make the same payable to bearer, when duly receipted, at any money-order office which the remitter thereof may select, and a postal note shall in like manner be payable to bearer when presented at the office of issue; and after a postal note has once been paid, to whomsoever it has been paid, the United States shall not be liable for any further claim for the amount thereof; but a postal note shall become invalid and not payable upon the expiration of three calendar months from the last day of the month during which the same was issued; and the holder, to obtain the amount of an invalid postal note, must forward it to the superintendent of the money-order system at Washington, D. C., together with an application, in such manner and form as the Postmaster General may prescribe, for a duplicate thereof, payable to such holder; and an additional fee of 3 cents shall be charged and exacted for the issue of the duplicate."

Section 2 of said act extends the provisions of certain sections of the Revised Statutes to postal notes. The act further provides for fees to be charged and administrative details.

The postal-note business was commenced simultaneously at all money-order post offices on September 3, 1883.

Attorney General Brewster, in Seventeenth Attorney General's Opinions, page 620:

"The words 'which the remitter may select' are substantially the ones used in section 4028, Revised Statutes, which authorizes the issue of the ordinary postal money orders; and while many reasons may exist why the designation of place of payment need not be contemporaneous with the issue where no letter of advice is sent, they do not seem to have been accepted by Congress, and the intention of the law is express that the remitter and not the payee should elect the place of payment."

Opinion of Assistant Attorney General for the Post Office Department, volume 2, page 418:

"Postal notes are money orders and are by statute brought under the operations of Revised Statutes, 4041."

In the act of January 3, 1887 (24 Stat., 354), the Postmaster General was permitted to extend the use of the postal notes, viz:

"That for the transmission of small sums under $5 through the mails the Postmaster General may authorize postmasters at money-order offices, or at such other offices as he may designate, to issue money orders without corresponding advices, etc."

It was directed that all provisions of law applicable to the issue of postal notes at money-order offices, and to postmasters, clerks, and employees, should be applicable to offices authorized to issue money orders under that act.

On page 33 of his annual report for the fiscal year ended June 30, 1884, the Postmaster General said that he approved the suggestion that the—

"law authorizing the issue of postal notes be so amended as to permit such notes to be drawn payable, like money orders, to a designated individual or his indorsee, when the purchaser desires it. This may be accomplished by authorizing the issue of an advice at the request of the purchaser, which shall make the note payable only to the person named therein or his indorsee, and such advice, it is thought, may conveniently be drawn upon a 'penalty card,' to be sent in the open mail without envelope, like a return registry receipt. An advice should be issued only when the remitter of a note desires it, and in all other cases postal notes would be payable to the bearer, a feature which, it is believed, is very acceptable to a large class of the patrons of the system, inasmuch as it obviates the necessity of identifying the holder at the office of payment. Whenever an advice would be issued it would be necessary to keep at the office of issue and of payment a record of the name of the remitter and that of the payee of the note, by means of which record a claim to ownership could be established."

The annual reports of the Auditor for the Post Office Department show the following:

Fiscal year ended—	Postal notes issued.	Amount.	Fees.
June 30, 1884	3,689,237	$7,411,992.48	$110,282.88
June 30, 1885	5,058,287	9,996,274.37	152,018.58
June 30, 1886	5,999,428	11,718,010.05	180,333.15
June 30, 1887	6,307,552	11,768,824.81	189,844.56
June 30, 1888	6,668,006	12,134,459.04	200,341.68
June 30, 1889	6,802,720	12,082,190.73	204,377.82
June 30, 1890	6,927,825	12,160,489.60	208,123.23
June 30, 1891	6,802,558	11,753,849.28	204,383.43
June 30, 1892	7,050,040	11,895,765.51	211,886.25
June 30, 1893	7,753,210	12,903,076.73	233,414.19
June 30, 1894	7,765,310	12,649,094.55	233,503 56
	70,824,173	126,474,027.15	2,128,479.33

Act of June 29, 1886 (24 Stat., 86):

"That the fee for each domestic money order not exceeding in amount $5 shall be reduced from 8 cents to 5 cents."

The Postmaster General, in his report for the fiscal year ended June 30, 1893, said:

"It has been suggested that the postal notes have outlived their usefulness and should no longer be issued; also that the rates charged for all domestic money orders should be reduced and the form of the order simplified. I believe these changes would be desirable and that the revenues would more likely be increased than diminished thereby."

Postal notes were abolished by the act of Congress approved January 27, 1894. (28 Stat., 30.) The act fixed the fees for money orders not exceeding $2.50 at 3 cents; for those exceeding $2.50 and not exceeding $5, 5 cents, and added that nothing therein contained should prevent the payment, after July 1, 1894, of postal notes issued prior to that date,

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and that any postal note presented for payment more than one year from the last day of the month of issue should be paid by warrant.

The issuance of postal notes ceased, therefore, on July 1, 1894.

Postmasters are now authorized to issue money orders without sending a notice (corresponding advice) to the postmaster on whom they are drawn. (Act approved May 23, 1910.)

From the Postmaster General's report for the fiscal year 1907:

"There is a great demand from the public for postal notes. * * * The demand is for something which shall not be merely cheaper, but obtainable almost anywhere and with less formality than the money order, and which shall be readily convertible into cash at the post office by the receiver."

All paid postal notes filed in the Office of the Auditor for the Post Office Department have been destroyed under the act of Congress approved July 16, 1894. (28 Stat., 107. See also act approved March 3, 1897, 29 Stat., 648, and act approved May 27, 1908, 35 Stat., 415.)

The VICE PRESIDENT. Does that conclude the committee amendments?

Mr. PENROSE. Several were passed over.

The VICE PRESIDENT. They had better be disposed of.

Mr. PENROSE. I ask the Senate to go back and take up the committee amendments.

The VICE PRESIDENT. The committee amendments will be first disposed of before other amendments. The first one passed over will be stated.

The SECRETARY. On page 2, the committee amendments proposed in lines 16 and 17 were passed over.

In line 16, relative to inspectors, it is proposed to strike out "sixty-five" and insert "seventy-five," and in line 17 to strike out "four" and insert "nineteen," so as to read:

And 75 inspectors, at $1,500 each; in all, $719,450.

The amendment was agreed to.

The SECRETARY. Also the committee amendment, in line 22, page 2, to strike out "three" and insert "four," and in line 23 to strike out "two hundred and eighty-seven thousand four" and insert "three hundred and sixty-three thousand six," so as to read:

Not to exceed $4 per day, $363,600.

The amendment was agreed to.

The SECRETARY. The next amendment passed over is on page 4, beginning with line 11, where the committee proposes to insert:

The Postmaster General is hereby authorized to pay, in his discretion, rewards to postal employees whose inventions are adopted for use in the postal service, making report to Congress annually of the manner of the expenditure thereof, and for that purpose the sum of $10,000 is hereby appropriated.

Mr. BRISTOW. I have very strong reasons, I think very conclusive ones, why that amendment should not be adopted. I can go into details if the Senator from Pennsylvania desires.

Mr. PENROSE. Of course I do not want to go into any extended debate, but I am curious to know what the Senator's objections are.

Mr. BRISTOW. Inventors who are inventing various devices for the postal service are always required under the rules of the department to submit the devices to committees that are organized there for the purpose of passing upon their advisability for adoption. It has been abused in the past by the employees having a large number of inventions brought before them getting the ideas that various inventors have, and then in the course of time another patent is required combining some of the various ideas, and probably some new ones. The employee gets the patent and cuts out the other people, and his patent in time becomes adopted. I have known that to occur. It gives an opportunity for abuse and injustice against inventors.

Mr. PENROSE. I am very glad to have these suggestions from the Senator from Kansas. I can see how, unless this paragraph properly protects the Government, it might lead to abuse; and yet it seems to me most desirable that some method should be adopted to encourage the invention of mechanical appliances in the departments. There is one instance in Chicago of an employee, a clerk on a small salary, who invented the facing table, with which the Senator is probably familiar saving the Government thousands of dollars, and there is no way whatever to compensate the ingenious person who contrived the device. There does not seem to be any competent board in the Post Office Department which will take the responsibility of considering devices. There is a timidity and a shirking, according to my observation, which is not conducive to the progress of the postal system.

If we were to have a board such as was suggested by the postal commission, which would meet once a month, insure inventors a hearing, and either pass favorably or adversely upon their applications and dispose of them one way or the other, it might be progress in the direction desired. But now an inventor has no such opportunity for a hearing. I admit that ninety-nine hundredths of these inventions are only meritorious in the eyes of their authors, and are found, when practical tests are applied, to be not desirable, yet there are from year to year mechanical devices that add enormously to the facilities of the postal system.

I will not press this paragraph now, but it seems to me its purpose is excellent, and that at some time or other there ought to be some method adopted to encourage ingenious and deserving employees and give an opportunity to inventors outside of the service to have their applications considered.

Mr. BRISTOW. Mr. President, I am in thorough sympathy with the suggestion of the Senator from Pennsylvania, but I am very confident that this provision would be unwise. I think it would be desirable for the Senator to give attention to the suggestions which I have made, if he cares to do so, and probably by next year he might frame a provision that would meet every requirement and still protect the inventor who is not connected with the postal service; and a great many of these very useful devices have been invented by people who were not in the service.

Mr. PENROSE. Then I would ask the Senate to disagree to the committee amendment.

The VICE PRESIDENT. Without objection, the amendment is disagreed to. The next committee amendment passed over will be stated.

The SECRETARY. The next amendment passed over is one offered by Mr. CARTER, on page 5, after line 11, to insert:

Hereafter the Postmaster General may, in his discretion, pay out of the appropriation for compensation to postmasters additional compensation, not to exceed in any instance $500 per annum, to postmasters whose salaries are less than $4,000 per annum and who act as disbursing officers.

Mr. BRISTOW. Mr. President, I should like to have the Senator from Montana explain the necessity of that provision.

Mr. CARTER. Mr. President, in certain post offices the postmasters are required to be distributing officers for a great district, especially in connection with work in progress at the post office, and the purpose of this amendment is to enable the Postmaster General to give such reasonable additional compensation as the added duties may justify or require. It will be observed that the maximum is $500 per year, and I have no doubt the minimum will be very small and measured entirely by the necessities or the justice of each case.

Mr. BRISTOW. Where these officers are depositaries and this additional duty is involved, there is always additional clerk hire allowed. It does not impose on a postmaster any additional work which places any burden upon him personally. I think it is a very proper thing to allow additional clerk hire for performing this work; but to give discretion to the Postmaster General to allow a man $500 more at will because his office happens to be a depositary, regardless of the amount of service he may render, is, I think, dangerous and unwise legislation.

Mr. CARTER. Mr. President, the department expresses the belief that this would eventuate in doing justice in many cases; but the subject is not of sufficient consequence to warrant any extended discussion. If there is objection to the amendment, I shall not consume the time of the Senate in insistence on its adoption.

Mr. BRISTOW. I think it would be very unwise.

Mr. PENROSE. Let it go over.

The VICE PRESIDENT. The amendment goes over.

The SECRETARY. The next amendment passed over was on page 16.

Mr. SWANSON. Before we pass to page 16, I want to offer an amendment to the bill, on page 13. I do not know whether or not the committee amendment at that point was adopted.

The VICE PRESIDENT. The amendments that are being acted upon are committee amendments which were passed over, and the Chair will recognize the Senator as soon as they are disposed of. There is no question about returning to and disposing of the amendment to which the Senator refers.

Mr. SWANSON. I wish to make an inquiry as to whether, on page 13, the committee amendment, from line 4 to line 9, giving 30 days' leave of absence to certain specified employees of the Government in the Post Office Department, has been adopted or not.

Mr. PENROSE. That amendment was agreed to.

Mr. SWANSON. I should like to ask unanimous consent, or, if I can have permission to do so, if it be in order, to offer an amendment that we shall include in that provision an amendment that rural letter carriers shall have 30 days' leave of absence. Those carriers are now given 15 days' leave, and it seems to be proper and just and right that they should be included in the 30 days' leave of absence. I should like to offer an amendment to that effect.

Mr. PENROSE. I will accept the amendment, Mr. President.

The VICE PRESIDENT. The amendment proposed by the Senator from Virginia will be stated.

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The SECRETARY. In the committee amendment, on page 13, line 8, after the word "carriers," it is proposed to insert the words "rural letter carriers."

The amendment to the amendment was ageed to.

The amendment, as amended, was agreed to.

The VICE PRESIDENT. The next amendment passed over will be stated.

The SECRETARY. The next amendment passed over was, on page 16, where the committee amendment, after line 17, proposes to insert:

That after June 30, 1911, delivery of mail by city letter carriers shall be made only at such residences and places of business as provide at the door or entrance receptacles for its deposit.

Mr. BRISTOW. Mr. President, I shall have to make a point of order against that amendment.

Mr. PENROSE. All right; let it go over.

Mr. CARTER. Mr. President, that amendment is not subject to a point of order, as I understand, under the rules of the Senate. It has been reported by a standing committee of the Senate; it has passed the Senate in the form of a bill, and the bill is now pending before the House of Representatives, where it probably will not pass.

Mr. BRISTOW. It is certainly general legislation.

Mr. CARTER. If the Senator insists upon the point——

The VICE PRESIDENT. Does the Senator from Kansas raise the point of order?

Mr. BRISTOW. I do.

The VICE PRESIDENT. The Chair thinks the provision is a legislative provision, and the point of order is sustained. The next amendment passed over will be stated.

The SECRETARY. The next amendment passed over was, on page 21——

Mr. OWEN. Mr. President, on the amendment beginning at line 15, on page 21, down to line 9, inclusive, on page 22, I wish to make the point of order.

The VICE PRESIDENT. What is the point of order?

Mr. OWEN. Mr. President, I make the point of order that the amendment is contrary to the Constitution of the United States, section 7, Article I, which provides that "all bills for raising revenues shall originate in the House of Representatives." I call the attention of the Chair to Gilfry's Precedents, which sustain this point of view, and also Hinds's Precedents, volume 2, section 1492.

I make the further point of order that the proposed amendment of the committee violates rule 16, subdivision 3, of the standing rules of the Senate, forbidding general legislation on any general appropriation bill.

Further, that the proposed amendment is not germane or relative to the subject matter of the appropriation bill, and is obnoxious to rule 16, subdivision 3.

Fourth, that the provision violates rule 16, subdivision 3, which provides—

nor shall any amendment to any item or clause of such bill be received which does not directly relate thereto.

I do not wish to take any undue time with regard to this matter, Mr. President. I understand that the amendment will not be resolutely insisted on. The matter has been discussed so much that I do not think it necessary for me to take the time of the Senate to go into its merits. I shall therefore abstain at this time from doing so.

The VICE PRESIDENT. The Chair overrules the first, second, and fourth points raised by the Senator from Oklahoma. As to the third point, whether the matter is germane, the Chair submits that to the Senate under the rule. Is the matter germane? [Putting the question.]

Mr. OWEN. Mr. President——

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

Mr. OWEN. I was about to ask for the yeas and nays.

Mr. PENROSE. I do not think that will be necessary, if the Senator will leave the amendment for the present.

Mr. OWEN. I will leave the amendment for the present.

Mr. PENROSE obtained the floor.

Mr. CUMMINS. Mr. President——

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

Mr. PENROSE. Certainly.

Mr. CUMMINS. Before the Senate proceeds to consider this amendment, I should feel compelled to submit some observations with regard to its merits entirely apart from the points of order which have just been raised and ruled upon. I am in a little embarrassment because I know that if I should enter upon the investigation of this very radical departure from the policy that the Government has pursued for many years, I would not be able to conclude within the time that I know the Senate wants to limit all addresses at this hour of the session. However, I will be as brief as I can be, although I have gathered, possibly from the atmosphere, that the Senator in charge of the bill did not intend to press this amendment. I ask that question in order that we may have a clear understanding and that I may know whether it is my duty, as it would be my inclination, to enter at once upon a discussion of the merits of the proposition.

Mr. PENROSE. When the Senator took the floor I was about to make a statement which may relieve him of some of his difficulties. This amendment was added by the committee with a considerable unanimity and after an investigation, participated in by several of the present members of the Committee on Post Offices and Post Roads, extending over several years, and at an expenditure of perhaps $250,000, either by the joint commission of the House and Senate or by the department. The amendment was put in for the purpose of pressing it to what the committee thought would be a successful conclusion; but it is very obvious that now, within less than 24 hours of the expiration of this Congress, it would be impossible to press it.

I intend to ask the Senate to disagree to the amendment and to submit to the Senate a substitute providing for a commission to investigate this matter. But I understand that the Senator from Montana [Mr. CARTER], who has been a most diligent and active member of the Committee on Post Offices and Post Roads, desires to make a brief statement, and I will not do so until he has had that opportunity. If after that the Senator from Iowa desires to make any statement, I shall be glad to adapt myself to his convenience, but he need not be worried about it, because the issue is dead for the present Congress.

Mr. CUMMINS. I understand, then, that whatever discussion we have will be largely educational, to be used in the future.

Mr. PENROSE. It is a "wake," Mr. President.

Mr. CUMMINS. I will wait until I hear what the Senator from Montana [Mr. CARTER], who illustrates and illuminates any subject with which he deals, has said upon it, for I may want to review the subject a little from my own standpoint after he shall have finished.

Mr. CARTER. Mr. President, the disposition that awaits this amendment does not give much encouragement to any particular advocacy of it. I feel, however, that, in justice to the department and to the committee, a brief statement of the facts should be presented, and, at the conclusion of what I say, I will, for the purpose of casting such light as can be cast through the CONGRESSIONAL RECORD, ask the privilege of placing in the RECORD the analytical statement of the department upon which the conclusions announced have been based.

From 1874 to 1879 second-class mail matter paid 2 and 3 cents per pound, respectively, on newspapers and magazines. In 1879 the rate was made uniform and fixed at 2 cents per pound on magazines and newspapers. In 1885 the present 1-cent rate was established. The development of the volume of second-class mail under the 1-cent rate has been very marked indeed. I do not think it would be fair to say that it developed solely because of the 1-cent rate, for development in that line would be at a higher rate somewhat proportionate in a normal way with the expansion of the country and its trade and commerce.

Finally, after the lapse of many years, the enormous growth of the second-class matter, accompanied by an ever recurring deficiency in the postal revenue, began to excite the attention of the Post Office Department. In 1897 the Postmaster General, a distinguished newspaper proprietor and editor, the late Charles Emory Smith, made the statement in an annual report that it cost the Government 7 cents per pound to carry every pound of second-class matter through the mails. That statement of cost was reiterated by his successors in office until finally it became almost axiomatic and accepted as a definite statement of truth from the Post Office Department point of view.

In 1905 the Postmaster General, in an emphatic manner, called attention to this alleged loss to the Government. The attention of Congress being challenged to the subject, led to the appointment of a joint committee, known as a commission, composed of Members of the House and Senate. Three members of the Committee on Post Offices and Post Roads of the Senate, the chairman, the Senator from Pennsylvania [Mr. PENROSE], the late Senator Clay, of Georgia, and the Senator from Montana [Mr. CARTER] were appointed to act for the Senate. Mr. Overstreet of Indiana, Mr. GARDNER of New Jersey, and Mr. MOON of Tennessee acted on the part of the House. The commission thus created promptly proceeded with the investigation of the question committed to it by act of Congress.

The volume I hold in my hand contains a record of the evidence presented from various sources, including the testimony taken in Washington and New York. The commission gave the publishers ample opportunity to be heard, and for the

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pound of that class of matter carried, this loss running to the enormous sum of over $60,000,000 per annum, or a direct charge of over $3 per year for every voter in the United States.

Mr. OWEN. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Oklahoma?

Mr. CARTER. I will yield to the Senator from Oklahoma.

Mr. OWEN. The Post Office Department itself claims that these magazines can be distributed over a radius of 250 miles by express at under 1 cent a pound. They are distributed in Washington City from New York, paying the cost of transportation and of distribution, at less than 1 cent a pound, and it is impossible, by any process of reasoning, to arrive at the result of 9 cents a pound upon any proper method of management; and I do not think that the Senator is justified in speaking of this cost as 9 cents a pound. It is not only unreasonable, but it is impossible to arrive at such a result on the face of matters which are otherwise well known.

Mr. CARTER. Mr. President, I am stating the conclusion reached, and for the purpose of having the method employed in arriving at the result available to the public I will ask that the circular of the department, showing the method of calculation, the data upon which the computations were made, be placed in the RECORD. I think it very important that that should be done, and if there be no objection, I will place the matter in the RECORD as a part of my remarks.

The VICE PRESIDENT. Without objection, permission is granted.

The circular is as follows:

[June 26, 1906, President approved Post Office appropriation law authorizing Joint Postal Commission.]

That there shall be appointed a joint commission of Congress, consisting of three Senators, to be appointed by the President of the Senate, and three Members of the House of Representatives, to be appointed by the Speaker of the House, whose duty it shall be to investigate, consider, and report, by bill or otherwise, to Congress its findings and recommendations regarding the second class of mail matter. The said joint commission shall have power to employ clerks and stenographers, administer oaths, send for persons and papers, and do all things necessary for the carrying out of its objects. For the payment of such actual and necessary expenses as may be incurred by the said joint commission in traveling and for the rental of quarters, printing, and other miscellaneous expenses of the joint commission the sum of $25,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated, to be paid out on the order of the chairman of the joint commission.

[July, 1906, organization of commission effected.]

Immediately upon its organization, the commission issued a public announcement as to the scope and method of its inquiry. This announcement stated that the purpose of the commission was to inquire into and report to Congress its conclusions on the operation and effect of the existing law relative to the second class of mail matter, and what changes, if any, should be made.

For the purpose of obtaining the benefit of the views of persons interested in the objects of the investigation, the commission gave notice that it would hold sessions, beginning at the Holland House, New York City, on Monday, October 1, 1906.

[Jan. 28, 1907, the committee made a full report to Congress, printed as H. Doc. No. 608, 59th Cong., 2d sess.]

Joint resolution continuing Postal Commission until close of Fifty-ninth Congress.

Resolved, etc., That the joint commission of Congress appointed under the provisions of the act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1907, approved June 26, 1906, shall not be deemed to be discharged by the presentation to the Senate or the House of Representatives of its said report, but is hereby continued in existence with all the powers created by said act until the termination of the present session of Congress, for the purpose of completing the preparation, printing, and publication of the record of the hearings held by said commission, and for the preparation, printing, and publication of an index and digest of the same. And the unexpended balance of the appropriation for said commission in said act shall be available for the expenses of the said commission. And that payments that have been made or are hereafter to be made on account of the expenses of the said commission upon vouchers approved by the chairman thereof shall be deemed, held, and taken and are hereby declared to be conclusive upon all departments and officers of the Government.

Approved, January 30, 1907.

Act approved March 2, 1907, making appropriations for postal service for the fiscal year ending June 30, 1908.

That there shall be appointed a joint commission of Congress, consisting of three Senators to be appointed by the President of the Senate, and three Members of the House of Representatives to be appointed by the Speaker of the House, whose duty it shall be to make an investigation into the entire business system of the Post Office Department and the postal service, including the methods of accounting and expenditure in force in such department and service, with a view to determining what changes or improvements should be instituted in the organization and conduct thereof, and whether a system may not be devised for dealing with the revenues and expenditures of the Post Office Department and the postal service so that the operating expenses thereof may be separated and assigned to the various classes of mail matter transported by that service in such manner as to show the true cost of the transportation, handling, and delivery of each class of mail matter and of the various subdivisions of such classes, as well as the true cost of each of the special services rendered the Government and the public by the potal service.

Such commission is authorized to employ expert and professional service, including statisticians, accountants, auditors, and persons experienced in traffic management, to aid in the work of inquiry and examination; also to employ a secretary, disbursing officer, clerks, stenographers, and such other assistance as may be necessary, said experts, secretary, clerks, and employees to be paid such compensation as the said commission may deem just and reasonable. The Postmaster General shall detail, from time to time, such officers and employees as may be requested by said commission in its investigation.

Said commission is authorized to send for persons, books, papers, and documents, and, through its chairman or acting chairman or the chairman of any subcommittee thereof, to administer oaths and to examine witnesses and books, papers, and documents respecting all matters pertaining to the duties of said commission and to sit during the recess of Congress. Said commission shall, as soon as practicable after the beginning of the first session of the Sixtieth Congress, report to Congress such conclusions, recommendations, and plans as said commission may see proper to make by bill or otherwise. The sum of $75,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be paid out on the audit and order of the chairman or acting chairman of the said commission, which audit and order shall be conclusive and binding upon all departments as to the correctness of the accounts of such commission. Said appropriation shall be immediately available.

Act approved May 27, 1908, making appropriations for the postal service for the fiscal year ending June 30, 1909, authorizing extension of time for filing of report of Joint Postal Commission.

That the term and authority of the joint commission authorized under the act approved March 2, 1907, to investigate the business system of the Post Office Department and the postal service, and the time for the filing of the report of said commission, are hereby extended until as soon as practicable after the beginning of the second session of the Sixtieth Congress. And said commission is authorized to codify the postal laws of the United States and to incur any necessary expense in connection with said work.

And the unexpended balance appropriated for the expenses of said commission is hereby reappropriated, together with the further sum of $10,000, to be paid out on the audit and order of the chairman or vice chairman of the said commission under the method authorized in said act approved March 2, 1907, said appropriation to be immediately available.

February 10, 1908, a preliminary report of Joint Commission on Business Method of Post Office Department and Postal Service was made. (S. Rept. No. 201, 60th Cong., 1st sess.)

December 17, 1908, joint commission made a final report. (S. Rept. 701, pts. 1 and 2, accompanied by draft of a bill to revise and amend the postal laws, H. R. —— and S. 7945.)

January 25, 1909, Senate bill 8803, and again March 7, 1910, Senate bill 6970, now on Senate Calendar.

Mr. OWEN. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Oklahoma?

Mr. CARTER. I do.

Mr. OWEN. I should like for the RECORD, in connection with that matter, also to show the reasoning on the other side in just a few words. I shall not take over one minute.

Mr. CARTER. I am extremely solicitous that there should be a full showing in the RECORD both for and against this proposed increase. I will ask that the memorandum prepared by the department, to which I expected to refer at some length, may be placed in the RECORD, so that the Senators of the future and the public may know the whole story as figured out by the department.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The matter referred to is as follows:

LETTERS FROM THE POSTMASTER GENERAL TO HON. BOIES PENROSE, CHAIRMAN OF THE SENATE COMMITTEE ON POST OFFICES AND POST ROADS, RELATIVE TO THE SECTION OF THE POSTAL APPROPRIATION BILL PROVIDING FOR AN INCREASE IN THE POSTAGE RATE ON THE ADVERTISING PORTIONS OF MAGAZINES MAILED AS SECOND-CLASS MATTER.

OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., February 14, 1911.

MY DEAR SENATOR: In response to your request I submit the following statement relative to the section of the postal appropriation bill (H. R. 31539) now pending in the Senate that provides for an increase in the postage rate on the advertising portions of periodical publications mailed as second-class matter.

Under the provision in the bill the postage rate on the advertising pages of magazines is increased from 1 cent to 4 cents a pound, but this increase does not apply to newspapers of any kind, nor does it affect periodical publications mailing less than 4,000 pounds each issue. By the terms of the provision the privilege of carrying advertisements is for the first time extended to several classes of periodical publications enumerated in the act of July 16, 1894, namely, the periodical publications of benevolent or fraternal organizations, of regularly incorporated institutions of learning, of trade-union organizations, and of professional, literary, historical, and scientific societies, including State boards of health.

As the advertising portions of magazines comprise on an average about a third of their total weight, the effect of an increase from 1 to 4 cents on the advertising pages will be to advance the postage rate for this class of mail as a whole about 1 cent, making the rate 2 cents a pound instead of 1 cent, as at present. In view of the fact that it costs the Government about 9 cents a pound to handle and transport this class of mail, the proposed increase is an exceedingly moderate one.

In a whole-page newspaper advertisement printed on the 12th instant, signed by 34 of the principal magazine and periodical publications of the country, it is stated that the increased rate "will drive a majority of the popular magazines out of existence, and with them the enormous volume of profitable first-class mail their advertising creates." This charge is made in the face of the fact that some, if not all, of the signers of the statement are realizing tremendous profits from the vast amount of high-priced advertisements they carry.

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It has been found on investigation that one of the great periodical publications signing this protest contained in 21 of its successive issues, from January 1, 1910, to and including May 21, 1910, exclusive of cover pages, an average of 19,354 agate lines of advertising matter, which, at the same rate, would make a total of 1,006,408 lines for the year.

On October 1, 1910, the publisher of this periodical increased the rate for ordinary advertising in his publication from $5 to $6 an agate line. At the higher rate the gross value of the ordinary advertising space for one year would amount to $6,038,448. Increased rates charged for the inside and outside cover pages would bring $650,000, making a total gross value of $6,688,448. Allowing a discount of 15 per cent, or $1,003,267, there would remain as a total net value of the advertising in this publication for a single year the tremendous sum of $5,685,181. The additional income from advertising resulting from the increased rates would amount in a year to $957,107, which would be much more than sufficient to pay the proposed higher postage rate of 4 cents a pound on the advertising pages of the publication during the fiscal year ended June 30, 1910. In other words, the advance in advertising rates for this periodical will not only meet the higher postage charges, but will leave a surplus of increased revenue to swell the annual profits of the magazine.

In a printed statement recently issued by the president of one of the leading magazine publishing companies of New York City, the exceedingly profitable nature of the magazine business was clearly set forth. According to his statement the profits of his own magazine for the month of October, 1910, showed an increase over the corresponding month for 1909 of 100 per cent on advertisements and 151 per cent on subscriptions, making a net annual profit for dividends and surplus, based on a circulation of 500,000 copies monthly, of $348,980. Regarding the periodical-publishing business in general, the same gentleman says in his statement that "magazine publishers receive gross incomes as high as $6,000,000 in a single year. Dividends amounting approximately to $1,000,000 yearly have been made." Speaking of the publishers of some of the magazines joining in the protest against the proposed legislation, he says that one of them, according to his own statement, realizes a net profit of $1,000,000 annually; of another, the principal owner of two great publications, that his gross income is more than $6,000,000 annually, and that his net profits for the same period exceed $1,000,000; of another, that his magazine yields more than 10 per cent on a capital of $10,000,000; of another, that his net profits are $600,000; of another, that the value of his advertising space alone is $1,500,000 a year; of another, that his advertising receipts are $75,000 per month and his profits are from $600,000 to $800,000 per year; of still another, that his publishing business represents a profit of 100 per cent a year to its stockholders.

Investigations recently made by the Post Office Department showed that large numbers of periodical publications already entered as second-class matter are in reality nothing more than trade catalogues, which, under the law, ought to be treated as third-class matter and subjected to a postage charge of 8 cents a pound, which is the rate for catalogues. By inserting a few pages of reading matter these publications succeeded in being classed as magazines and thus secured admission at the cent-a-pound rate. Among publications of this kind is one containing 140 pages, 99 per cent of which are devoted to advertisements; another containing 562 pages, 97 per cent of which are devoted to advertisements; another containing 238 pages, 93 per cent of which are devoted to advertisements; and another containing 268 pages, 89 per cent of which are devoted to advertisements. Almost the entire space in these publications is devoted to the carrying of commercial advertisements, and this in defiance of the statute specifically excluding from the second-class privileges "publications designed primarily for advertising purposes."

By the proposed law, magazines, in so far as they provide public information, are left exactly on a par with newspapers and the smaller periodicals, for the increase of rate of 3 cents a pound attaches only to such portions of the magazines as are devoted to advertising purposes.

The stock argument of magazine publishers that the profit to the Government on first-class matter induced by the advertisements in their publications offsets any loss incurred by reason of the low postage rate on second-class matter is disproved by the fact that the Government's entire profit on first-class matter is less than the total loss on second-class mail matter.

During the fiscal year 1910 over 800,000,000 pounds of second-class matter were carried through the mails at a loss to the Government of $62,000,000. The profits on all other classes of mail matter were more than swallowed up by this tremendous loss, leaving a postal deficit for the year of about $6,000,000. It is estimated that the annual saving to the Government through the proposed increase in postage will amount to about $6,000,000, or enough to wipe out what remains of the deficit.

Magazines have repeatedly increased their advertising rates as their circulation has grown, but the postal charges for the handling and transportation of these magazines have remained stationary for years, so that while this increased circulation has swollen the profits of the publishers it has added correspondingly to the loss sustained by the Government. It is clearly inequitable that the public in its general correspondence, the publishers of books and pamphlets, and the senders of small merchandise should continue to be taxed to meet the deficit caused by a subsidy enjoyed by the publishers of the large magazines.

Yours, very truly, FRANK H. HITCHCOCK,
Postmaster General.

HON. BOIES PENROSE,
Chairman Committee on Post Offices and Post Roads,
United States Senate.

POST OFFICE DEPARTMENT,
OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., February 23, 1911.

MY DEAR SENATOR PENROSE: In view of the fact that the question of higher postage on second-class matter has been the subject of almost constant investigation and discussion since 1905, there would seem to be little justification for the claim of the magazine publishers that the postage provision in the pending postal bill is premature. During the last few years the department has expended in the investigation of this subject over $300,000, appropriated by Congress for the specific purpose, and full hearings have been given to all those who wished to make representations. Following is a brief review of the action taken in this regard by the department and by Congress in the period mentioned:

THE POSTMASTER GENERAL RECOMMENDED CONGRESSIONAL INQUIRY.

In 1905 the Postmaster General called attention to the fact that second-class matter approximated in weight two-thirds of the weight of all mail matter and produced only 4 per cent of the postage revenue, while the cost to the Government of handling such matter was estimated to be from 5 to 8 cents a pound. He recommended to the chairman of the House Committee on the Post Office and Post Roads that a review be made by Congress of the whole subject of second-class rates of postage and that legislation be enacted amending the existing law relating to that class of mail matter.

PROVISION FOR THE POSTAL COMMISSION.

Congress acted upon the Postmaster General's recommendation, and in 1906 provided for a joint commission of Congress, consisting of three Senators and three Members of the House of Representatives, whose duty it should be to investigate, consider, and report, by bill or otherwise, to Congress its findings and recommendations regarding the second class of mail matter. An appropriation of $25,000 was made to pay the expenses of the commission.

RECORD OF WEIGHT OF SECOND-CLASS MAIL MATTER.

In January, 1906, the department informally submitted an estimate to cover the expenses of conducting a weighing of second-class matter for the purpose of obtaining information for the said postal commission. Accordingly Congress authorized the Postmaster General to require a record for six months of all second-class matter received for free distribution and also at 1 cent a pound, so as to show the weights, respectively, by classes, of nine subclasses of such matter specified in the act. Twenty-five thousand dollars was appropriated for this work. The Post Office Department conducted such weighing of second-class matter for six months, ascertained the weights of all the subclasses, and computed their average hauls. The results were reported February 1, 1907, to Congress. Of the appropriation $16,399.38 was expended.

HEARINGS GIVEN PUBLISHERS BEFORE JOINT COMMISSION OF CONGRESS.

The joint commission of Congress held extensive hearings from October 1 to November 28, 1906, at New York and in Washington, at which time the following associations, by their representatives, gave testimony:

American Newspaper Publishers' Association.
American Press.
American Weekly Publishers' Association.
Associated Fraternities.
Bible Study Lessons.
Boot and Shoe Recorder.
Federation of Trade Press Associations in the United States.
Hearst Organization of Papers.
Inland Daily Press Association.
Kansas Editorial Association.
Manufacturers' Association of New York.
Mercantile Adjuster Publishing Co.
National Agriculture Press League.
National Association of Dairy, Live Stock, and Farm Papers.
National Baptist Publishing Board.
National Editorial Association.
National Fraternal Press Association.
New York Republican Editorial Association.
Periodical Publishers' Association of America.
Religious Weekly Publishers' Association.
Sunday School Editorial Association.
United Typothetæ of America.
Wallace's Farmer.

Besides these a number of individuals appeared and gave testimony in behalf of the publishers. There were also presented to the commission a large number of memorials and letters from publishers' associations and others in behalf of publications of the second class. These hearings are set forth in the "Report of the Postal Commission on Second Class Mail Matter—Washington, 1907."

SPECIAL WEIGHING OF ALL MAIL MATTER.

When a preliminary report of the result of the six months' weighing of second-class matter was made to the commission it became apparent that the weighing would not furnish all the information necessary because it did not cover all classes of mail matter. Thereupon, at the suggestion of the department, the Postmaster General was authorized by Congres to cause a record to be kept for six months of the weights, respectively, of all classes of mail matter and to ascertain the average hauls and other material facts. An appropriation of $300,000 was made for this purpose. Such weighing was had, computations made, and report submitted to Congress May 1, 1908. Of the sum appropriated $216,955.41 was expended.

THE ASCERTAINMENT OF THE COST OF TRANSPORTING AND HANDLING MAIL MATTER.

Following this report and that of the Postal Commission the department proceeded with the facts ascertained as a basis and made a careful estimate of the cost of transporting and handling the several classes of mail matter and of conducting the registry, money-order, and special-delivery services and published the result on November 1, 1909.

This ascertainment was the result of continued and consistent efforts of the Post Office Department to reach a conclusion in these matters. With respect to second-class matter it showed that while the revenue a pound was 1.14 cents the expense a pound for transporting and handling was 9.23 cents.

HEARINGS GIVEN PUBLISHERS BEFORE HOUSE COMMITTEE ON THE POST OFFICE AND POST ROADS.

The Committee on the Post Office and Post Roads, House of Representatives, gave extensive hearings on January 26, 27, 28, and 29, and February 4 and 8, 1910, at which time the Periodical Publishers' Association of America appeared by its representatives, and a large number of publishers and representatives of publications of the second class also appeared and gave extensive testimony in behalf of their contentions. These hearings are set forth in the volume "Hearings before the Committee on the Post Office and Post Roads—Washington, 1910."

Yours, very truly, FRANK H. HITCHCOCK.

HON. BOIES PENROSE,
Chairman Committee on Post Offices and Post Roads,
United States Senate.

OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., February 14, 1911.

MY DEAR SENATOR: Observing that the periodical publishers in their opposition to the pending provision increasing postage on second-class mail matter frequently refer to the low rate of one-fourth cent per pound charged by the Dominion of Canada on newspapers and periodicals, I think it well to point out the fact that while this exceptionally low rate does prevail in that country because of the peculiar conditions there, European countries, so far as our information goes, charge a

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gross receipts on mails carried. Small railroads in the sparsely settled portions of the country are really burdened with the mails. There is not only no profit in it, but there is a positive loss in many cases. A great railway in New England is said to have recently determined not to carry the mails at the prices fixed by the appropriation bill. They propose to give the Government credit for what we appropriate, and then appeal to the Interstate Commerce Commission to fix a reasonable rate for carrying the mails.

I received a letter from a lady some time ago who lives on a branch of a railroad extending from Livingston up to the Yellowstone National Park entrance at Gardiner, Mont. She said, "Is it not a scandal that you people all keep still down there while the Northern Pacific Railroad is drawing $96,000 a year for carrying the mail six times a week between Livingston and Gardiner, a distance of 46 miles?"

I sent the letter to the department. I found she was correct, that the mail was being carried six times a week. I found that the distance, instead of being 46 miles, was 50 miles. But the pay, instead of $96,000, was $3,200 a year. The railroad carries a mail car along, and gets no rent for it; they carry the mail six times a week, winter and summer, wet and dry, in hot and cold weather, and deliver that mail as required to do under contract, and get $3,200 a year for it.

I think such facts ought to be given more circulation. Possibly the heavy railway mail lines are overpaid, for where solid trains are made up to run from New York to Chicago, or from Washington to Chicago, the rate could probably be materially reduced if second-class matter should be sent by fast freight. But, Mr. President, where a railway mail car is hauled across the continent with only an average of 2¾ tons of mail in the car and the car must come back with still a lighter load, it will be found on close computation that the Post Office Department and the Congress are driving a pretty good line of trade with the railroads for carrying the mail on fast trains. Transportation of second, third, and fourth class mail by fast freight seems to me likely to reduce charges without serious impairment of the service.

I believe great economies could be inaugurated in carrying second-class mail by carrying it by freight. That is being attempted now to some extent. At present, mail of all classes is rushed along on chiefly the express trains at 30 to 60 miles an hour, making the equivalent of a special-delivery letter service for a magazine published two weeks in advance of date of issue.

Mr. SMITH of Michigan. The statement of the Senator from Montana regarding the work of the special commission is most interesting and his conclusions are striking. There is, however, an impression that the sudden revival of this rider provision has been done for the purpose of disciplining the class of publications that are affected by it. Of course the statement of the Senator from Montana rather tends to negative that criticism.

Mr. CARTER. Mr. President, the Senator's question tempts me into a line of observation, which I will endeavor to make very briefly. The department has been insisting from one session of Congress to another, since this line of information was collected, that it was the duty of Congress to endeavor to make provision by law for a charge of postage somewhat equal to the cost of the service rendered. It is unfortunate that this is presented at the close of a Congress with a time limit fixed and consequent abridgment of debate.

It will be found upon calculation that while the postage upon second-class mail matter is fixed at 4 cents on the portion of the magazines made up in whole or in part of pages devoted to advertisements, observation will convince anyone that only about a third of the magazines are on an average devoted to advertising. The extreme cases to which I have heretofore referred are sporadic and exceptional. But if you will apply the rate of 4 cents to the advertising pages and the rate of 1 cent to the reading matter you have practically only 2 cents a pound for the whole magazine. I believe that is less than it costs the Government to do the business; but at the same time I believe the department calculation calls for more than the business will cost under a different system of organization for the transportation of the mails.

Mr. CUMMINS. Mr. President——

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

Mr. CARTER. I do.

Mr. CUMMINS. Why did the committee limit the increase to periodicals issuing 4,000 pounds or more?

Mr. CARTER. Mr. President, that limitation was placed with a view of avoiding the burden upon struggling and small concerns having but local circulation, practically for the same reason that we exempt the paper published in a county from the payment of postage in the county of publication.

Mr. CUMMINS. It was not done, then, to indicate that publications of 4,000 pounds or less per issue cost the Government less to distribute.

Mr. CARTER. Those of small circulation require only a short haul, as a rule.

Mr. CUMMINS. Is it not true, on the contrary, that a great many of the trade papers, while less than 4,000 pounds to the issue, are, according to your own tables, next to the popular magazines in length of haul?

Mr. CARTER. The trade papers are not included in this proposed increase at all, as I understand it.

Mr. CUMMINS. I am referring to the trade paper, simply those that are mainly devoted to advertising.

Mr. GORE. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Oklahoma?

Mr. CARTER. I will gladly yield to the Senator from Oklahoma.

Mr. GORE. I desire to ask why the large papers were not included in the operation of this amendment?

Mr. CARTER. The large newspapers, the Senator refers to?

Mr. GORE. Yes, sir.

Mr. CARTER. The large newspapers were not included. No newspapers were included, for the reason stated in the beginning, that the account, calculation, and weighing showed that the average haul was only about one-fourth of that of the average haul of the other class of publications.

Mr. GORE. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield further to the Senator from Oklahoma?

Mr. CARTER. I do.

Mr. GORE. I observe that that reason was stated by the Postmaster General in his report. Instead of that being a reason for excepting them out of the amendment, is it not a reason for including them? Would not the profit be greater on account of the fact that the haul is short, and would it not go further if applied to letters?

Mr. CARTER. We figure that it costs less to haul a ton 250 miles than 1,042 miles. But I have detained the Senate too long.

Mr. JONES. There is one other point I should like the Senator to cover briefly, if he has not already done it. I was called out of the Chamber. I frequently get letters from parties saying Canada carries magazines for one-fourth of a cent a pound; therefore, why should we raise our rate from 1 cent up? I should like the Senator to tell us what that situation is.

Mr. CARTER. The second-class mail matter in Canada amounts to comparatively little. I think the total receipts there are $233,000 a year for carrying second-class matter. It is a drop in the bucket compared with the enormous business developed in this country. That the Canadians are losing money on the carrying of second-class mail matter I have no doubt whatever.

Mr. President, in further answer to the question of the Senator from Washington, I send to the Secretary's desk and ask to have read a telegram from the postmaster general of the Dominion of Canada, which explains that they are meeting comparatively heavy losses there in carrying the second-class mail matter.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

OTTAWA, ONTARIO, *March 2, 1911.*

Hon. FRANK H. HITCHCOCK,
Postmaster General, Washington, D. C.:

In answer to your telegram of this morning, it is quite true that this department is transporting and handling second-class mail at heavy loss, as is the case in United States, but the statutory privileges granted in Canada being much more restricted in classification than in United States, our loss is proportionately less.

RODOLPHE LEMIEUX.

Mr. CARTER. Now, Mr. President, I feel that I have trespassed upon the time of the Senate too long. The amendment here proposed has been by the chairman of the committee practically abandoned. The reason for its abandonment is obvious to every Senator. To press it would involve the fate of the bill and the fate of other bills as well. The information which will be diffused through the matters presented in the course of this discussion will, I trust, tend to enlighten the public and all parties directly interested in this very important question.

I believe that every publisher in the country, if permitted to have a reasonable time to adjust his business to changed conditions and charges, would gladly escape from the current charge

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of being the beneficiary of a Government subsidy. If, as charged by the department—and for that charge I do not stand sponsor further than to give it utterance here—we are losing $60,000,000 or more of the people's money every year in doing this kind of business, it is the plain duty of the Congress to stop the leak by appropriate legislation.

Senators have suggested a monopoly as one of the ways to escape the deficiency by increasing the revenue. That would be well-nigh impracticable for daily papers. But if a monopoly were given on the carriage of magazines and the matter were carried as far as it could be expeditiously by freight, I have no doubt that, at the present rate, the Government could make a profit on the business; but obviously the newspapers could not trust to the mails for their circulation; the mail carriers could not be put upon the street before the break of day nor travel on all sorts of conveyances and get to readers of the morning papers before the breakfast hour. As to magazines it might be different, because the circumstance of rapid delivery is not so pressing as to them.

Howsoever it may be adjusted, fidelity to the Government, justice to the taxpayers, and justice to the people at large require that this question be thoroughly considered by every inquiring person interested in it, and that Congress provide some remedy if it is found, in the last analysis, that a remedy is available to check, diminish, or wholly avoid the loss to the postal revenues.

Mr. McCUMBER and Mr. OWEN addressed the Chair.

The VICE PRESIDENT. The Senator from North Dakota.

Mr. McCUMBER. I offer the amendment, which I send to the desk, to strike out all after the word "further"——

The VICE PRESIDENT. There is a pending amendment.

Mr. McCUMBER. I understood the amendment had been withdrawn.

The VICE PRESIDENT. The amendment has not yet been withdrawn.

Mr. OWEN. Mr. President, I think it advisable to place in the RECORD, following the defense of this proposed amendment proposing 4 cents a pound postage on the pages of magazines containing advertisements, my opposing views, which are offered why the amendment should not prevail. This matter, perhaps, will come up again for consideration in the future, and it is well that the RECORD should show what is to be said on both sides. I have in my hand a letter from Wilmer Atkinson, of Philadelphia, editor of the Farm Journal, with nearly 3,000,000 readers. He makes an argument on this subject which is rather concise, and, I think, of interest. It is as follows:

PHILADELPHIA, *March 1, 1911.*

DEAR SIR: Not much postal business doing prior to 1885. In that year Congress, without a dissenting voice, cut the postage rate on newspapers and periodicals in half—from 2 to 1 cent per pound.

In 1870, under a 4-cent rate, the total receipts of the postal establishment were only $19,673,466; the deficit was $4,226,616; postmasters were paid only $4,673,466.

In 1880, under a 2-cent rate, the total income was $33,315,479; the deficit, $3,227,325; postmasters received $7,768,407.

In 1885, when the 1-cent rate went into effect, receipts were $42,560,844. By 1891 receipts had increased to $65,931,786, and from now on business increased by leaps and bounds. This year (1891) the total weight of second-class matter was 196,942,091 pounds. Ten years later (1901) second-class matter weighed 429,444,570 pounds, and receipts went up to $109,962,534, while the deficit was $3,923,728.

During the next 10 years, down to 1910, second-class matter increased 367,983,568 pounds; receipts increased $114,166,152.90; deficit was $5,848,566.88 in 1910.

Thus the increase of receipts kept pace with the increase of second-class matter, even while the expenditures were expanding enormously. For instance, the cost of city delivery went up from $9,072,160.31 in 1891 to $31,815,485.28 in 1910. City delivery is mainly for letters; city collections almost wholly so. There was no rural free delivery in 1891; in 1910 it cost $36,923,737—this for letters and daily papers mainly—for rural collections no charge at all can be made against second-class matter.

In 1891 salaried postmasters, who then were for use rather than for ornament, were paid $14,527,000; last year they were paid $27,514,362, and their clerks, who do most of the work, $38,035,456.62. These officials have little to do with second-class matter; they do not collect, nor handle, nor stamp it. It is nearly all received and sent in bulk, and magazines to news agents are delivered in bulk. The amount of free Government matter cost three times as much in 1910 as in 1891.

Thus it is in spite of all these heavy loads upon the service, mostly instituted for the benefit of letter mail, second-class mail caused the postal business to expand fivefold, from $42,560,844 in 1885 to $224,128,157.62 in 1910, while population increased only from 56,389,016 to 91,972,267.

Had there been no increase of second-class matter postal business would not have increased faster than the increase of population. How could it? It is a matter of common knowledge that people are much less given to writing social letters now than formerly; they use the 'phone instead; but they do answer advertisements far more than ever before.

Keeping even pace with the increase of population would have resulted, and had it not been for the tremendous influence of second-class matter, the postal revenue for 1910 would have been less than $75,000,000, just about one-third what it actually was; the deficit could not have been less than $50,000,000.

After the rapid development of the postal establishment had set in under the stimulus of the low rate, postal officials became concerned about the cost of second-class matter. Guessing matches were instituted every December since 1901 down to 1910. MADDEN guessed 4 cents; Smith the same; Lawshe 2½ one year, 4 cents the next; Chairman WEEKS from 2 to 3 cents; and then, to settle the matter, a commission was appointed and expert accountants were employed, who devoted nearly six months to the business, and discovered, according to the commission, that "Bulk transportation service, probably within the radius of average newspaper circulation, and possibly within the radius of average periodical circulation, is one for which the charge of 1 cent per pound is approximately adequate compensation."

This is something besides a guess, and no doubt is correct; but the guessing still goes on, the latest, which is daily dingdonged into the ears of the public, is 9⅝ cents per pound, but it has nothing whatever to recommend it except its picturesqueness. None of the guessers give any credit to second-class matter for the immense amount of mail of other classes which it originates—which is probably not less than three-fourths of the whole.

But what difference does it make, whether it costs 1, 2, 4, or 9⅝ cents; if the Government gains 20 cents; why get into a panic over the matter? A merchant who sends out 100,000 circulars, at a cost of $2,000, does not worry about the expense if his enterprise returns a net profit of $10,000; he does not think of penalizing the printer, but gives him a larger order, and keeps on pushing.

The foregoing figures that I have carefully assembled are official. There is no discount on them. Their correctness will never be challenged, for it can not be disproved. They are set down to a dot. All may not interpret them in the same way, but to every person capable of comprehending a simple business proposition it will be conclusive that the $8,174,281.41 paid by publishers, originating (immediately, remotely, and cumulatively) more than half of all postal revenue, is a veritable soft snap for the Government, and that second-class matter is indeed the "goose that lays the golden egg."

Yet Polly will continue to scream "subsidy" to the end of time, or until she loses her last feather.

WILMER ATKINSON.

Mr. President, it is a very striking circumstance that with the lowering of the postal rates the deficit has not increased, showing that the mail that directly pays is sufficiently stimulated by the second-class mail, as the periodicals and newspapers claim, that the deficit is prevented, and that to cut down second-class mail—that is, the newspapers and magazines—would diminish the mail that pays—that is, first-class mail—and reduce the revenue. The statistics thus sustain the contention that by indirection the second-class mail pays its way by increasing the revenue.

The periodical publishers have set forth excellently well and with much precision the reasons why this increase should not take place, and I desire to place in the RECORD, without reading, the answer which they have made, which I have heretofore published in a report on the Post Office appropriation bill, in connection with this matter. (S. Rept. No. 1242, pt. 1.)

The VICE PRESIDENT. Without objection, permission is granted so to do.

The matter referred to is as follows:

EXHIBIT A.

Effect on the magazine business of an increased postal rate on magazine advertising.

In Printers' Ink, the leading trade journal of magazine advertising, is found a table giving the exact number of agate lines of advertising carried by 44 of the leading general magazines in 1909. These are listed in the order of the magnitude of their advertising contents.

We have selected the first five; that is, the five general monthly magazines carrying more advertising than any others in America, or the world, and, therefore, indubitably, as a group, the largest, most prominent, and most prosperous. The following figures would, of course, be vastly more impressive if the average for all the magazines were taken.

The publishers of these five magazines—Everybody's, McClure's, Cosmopolitan, the American, and the Review of Reviews—have taken from their books of account the exact figures of their gross and net advertising income for 1909, the sums paid the United States post office for carrying their advertising pages in 1909, and their entire net profits for that year, as sworn to in their reports to the Federal corporation tax commissioner:

The aggregate gross advertising incomes of these five magazines, leading the list of magazine advertising media, was, in 1909	$2,463,940.39
After deducting the expenses of securing and preparing advertising, the aggregate net receipts from that source was	1,204,780.16
(This is net income from the advertising department alone, with no account of income from subscription sales; so far it looks very profitable.)	
But when we come to total the profits of the several properties, the final profit and loss balance of these 5 leading magazines of the world, we find the figure is	230,734.57
Thus, while the magazines received in 1909 for advertising space the sum of $2,463,940.39 and had a net income from that department of $1,204,780.16, the entire net profit of the 5 properties was only	230,734.57

The explanation of the small final balance of aggregate profits can be arrived at from further figures taken from the account books of these magazines: (*a*) The net average sum received for yearly subscriptions after expenses of getting the subscriptions and a proper proportion of general expense is apportioned; (*b*) the number of subscriptions mailed by the publisher during the year; (*c*) the cost of supplying these subscriptions.

From these figures it appears that the cost of supplying readers with 11,068,512 magazines—the total number mailed direct to subscribers by these five publishers during 1909—was $1,387,189.80, while the net income from these subscribers was $625,298.49, leaving a deficiency on subscription account of $761,891.31, to be made up from advertis-

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ing gains before the balance of expenses was paid and any profit showed.

This shows clearly that nearly the entire apparent gain from advertising was used up in giving the readers a better-printed magazine on better paper, with more enterprising and careful editing, than could monthly be produced for the subscription prices paid by the readers, after the cost of finding the reader and handling his subscription was taken out. This disappearance of advertising gain in giving the public a better article is the economic explanation of the phenomenon of low-priced, handsome, and well-edited American magazines, read in every hamlet and factory town, mining camp, and western ranch, as well as the great cities. The publisher gets, as a final result of his investment and labor, as is shown here, less than one-tenth of the money paid to him for advertising. The public gets the rest in the shape of a better purchase than could be made but for the advertising content of the magazine.

Thus in 1909 these five magazines, leaders of the industry in America, cleared, in the aggregate, the sum of $230,734.57.

On their advertising pages alone they paid, under the second-class pound rate, $62,926.52.

If the rate had been increased to 4 cents on all sheets on which advertising appeared, they would have paid $188,779.56 more than was actually paid at the 1 cent a pound rate, or 81.8 per cent of their entire net income.

Moreover, the figures in this exhibit that refer to the postage paid by publishers and the resulting loss from increased postage do not begin to state the complete payments and losses of the publishers. They apply only to copies mailed by the publishers themselves on which accurate figures are obtainable. They take no account of the news-stand copies, mailed at the second-class rates by the news companies of the country. The news-stand edition, in the case of two of these five leading magazines, is larger than the editions mailed direct to subscribers.

These five magazines are, as has been explained, the leaders, the established properties, the largest carriers of advertising, and among the largest monthly magazine patrons of the United States mails.

The showing made of the effect on their business of even the smallest increase of postal rates on advertising matter is startling enough. It is not a matter of a corporation tax of 1 per cent on net incomes; the new tax on their income would be 81.8 per cent.

But the situation of individuals among even these five of the most prosperous magazines would be vastly more serious.

One of these five leading monthlies would be affected as follows:

With only 1 cent added to the postal rate on advertising, 62½ per cent of its net income would disappear. Only 2 cents additional rate on its advertising would wipe out its entire profits and leave it losing many thousand dollars a year. And there is no better known, more widely read, or high-toned magazine in the world.

A second individual in this group of the most prominent magazines would, with an increase of only 1 cent a pound on advertising, show, in its final profit-and-loss account for 1909, a loss in conducting its business of $18,405.52.

So much for the strongest of the magazines. For many of the publications lower down on the Printers' Ink list of the 44 chief magazine advertising periodicals, any appreciable increase of postal rate would amount to confiscation.

Furthermore, the amendment now in the Senate provides that the increased postage must be paid beginning July 1, 1911, at a time when the existing subscription contracts of the publishers are not half fulfilled.

Compare these effects on magazine properties of an increased postal rate on advertising with its effect on the Government's revenue (Exhibit B).

It is insisted that the post office would be greatly benefited by the proposed increase. I submit the answer of the periodical publishers, Exhibit B.

EXHIBIT B.

What could the post office gain from the proposed postal increase on magazine advertising?

It has been shown from the original books of account of the five most prominent magazines that the proposed measure charging 4 cents a pound postage on all sheets of magazines on which advertising is printed would tax these magazines, the most powerful group, best able to meet such a shock, nearly the whole of their entire net income. This means that the new postal rate could not be paid. There is not money enough in the magazine business to pay it. Magazines would simply be debarred from the United States mails.

But assume, for the sake of argument, that this would not be the case, and that the money could be found to pay the new postage bills, what, theoretically, would be the increased revenue of the Post Office Department, for the sake of which it is proposed to take more than all the profits of the industry that has been built up since 1879?

The Postmaster General, in his statement given to the Associated Press, and published in the newspapers Tuesday morning, February 14, claims that the proposed postal increase on periodicals advertising would amount to less than 1 cent flat on the weight of the whole periodicals. This is not the way the ambiguously worded amendment works out literally; but, accepting the Postmaster General's figures and applying them to the weights, given in his annual report, of the second-class mail classifications affected by the increase, let us pin the Post Office Department down to what it hopes to gain from a measure that would confiscate the earnings of an industry.

Mr. Hitchcock in his statement gives 800,000,000 pounds as the total weight of second-class matter. In his report for 1909 he gives the percentage of this weight of the classifications that could possibly be affected by this proposed increase as 20.23 per cent for magazines, 6.4 per cent for educational publications, 5.91 per cent for religious periodicals, 4.94 per cent for trade journals, and 5 per cent for agricultural periodicals, making 42.97 per cent altogether of the 800,000,000 pounds that might be affected by the proposed increase, or 343,760,000 pounds. Of course, this includes the periodicals publishing less than 4,000 pounds weight per issue, and exempted by the amendment.

But, making no deduction whatsoever for these exemptions, and none for the great expense of administering this complex measure, with its effect of conferring despotic power, certain to be disputed, the Postmaster General claims that this figures out only 1 cent increased revenue on 343,760,000 pounds, or a gross theoretical gain to the Post Office Department of $3,437,600. These are the Postmaster General's figures, not the publishers'.

But from this figure of 343,760,000 pounds the Postmaster General would have to subtract the weight of all the periodicals exempted, and also subtract all the new expense involved for a large force of clerks.

There will also be a great increase of work for inspectors, as the proposed measure puts a premium on dishonesty. There will be constant temptation for unscrupulous people, who try to take the place of the present reputable publishers, to publish advertising in the guise of legitimate reading matter. There will be extra legal expenses for the disputes that arise between publishers and the Post Office Department over matters in which the publishers may believe the department is using the despotic power given by this measure to confiscate the property of publishers. In the hearings before the Weeks committee it was frankly admitted by members of the House Committee on the Post Office and Post Roads that the Government post-office service could never be run with the economy and efficiency of a private concern.

With all the expense of this new scheme subtracted from such a small possible gain as is claimed by Mr. Hitchcock, what revenue would remain to justify the wiping out of an industry built up in good faith through 32 years of an established fundamental post-office rate?

If the department succeeded in saving $2,000,000, after deducting the exempted publications and all the new expense involved for a great force of clerks, this would amount to less than 1 per cent of its revenues for 1910. It would amount to less than one-eighth of the post-office deficit in 1909. It would amount to less than one-fourteenth of the loss on rural free delivery alone in that year.

But even this gain would be only theoretical; for, as shown before (Exhibit A), many of the comparatively small group of periodicals left to be punished, after the favored ones were exempted, would find that it required more than all their income to pay their share of the new rate.

You can not take away from a person more than 100 per cent of all that he has—even from a publisher. It is not there.

These figures of increased revenue to the Government are based on the department's own statements. They are mathematically accurate.

They must not be interpreted, however, as measuring the extent of publishers' losses. They take no account of the increases, certain to follow the enactment of this legislation, in the rates of other lines of distribution from which the Government derives no revenue. They take no account of the loss in circulation volume that is certain to follow an attempt to raise the price of magazines to the public. They take no account of the loss in advertising revenue that is certain to follow a loss in circulation.

Neither are these figures a complete record of the effect on the Government revenue. They take no account of the certain destruction of publishing properties, and the consequent destruction of postal revenue on the profitable first-class matter their advertising once created.

POSTSCRIPT.

Since this calculation was made and a flood of telegrams from agricultural publications has come to Congress, the afternoon newspapers of Tuesday, February 14, reported that at a Cabinet meeting on that day it was decided by the administration and announced by Postmaster General Hitchcock that agricultural periodicals will be exempted from the increased postal rate. The owners and other representatives of agricultural periodicals gathered in Washington to oppose the amendment to the post-office appropriation bill at once left Washington for their homes. It was reported at the same time that the religious periodicals had also been assured that a paternal administration would take care of them.

This leaves the situation in such shape that the administration has at last gotten down to the comparatively small group of popular magazines.

These magazines proper, the Postmaster General says, constitute 20.23 per cent of second-class matter, or only 162,000,000 pounds, out of the 800,000,000 pounds of second-class mail.

As the Postmaster General says, as explained above, that the proposed increase would only mean 1 cent a pound more on the whole periodical, he could only figure out a theoretical gross gain of $1,620,000. But his figures are, as usual, all wrong.

From this $1,620,000 that his figures come to, he would have to deduct, of course, the exempted periodicals and also all expenses of administering the proposed new measure.

The pretense of raising second-class rates to do away with the post-office deficit therefore disappears.

A few popular magazines are to be punished.

The absurdly unjust discrimination involved in the proposed increase of postal rates on certain subclasses of second-class mail, leaving the larger subclasses, more costly to the post office, untouched, has already been shown in Exhibit C.

But how about this new development, in which the Postmaster General apparently decides from day to day and hour to hour as to whether one class of periodicals or another shall be allowed to live or made to die?

Has there ever before been in America, or in Russia, or in China, a censor with this power? If the institutions of this country are to be so changed as to give this despotic censorship to one man, ought that man to be the official in charge of the political machinery, as patronage broker, of the administration?

It is insisted by the Post Office Department that it is entirely just to increase the cost on advertisements in the magazines. I submit their answer, Exhibit C:

EXHIBIT C.

The injustice of discriminating against magazines by increasing second-class postal rates.

Why should the administration have gone to a small 20 per cent portion of the second-class mail to increase postal rates? The Postmaster General gives the magazine weight as 20 per cent of the whole second-class mail, and newspapers as 55.73 per cent. Why leave out the largest classification entirely and concentrate all the new tax on a little 20 per cent classification, which in profit making and tax bearing capacity is vastly smaller than even the figures of 20 per cent and 55.73 per cent indicate?

The real reason why the administration concentrated its fire on the magazines is well known.

But let us look at the reasons given by the administration—given hurriedly and weakly, and almost absurdly easy to disprove.

Why are newspapers exempt and magazines punished to the point of confiscation?

The administration says (*a*) magazines carry more advertising than newspapers; (*b*) they cost the Post Office Department more than newspapers, because they are hauled farther.

(*a*) It is not true that magazines carry more advertising than newspapers. By careful measuring the entire superficial area and the advertising contents, respectively, of each of 36 daily newspapers and each of 54 periodicals—the chief advertising mediums of the country—

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it is found that magazines averaged 34.4 per cent advertising, newspapers averaged 38.08 per cent advertising.

(b) The statement that magazines cost the Post Office Department more per pound than newspapers is easily susceptible of final disproof from the department's own figures—the most extreme figures it has been able to bring forward in its attempts to prove a case against the magazines.

The Post Office Department states that, owing to the different average lengths of haul, it costs 5 cents to transport a pound of magazines and 2 cents to transport a pound of newspapers.

Admit that these figures, often repeated in the department's reports, are correct. Let us see how the final cost of service for a pound of magazines looks beside the final cost of service to a pound of newspapers.

Besides the cost of transporting mail, figured, of course, by weight and length of haul, there are three huge factors of cost, apportioned according to the number of pieces of mail—rural free delivery, railway mail service, and post-office service (Post Office Department pamphlet, "Cost of transporting and hauling the several classes of mail matter," 1910).

TRANSPORTATION COST OF MAGAZINES AND NEWSPAPERS.

By weighing carefully the representative magazine, every copy of a year's issue of 64 leading magazines, and by weighing 60 different classes of newspapers, daily and Sunday, the postal committee of the Periodical Publishers' Association has found that the magazine weighs, on the average, 12.3 ounces and the newspaper 3.92 ounces.

The Postmaster General's report for 1909 furnishes the total pounds of second-class mail—764,801,370—and the proportion of newspapers and magazines in this weight—55.73 per cent and 20.23 per cent, respectively.

This gives 154,719,317 pounds of magazines in the mails and 426,223,803 pounds of newspapers.

The cost of transporting these, by the Post Office Department's figures, is 5 cents a pound for transporting magazines and 2 cents a pound for transporting newspapers, making $7,735,965.85 for hauling magazines and $8,524,476.06 for hauling newspapers.

THE HANDLING COST.

But the department says specifically, in the pamphlet referred to above, that the handling cost it apportions according to the number of pieces, in three classifications of expense—the Railway Mail Service, Rural Free Delivery, and Post Office Service. The total cost of these items charged against second-class matter is (Postmaster General's report, 1909) $39,818,583.86.

The total number of pieces of second-class mail handled was 3,695,594,448 (H. Doc. 910, "Weighing of the mails").

Newspapers, averaging 3.92 ounces each, and weighing in the mails altogether 426,223,803 pounds, furnished 1,740,000,000 pieces to handle (taking round millions, which would not affect the percentages), of 47.17 per cent of all second-class pieces.

The 154,719,317 pounds of magazines, weighing 12.3 ounces each, furnished 201,260,000 pieces to handle, or 5.44 per cent of all second-class pieces.

Figuring these piece percentages on $39,818,583.86, the expense which the department says should be apportioned according to the number of pieces, and which it does so apportion, we have the handling cost on the 154,719,317 pounds of magazines $2,166,139.96, or 1.4 cents per pound.

The newspaper-handling cost would be 55.73 per cent of $39,818,583.86, or $28,782,425.10, which, divided by the total of newspaper pounds, gives us the handling cost of a pound of newspapers 6.75 cents.

THE NET RESULT.

So, using the department's own figures and methods of figuring, we have the cost of hauling and handling magazines, 5 cents plus 1.4 cents, or 6.4 cents; the cost of hauling and handling newspapers, 2 cents plus 6.75 cents, or 8.75 cents.

This shows that without going into the miscellaneous expenditures at all, which would slightly further increase the cost of newspapers as compared with magazines, the department's own figures show that it is losing on the fundamental operations of hauling and handling 7.75 cents a pound on 426,223,803 pounds of newspapers, or $33,032,844.73, as against losing 5.4 cents a pound on 154,719,317 pounds of magazines, or $8,354,843.11.

With a loss, according to its own figures, over 400 per cent as great on newspapers as on magazines, the department goes to the magazines, of scarcely one-third the weight of newspapers, and with not one-twentieth the financial ability to pay such a new tax, to meet the whole burden of this futile and confiscatory attempt to reduce the deficit.

Furthermore, the advertising in magazines, which the department proposes to tax out of existence, is the very national mail-order advertising that produces the profitable revenue, as against the local announcements in the newspapers of the class of page department-store advertisements, etc., which do not call for answers through the mails under first-class postage. (See Exhibit F.)

And, still further, the modern newspaper of large circulation is more of a magazine, as distinguished from a paper chiefly devoted to disseminating news and intelligence and discussion of public affairs, than the modern magazine. Compare the "magazine sections" of the large newspapers (and most of the balance of their Sunday issues) with publications like the Review of Reviews, World's Work, Current Literature, Literary Digest, Collier's Weekly, or even with Everybody's, the American, the Cosmopolitan, McClure's, to see the obvious truth of this statement.

It has been suggested that the magazines could collect the additional cost imposed on them by raising the price on their magazines. The answer of the periodical publishers is herewith submitted, Exhibit D.

EXHIBIT D.

Can the magazines "pass on" the expense of a postal increase?

It has been shown (Exhibit A) from the original books of account of the chief magazine properties that the measure providing for a new postal rate of 4 cents a pound on all magazine sheets on which advertising is printed would wipe out the magazine industry—would require more money than the publishers make.

Could not the burden be passed on to advertisers or subscribers, or to both?

WHY ADVERTISERS WOULD NOT TAKE THE BURDEN.

Magazine advertisers buy space at so much a 1,000 circulation. The magazine is required to state its circulation and show that the rate charged per line is fair. Some advertisers go so far as to insist on contracts which provide that if the circulation during the life of the contract falls below the guaranteed figures they will receive a pro rata rebate from the publisher.

In view of the small net profits of the industry—it is shown in Exhibit A that the combined final profits of the five leading standard magazines of America are less than one-tenth of their total advertising income—it is clear that the publisher must be trying always to get as large a rate as possible for the advertising space he sells, and it is absolutely true that he has already got this rate up to the very maximum the traffic will bear.

Advertisers would not think of paying more than they are now paying for the same service. Some of them would use circulars under the third-class postal rate, which the Postmaster General says is unprofitable to his department. Most advertisers would simply find this market for their wares gone, and the thousands of people—artists, clerks, traveling men—engaged in the business of magazine advertising would lose their means of livelihood.

There is no possible hope that the advertiser will pay the bill.

WOULD THE SUBSCRIBER PAY THE INCREASED POSTAL RATE?

The 4 cents a pound rate on advertising would require an advance of approximately 50 per cent in subscription prices if the publisher is to recoup himself by raising the cost of living to the public in its consumption of magazines.

Would the public pay 50 per cent more for the same article?

The question is answered eloquently and finally by the subscription records of the magazines that were forced to increase their rates on Canadian subscriptions when Canada enforced a 4-cent rate on American periodicals. As the discriminatory rate was later withdrawn in certain cases, we have a complete cycle of record and proof: First, the Canadian subscription list before the increase; second, the Canadian subscription list after the increased postal rate and increased subscription price to the Canadian public; third, the Canadian subscription list after the postal rate and the subscription price to the public had been restored to the original status.

HERE IS THE RECORD OF THE REVIEW OF REVIEWS.

In June, 1907, the Review of Reviews began to pay 4 cents a pound postage on Canadian subscriptions, instead of 1 cent, and was forced to raise its Canadian subscription price from $3 to $3.50 a year.

Its Canadian yearly subscribers in July, 1907, numbered 2,973.

At once the subscription list began to fall off, and continued to do so steadily until in January, 1910, it had come down to 904 names.

Early in 1910 the Review of Reviews was readmitted into the Canadian post office at 1 cent a pound, its subscription was reduced to the old figure of $3, and the Canadian list quickly "came back," having reached already, in February, 1911, the figure of 2,690 annual subscribers.

Below follows the detailed record, eloquent of what would happen if the prices of popular American magazines were increased 50 per cent to the public. In this Canadian incident the price of the Review of Reviews was increased only 16⅔ per cent and the circulation fell off 69 per cent.

REVIEW OF REVIEWS—CANADIAN SUBSCRIBERS.

June, 1907, began to pay extra postage	2,840
July, 1907	2,873
August, 1907	2,921
September, 1907	2,875
October, 1907	2,761
November, 1907	2,604
December, 1907	2,260
January, 1908	1,536
February, 1908	1,330
March, 1908	1,170
April, 1908	1,350
May, 1908	1,300
June, 1908	1,363
July, 1908	1,360
August, 1908	1,407
September, 1908	1,348
October, 1908	1,357
November, 1908	1,381
December, 1908	1,299
January, 1909	1,095
February, 1909	1,163
March, 1909	1,263
April, 1909	1,321
May, 1909	1,355
June, 1909	1,353
July, 1909	1,369
August, 1909	1,371
September, 1909	1,382
October, 1909	1,237
November, 1909	1,278
December, 1909	1,227
January, 1910	904
February, 1910	974
March, 1910	1,129
February, 1911	2,690

Entered as second class in Canada, starting with April.

I submit the reply of the periodical publishers, declaring that it would be ruinous to them to raise the rate in the matter proposed, Exhibit E:

EXHIBIT E.

Must magazines be wiped out to reduce the post-office deficit?

We point to the history of deficits in the Post Office Department since 1879, when the pound rate of payment was established for the second class of matter. The question at the head of this exhibit is answered by the successive changes in the size of the deficit, compared with coincident changes in the volume of second-class mail.

It will be seen that the largest percentage of deficit in the past 40 years occurred before the pound rate of 2 cents was, in 1879, established for second-class matter; that the percentage of deficit decreased with great rapidity as soon as second-class matter, under the stimulus of the new pound rate, began to increase rapidly; that this decrease in the deficit was accelerated after the second-class rate was lowered, in 1885, to the present rate of 1 cent a pound, and after second-class matter had increased beyond any figure hitherto dreamed of; that the decrease in percentage of deficit continued, coincidently with the increase in volume of second-class mail, until 1902, when large appropriations began for Rural Free Delivery Service, and then deficits began to grow as the specified loss on rural free delivery grew; that in the last fiscal year, 1910, when the rural free delivery loss remained nearly stationary, as against 1909, the deficit decreased by approximately $11,500,000, to

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the lowest percentage but one in 27 years, although in this same year second-class matter made the largest absolute gain ever known, amounting to 98,000,000 pounds more than in 1909.

We submit that so many coincidences, taken over a whole generation, and observed in relation to the enormous production of profitable first-class postage through magazine advertising, raise the strongest presumption that the larger the volume of second-class mail becomes the more fully the post-office plant is worked to its capacity, in carrying newspapers and periodicals and the first and third class mail their advertising engenders, and the smaller becomes the deficit, other things being equal. (See Exhibit F.)

The other thing that is not equal is the new expenditures, unprofitable in the post-office balance sheet, for rural free delivery. According to the Postmaster General's report there is in 1910 a surplus of over $23,000,000 outside the specific loss on rural free delivery. A chief reason the Post Office Department has this $29,000,000 to lose on rural free delivery is that periodical advertising and the enormous postal business it generates has long ago extinguished the deficit and given the huge surplus to spend for a beneficent but financially unprofitable purpose.

But one thing is proved beyond any shadow of doubt by this history of decreasing post-office deficits and coincident increases in second-class mail, and that is that the deficit can be reduced with an ever-increasing body of second-class mail, carried at 1 cent a pound. It can be because the record shows it was.

Below is a fuller history of post-office deficits and second-class increases:

THE FACTS AS TO DEFICITS AND SECOND-CLASS MATTER.

The annual reports of the Postmaster General are the authority for the following figures:

In the year 1870 there was a deficit in the operations of the United States Post Office Department of 21.4 per cent of its turnover.

In 1879 there was passed the act that put second-class matter on a pound-payment basis. An immediate increase in second-class matter began.

In 1880 there was a deficit in the post-office operations of only 9.6 per cent of its business.

In 1885 was passed the law that made the rate for second-class matter 1 cent a pound, which still further increased second-class mail. It trebled in the decade preceding 1890.

In 1890 the deficit in the operations of the Post Office Department was 8.8 per cent.

THE POST OFFICE PROSPERS WITH SECOND-CLASS MAIL.

The next decade brought a much larger increase in second-class matter than any previous 10 years—from 174,053,910 pounds in 1890 to 382,538,999 pounds in 1900.

The deficit in the post-office operations in the year 1900 was 5.2 per cent of its business.

In the prosperous years following 1900 the increase of second-class matter was stupendous; from 382,538,999 pounds in 1900 to 488,246,903 pounds in 1902, only two years. The increase of advertising in the magazines was even greater than the increase in second-class matter. These years brought the great forward movement in the production of low-priced but well-edited magazines, made possible by large advertising incomes, and also in the increase in circulation by extensive combination book offers, and so-called "clubbing" arrangements, by which the subscriber could purchase three or more magazines together at a lower price than the aggregate of their list prices.

In 1901 there was a deficit in the post-office operations of only 3.5 per cent of its business.

In 1902 the deficit for the post-office operations was 2.4 per cent, the smallest percentage of deficit in 18 years and the smallest but two in 40 years.

RURAL FREE DELIVERY STEPS IN.

But in this year is seen for the first time, in important proportions, a new item of expense, $4,000,000 for rural free delivery. Our Government had wisely and beneficently extended the service of the post office to farmers in isolated communities, regardless of the expense of so doing. The report of the Postmaster General for 1902 says: "It will be seen that had it not been for the large expenditure on account of rural free delivery, the receipts would have exceeded the expenditures by upward of $1,000,000."

It will be clear from these figures, which are taken from the reports of the Postmaster General, that, beginning with the advent of the second-class pound-rate system, the deficit of the post office has steadily declined, the rate of decrease being always coincident with the expansion of circulation and advertising of periodicals, until in 1902 there was a substantial surplus, which the Government wisely saw fit to use for a purpose not related to the needs of magazines and periodicals or to their expansion.

A REAL SURPLUS OF OVER $74,000,000 IN EIGHT YEARS.

Since 1902 there has always been a surplus in the operations of the Post Office Department, outside of the money the Government has seen fit to expend for rural free delivery. In the present year, 1910, the report of the Postmaster General shows a surplus of over $23,000,000 outside the loss on the Rural Free Delivery Service of $29,000,000. The years 1902 to 1910 have each shown a surplus in the post-office profit and loss account, the nine years aggregating over $74,000,000 outside the actual loss on the rural free-delivery system.

How enormously second-class mail aids the department's finances by originating profitable first-class postage can be appreciated by referring to the specific examples in Exhibit F.

It should be borne in mind that the turning of large deficits into actual surpluses, which has come coincidently with the expansion of second-class mail, of circulation pushing, and of advertising, has come in spite of an enormous expansion in governmental mail, carried free, and congressional mail, franked, which has not been credited to the post office at all in calculating the actual surpluses shown above.

The value of the magazines in increasing the profitable business of the department is set forth by them and is herewith submitted. Exhibit F:

EXHIBIT F.

How magazine advertising reduces post-office deficits.

The astonishing record contained in Exhibit D of the absolutely unvarying coincidence of decreases in post-office deficits with increases in second-class mail is square up against the Postmaster General's statements that the department loses 8.23 cents on every pound of second-class mail and loses over $60,000,000 a year as a whole on second-class mail.

What is the explanation? How can the phenomenon of constantly decreasing deficits, coincident with increasing second-class mail, be reconciled? To be sure, the Postmaster General has been trying for two years to make out a case against the magazines, and nothing is better understood than that, under orders, he is using all the figures and the infinite opportunities of such a complex mass of figures as those of the post office, to make the case for the magazines as bad as possible. Of course, it does not cost the department 9.23 cents a pound for second-class matter; but also, of course, in all probability, the cost must be more than one-ninth Postmaster General Hitchcock's figures. Then why is it that the more second-class matter there is mailed the more money the Post Office Department has?

The answer is that the advertising in the periodicals, the very advertising the administration is trying to drive out of existence, is far and away the most important creator of profitable first-class postage that exists. That, furthermore, the varied and constant efforts of publishers to extend the circulation of their periodicals by sending out tens of millions of circulars, each making for a 2-cent reply, and the great and complex business that has been built up around the originating and handling of advertising have made this national market for reputable wares—a market where the purchasing is done by mail with 2-cent stamps—the stamps that pay the Post Office Department's bills and give it $22,000,000 a year to spend over and above receipts from rural free delivery, in advancing that splendid service for the country dweller.

There were published in 1909 in 50 American magazines 12,859,138 lines of advertising, from over 5,000 advertisers, who used over 25,000 different advertisements, and it is obviously impossible physically to tabulate complete results.

But let us nail down certain specific examples of advertisements inserted in magazines, and follow the record right through, of the work they did for the post office, the expense they put the post office to, and the profit they brought it.

These score or more of specific instances tell the whole story. Read, especially, the first instance—the complete bookkeeping transaction of one magazine advertisement in account with the United States post office:

A MAGAZINE ADVERTISEMENT IN ACCOUNT WITH THE UNITED STATES POST OFFICE.

In the Saturday Evening Post of November 26, 1910, was published a 224-line advertisement of the Review of Reviews.

Three thousand seven hundred replies were received, 1,776 of them inclosing each 10 cents in first-class postage.

The paper in which this advertisement was printed weighed 0.132815 ounce. The half of it printed with the advertisement weighed 0.06640625 ounce.

One million seventy thousand copies of the Saturday Evening Post were sent through the United States mails, so that the post office transported 4,440.9 pounds of this advertisement. At 9.23 cents per pound—the pound cost of transporting and handling second-class matter given by the Post Office Department—the total cost of giving the post-office services to this advertisement was $409.90; postage paid at 1 cent a pound, $44.41; loss to post office, $365.49.

THE POST OFFICE'S GROSS AND NET GAIN FROM FIRST-CLASS POSTAGE CREATED.

3,700 inquiries were received by the Review of Reviews.	
3,700 2-cent stamps for inquiries	$74.00
3,700 acknowledgments under 2-cent stamp	74.00
Six follow-ups to 3,700 inquiries under 2-cent stamps	444.00
1,776 inquiries sent 10 cents in stamps	177.60
740 sales are made, each involving 12 bills and 12 remittances, under 2-cent stamp	355.00
The 3,700 names of inquirers will be circulated at least three times a year for five years, under 2-cent stamps (a practical certainty of twice as many circularizations)	1,110.00
Total gross direct sales of 2-cent stamps from advertisement	2,234.60
Profit of 40 per cent, according to profit percentage of Postmaster General on first-class postage	893.84
Direct loss in transporting and handling advertisement, cost figured at 9.23 cents a pound, income at 1 cent	365.49
Ultimate minimum net gain to post office in having carried this advertisement	528.35

MORE SPECIFIC EXAMPLES OF PROFITABLE POSTAGE ORIGINATED BY MAGAZINE ADVERTISING.

Names of concerns are withheld here. The original documents on which these statements rest are in the possession of the postal committee of the Periodical Publishers' Association, 156 Fifth Avenue, New York City. These are only a few samples of hundreds that have come, and are printed to suggest the details of the methods by which national magazine advertising far more than pays its way when sent out through America at 1 cent a pound second-class postal rate.

"Mr. E. W. HAZEN, *Advertising Director.*

"DEAR Mr. HAZEN: During the year 1910 we paid the Post Office Department for carrying our first, third, and fourth class mail matter the sum of $496,749.88. We shipped during the year 1910, 1,717,514 packages. Of these, 809,781 were sent by mail and 907,733 by express All of these would have been sent by parcels post if the postal rates and regulations permitted. We paid the express companies for the transportation of the packages referred to above $347,392.30."

The above statement covers only mail matter sent out of this house. The figures given are accurate. Any statement of the number of pieces of mail matter which we receive would be approximate, but we can safely state that it was in excess of 4,500,000 pieces of first-class mail matter. This estimate is entirely conservative.

Here is another postal bill of one of the many great "mail-order" magazine advertisers—a company which sells excellent clothing to women who can not come to the great cities and their department stores. The president of the company writes:

"As we are a mail-order concern, our business is derived entirely, either directly or indirectly, from our magazine advertising. During the year 1909 we paid the Post Office Department for carrying our first, third, and fourth class mail matter the sum of $433,242."

What an advertisement in one issue of one magazine did for another women's "wearing-apparel" house is recorded in their books as follows:

The postage required to answer the 15,000 replies from the one-column "insertion" in the magazine, also to send the merchandise

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required by 2,000 of the inquirers, also to "follow up" other inquirers, etc., amounted to $5,460.

The Government charge for carrying this advertisement through the second-class mails was $38.83.

That $5,460, by the way, did not include the several hundred dollars spent on postage by the inquirers themselves.

The president of a concern which publishes encyclopedias, natural histories, classics, etc., investigated the relations with the post office of a recent page of his advertising inserted in a single magazine and the correspondence which resulted.

The stamps and money orders bought by the inquirers and by the publishing company, as the result of the 4,000 answers to this one advertisement, amounted to $884.

The publishers paid the post office to carry that page, at second-class rate, $12.

Thus, even if it had not already been disproved that the second-class rate is insufficient, it would still have been mightily unfortunate for the department's business if that page advertisement had not appeared. A good business man would be willing to lose several times $12 in order to do $884 worth of business as profitable to himself as first-class mail is to the Government.

Scores of apparently small advertisers are found in any issue of any popular magazine. They are just as good customers to the post office, in proportion, as the big concerns using columns or pages.

1 INCH—$5,492 STAMPS A YEAR.

A modest 1-inch magazine advertisement is printed by a company, which reports that its yearly postage account from that cause is $5,132. Adding the approximate postage on the 1,500 letters a month sent to the company, the yearly total of postage created by this inconspicuous concern through the magazine is found to be $5,492.

ONE-HALF INCH—$590 A MONTH.

A half-inch magazine space is used each month by a certain electric manufacturing company in the Middle West; but its postage records show stamp purchases for a single month (November, 1909), resulting from that half-inch advertisement, of $590.

Two quarter-column announcements of a dress fabric, appealing to women, in a single magazine, brought 7,000 replies, involving postage stamps worth $230.00

Pretty good business getters for the department, these "ads." Cost the publishers to mail, at second-class rates 19.40

Even better, in proportion, was a one-fifth-column appeal to mothers in one issue of the same magazine. It produced postage to the amount of 240.00

To carry the little advertisement at second-class rates the Government charged 7.76

A single-column magazine "ad" of a Chicago clothing firm, with a number of retail stores over the country, brought 4,000 inquiries, which, with the following up, etc., caused postage of 380.00

That column cost the publisher to mail, at second-class rates 38.67

The Woman's Home Companion sent a letter to the advertisers in its November issue, asking for a memorandum of the letter postage on the inquiries from their November advertising and the answers to these inquiries. Seventy-five advertisers reported, with definite figures, an aggregate letter-postage expenditure of 3,385.90

The Woman's Home Companion paid the Government just $583 for carrying that portion of the magazine on which these 75 advertisements were printed.

Any advertising man can point to hundreds of "mail-order firms" like the above. These firms can trace directly to their magazine advertising every year purchases of millions of dollars' worth of the stamps that make big profits for the post office.

It is even more surprising to learn the enormous postage bills caused by an entirely different class of magazine advertisers—the "general publicity," or "national" advertisers—who wish the reader to ask for their fine soaps, or mattresses, or silks, or stationery at his local store. These firms do not depend on direct replies, yet they receive so many that thousands of dollars are spent for stamps per year in scores of cases—even per month in many.

EVEN THE "GENERAL" OR "PUBLICITY" MAGAZINE ADVERTISING CREATES ENORMOUS STAMP SALES.

A moderate-priced shoe is sold through a number of retail stores in different cities. The manufacturers advertise in magazines for national "publicity," to bring buyers into these stores. Incidentally they mention their department to fill orders by mail. Thus an enormous correspondence has been built up, of which the average annual increase alone during the last three years has involved 264,000 first-class letters—a minimum postage of $5,280. This is simply one yearly addition to the company's already first-class business, of which it writes that "all but a nominal percentage" has been "induced by our magazine advertisements."

More than $15,000 was spent for postage by a mattress manufacturer last year "following up" inquiries received from his magazine advertising, though it is designed to create a demand for the mattress at local furniture stores.

This $15,000 is over and above his steady correspondence with dealers, etc., which was built up in the first place by magazine advertising.

One of the many recent "contests" conducted by magazine advertisers was that of a stationery company. Theirs is also "publicity," not mail-order advertising. It is designed to create a demand for their paper over the stationery-store counters. But their "contest" awhile ago, announced exclusively in the magazines, brought 59,000 replies, which, with follow-up, etc., averaged 12 cents first-class postage—a total of $7,080 in one month.

Here is still another "publicity" experience. In the course of familiarizing women with a new trade-mark for silk by means of magazine advertising, the manufacturers incurred postage bills, during the first 11 months of 1909, amounting to $7,979.75. About $2,000 more ought to be added to represent the stamps purchased by the prospective silk-dress wearers themselves.

Another "contest," held by a national advertiser, brought 12,089 replies from a single insertion in one magazine, to handle which postage stamps had to be bought for more than $600.00

The publishers paid to have that page carried through the mails, at second-class rates 97.66

A half page in one issue of another magazine brought 4,000 letters from inquirers, which, with follow-up, etc., meant stamp purchases 200.00

The carriage of that half page at second-class rates was 25.62

Magazine advertisements of a popular cold cream brought 170,000 letters to the manufacturers last year, though the controlling purpose of the campaign was to get the public to ask for that kind of cold cream at the drug stores.

Not including postal orders, special-delivery stamps, etc., the stamp revenue to the Government from these letters was $8,500. And, of course, that does not include the profuse correspondence between the manufacturers, the jobbers, the drug stores all over the country, and so on.

For another toilet preparation a single advertisement in a leading weekly magazine brought more than 13,000 replies. The stamps involved here add up to $990.00

The publishers paid the post office to carry this advertisement, at the second-class rate 48.83

A household remedy, seen in most drug stores, was mentioned to the extent of one quarter page in a single issue of one magazine. The requests for samples numbered 1,685. The postage involved was 202.20

Another "drug store" preparation frequently brings the manufacturer 2,000 to 6,000 letters each month from their magazine advertising of it, though that is, of course, for "publicity," first of all. A single insertion last fall brought 12,000 inquiries, which created, first and last, the purchase of $750 in stamps.

A system of physical culture for women put quarter pages in several magazines during the month of November, from which 3,905 letters were received. In this case the total postage, including follow-up and correspondence back and forth, was $1,104.09 for that month of November alone.

Narrow limits would be expected in the demand for expensive silverage. Yet a silversmith's two advertisements in the November and December magazines brought 45,000 requests for catalogues. These had already involved by January 13, with the following up, etc., a postage bill of $5,510.

Another big postage bill was also incurred, incidentally, by a company which uses magazine advertising to bring buyers into drug stores, etc., asking for certain shaving soaps and the like. Still their postage bill during 1909, as a result of inquiries from their advertising, was $3,656.08. This does not include the stamps bought by the inquirers—probably $1,000 more.

A similar soap was described in a page advertisement which, printed in one magazine one time, brought more than 30,000 letters. First-class postage on them and the answers to them aggregated more than $900. The charge for carrying that page, at the second-class rate, was about $120.

THE LARGE STAMP PURCHASES OF ENTIRE BUSINESSES DEPEND ON MAGAZINE ADVERTISING.

All the above examples are of postage sales caused by magazine advertising directly, in point of time. Just as directly caused are the sales for correspondence between manufacturer, jobber, retailer, agent, etc., in the many businesses that have been built up by magazine advertising.

A camera company writes: "There is a magnificent revenue to the Government through our correspondence with these dealers, through their correspondence with their customers, and through their sending our printed matter, furnished by us, at a postage cost of $100, and such dealer could not afford to go to this expense were it not for the fact that this local advertising which he does is backed up by our general magazine publicity."

This one result of magazine work is figured by the company at tens of thousands of dollars every year in postage.

The postage-stamp revenue created by magazine advertising keeps on for months, and years even, between the advertiser and the consumer, in cases like correspondence schools, for instance.

One prominent company writes that it not only spends $429 per month in postage, answering inquiries which themselves account for about $100 more, but that it enrolls per month more than 2,200 new scholars—and every scholar, by the time he has received all his numerous "lessons," etc., costs the school about $3.50 more in postage. Thus each month creates about $7,700 more in postage bills for this school, not counting nearly as much again which the scholars must spend.

"Our advertising," writes a leading investment banker, "by reason of names being placed on our mailing list for circulation, etc., costs us several thousand dollars a year for postage, which would not be the case if we were not doing and had done no advertising."

In fact, there would be little left of the department's profitable postage stamp sales were the big magazine houses crippled. The publishers are the largest buyers of lists of names used for circulation. To circularize these lists many millions of 2-cent stamps are bought every year.

"Our entire mail order book business," writes a western firm, "has been built up through magazine advertising. Last year our postal bill amounted to $12,298.57. This was used on circular matter and letters. If the circulation of the magazines should be reduced, and it is our opinion that it would be if the postage rate should be increased, our postage bill would be reduced proportionately."

THE PROFIT TO THE GOVERNMENT.

A magazine man thus outlines the different sources of stamp buying created by the magazine publisher: Copy from advertiser to publisher, proofs from publisher to advertiser, bills from publisher to advertiser, remittances from advertiser to publisher, answers from readers to advertisers, letters from advertisers to readers (sometimes three or four follow-up letters), orders from readers to advertisers (in many cases by postal money orders), mailing of goods from advertisers to readers, bills from publisher to subscriber, remittances from subscriber to publisher (in many cases by postal money order), letters soliciting subscriptions, premiums to subscribers, miscellaneous correspondence, etc.

I submit also the answer of the periodical publishers to Postmaster General Hitchcock's pamphlet, Periodical Publications Mailed as Second-Class Matter (S. Doc. No. 820), in order that the Senate may not be unadvised with regard to the facts of the case. (Exhibit G.)

EXHIBIT G.

An answer to Postmaster General Hitchcock's pamphlet, Periodical Publications Mailed as Second-Class Matter (S. Doc. No. 820).

Postmaster General Hitchcock, in describing the provisions of the Senate amendment increasing postal rates on magazine advertising, says (3d line, 2d par., p. 3): "This increase does not apply on newspapers."

This leaves it to the Postmaster General to decide what is a newspaper. A monthly like the Review of Reviews, or a weekly like the Literary Digest, publishing no fiction, or anything but current news and information on public affairs, ought certainly to be considered as newspapers when compared with the great budget of very "popular stories," comic supplements, and the whole "magazine" full of cheap fiction,

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art, and miscellany that make up the Sunday editions of the daily papers.

But the important point is that this Senate amendment to the appropriation bill would give the power of life and death over the periodicals to the Postmaster General, an administration official in charge of the political machinery of his administration. He could say, "this periodical is a newspaper, let it live; that periodical is not a newspaper, let it die," as he desired or found expedient. There is no definition of a newspaper, as distinguished from another periodical, to govern the department. Mr. Overstreet and the department use the phrase in many of their official documents, "newspapers or other periodical publications."

There will be no one to distinguish between a newspaper, which is itself a periodical, and the "periodicals" on which the postal increase is laid except the Postmaster General. And the Postmaster General's decisions will be subject to reversal with changes of political administration. A Republican Postmaster General could let certain periodicals live. A Democratic Postmaster General could let other periodicals live.

As far as concerns the justness of separating what is ordinarily in the public mind known as a newspaper from the magazines and levying this increase on the magazines, Postmaster General Hitchcock gives reasons elsewhere: First, that magazines carry more advertising than newspapers; second, that it costs the department, on account of the difference in the length of haul, 5 cents to transport magazines and only 2 cents to transport newspapers.

First. Magazines do not carry more advertising than newspapers. By actual measurement it is found that newspapers carry about 4 per cent more advertising in proportion to reading matter than magazines.

Second. Accepting, for argument, Postmaster General Hitchcock's amazing figures of 5 cents a pound for transporting—that is, hauling—magazines, as against 2 cents for hauling newspapers, and looking at the other items of cost—the handling cost—it is found that newspapers, on account of the much greater number of pieces to the pound, cost the Post Office Department, on Postmaster General Hitchcock's own figures and by his own method of figuring and the apportionment methods described by him, 6.75 cents to handle, as against 1.4 cents to handle magazines. And yet the Postmaster General says magazines cost the department more than newspapers, citing only the one element of cost in which they may cost more, and entirely ignoring the larger element of cost, in which they certainly cost the department, according to his own methods of apportioning expenses, less than one-fifth as much as newspapers per pound.

When it is considered that, according to Postmaster General Hitchcock's figures, only 20.23 per cent of all second-class mail is made up of magazines, while 55.73 per cent of all second-class mail is made up of newspapers, the injustice of this singling out of the magazines for a higher postal rate will be still more obvious.

Postmaster General Hitchcock says in the third paragraph that the net effect of the proposed increased postal rate on advertising will be to "advance the postal rate for second-class matter as a whole about 1 cent, making the second-class rate 2 cents a pound instead of 1 cent as at present. In view of the fact that it costs the Government about 9 cents a pound to handle and transport this class of mail, the proposed increase is an exceedingly moderate one."

The Postmaster General can not have read the second-class rate amendment carefully. It provides that the 4-cent rate apply on all "sheets" of periodicals on which advertising is printed. This would mean, or at least the amendment says plainly and literally, that in the publications of the largest circulation, like the Saturday Evening Post, Collier's, Literary Digest, Ladies' Home Journal, Delineator, Woman's Home Companion, and others, the 4-cent rate would apply on practically the whole periodical, for there are few "sheets" in such publications on which advertising is not printed, and it would affect the whole business scheme of such publications to rearrange the format.

Again, in this quoted paragraph of Postmaster General Hitchcock, he says that the effect of an increase from 1 cent to 4 cents a pound on magazine advertising "would be to advance the postage rate for second-class matter as a whole about 1 cent, making the second-class rate 2 cents a pound, instead of 1 cent a pound, as at present."

This is an astounding error, as magazines constitute, according to Postmaster General Hitchcock, only 20.23 per cent of "second-class matter as a whole," and he figures here on the basis of magazines constituting 100 per cent of all second-class mail.

The last statement in this paragraph is that "it costs the Government about 9 cents a pound to handle and transport this class of mail." No one knows what the true cost is, and it would take months of investigation by expert accountants with full and free access to all the operations of the Post Office to find out the true cost even if there should be an adequate system of bookkeeping installed. But the statement of the Postmaster General, often repeated, that the cost is 9.23 cents a pound, comes to be absurd when the fact is known that publishers of magazines with sufficient circulation to justify the system send their periodicals to Canada and distribute them there to subscribers at a total cost for transportation, handling, and delivery of less than 1 cent a pound, with a railroad haul of over 550 miles.

In the last paragraph on page 3 of the Postmaster General's statement he questions the truth of the publishers' statement that this proposed postal rate on advertising would drive many of the popular magazines out of existence. He questions the truth of this statement of the publishers about their own business on the ground of the "tremendous profits from the vast amount of high-priced advertising they carry."

From actual figures of the net profits of the five popular standard magazines carrying the largest amount of advertising in 1909—Everybody's, McClure's, Review of Reviews, Cosmopolitan, American—figures of net profits sworn to and on record in the Department of Commerce and Labor, it is found that the proposed increase would absorb 81.8 per cent of the net income of their properties. These are the five standard magazines carrying the most advertising. How about the average magazine? How about the struggling magazine, if the five "leaders" in advertising patronage would lose 81.8 per cent of their entire net income?

Moreover, the figures in this exhibit that refer to the postage calculation paid by publishers and the resulting loss from increased postage do not begin to state the complete payments and losses of the publishers. They apply only to copies mailed by the publishers themselves, on which accurate figures are quickly obtainable. They take no account of the news-stand copies mailed at the second-class rates by the news companies of the country. The news-stand edition, in the case of two of these five leading magazines, is larger than the editions mailed direct to subscribers.

Postmaster General Hitchcock's profound ignorance concerning the relation of magazine advertising to magazine profits is shown by the fact that, although these magazines received in 1909, $2,463,940.39 for advertising, the aggregate of their net incomes was only $230,734.57—less than one-tenth of their advertising receipts.

Postmaster General Hitchcock proceeds in the first and second paragraphs on page 4 to cite a recent increase of advertising rates of a certain magazine, and to consider, and use in figuring, as net profits the total amount of advertising it carries for the year.

(It is of incidental interest, in showing the partisan attitude of the Postmaster General, that in calculating the total amount of advertising received by this publication, he takes the number of lines actually printed in this weekly's richest advertising season, ignoring the fact that in the summer this periodical is sometimes published at a loss, and makes an estimate of its advertising patronage for the whole year on the basis of what it received in the months when advertising is at its height.)

But the gigantic error of the Postmaster General in calculating the additional income from advertising for this weekly resulting from its increased advertising rate, and assuming that this increased income is all profit, arises from the Postmaster General's total ignorance of the publishing business in general; and in particular, of the fact proved above, that the magazines save only a small fraction of their aggregate advertising income as net profits after paying the expenses of production and administration.

Then the Postmaster General finds out how much money the increased rate brought the periodical and observes with an air of finality that this income was more than sufficient to meet the higher postal charges.

The facts are, of course, that to get this higher advertising rate the "great periodical" had to publish enough more copies and additional reading matter in those copies to justify the increased rate; and that to manufacture and supply these additional subscriptions it costs magazines more than twice as much as they get from subscribers. Furthermore, the Postmaster General takes gross advertising income as net profit, apparently thinking that advertising flows into periodical offices without the asking, where, as a matter of fact, it is necessary to spend enormous sums for high-priced men to solicit advertising, for other men to lay out plans and make designs for advertisers, and for a large clerical force to handle the advertising department. The calm way in which the Postmaster General ignores the cost of presswork and paper on which the advertising is printed exhibits his ignorance of the fact that there is in business an expense side of the ledger as well as an income side.

But this whole error is best exemplified by the showing before that the five leading standard magazines, which have given the exact figures of their business, save for net profits an amount less than 10 per cent of their gross advertising incomes. Mr. Hitchcock figures with this particular magazine that it saves 100 per cent.

Then, apparently, to impeach the definite statements publicly made by reputable magazines as to their actual profits, which statements are on file in the Department of Commerce and Labor and readily accessible to the administration, Postmaster General Hitchcock has recourse to the stock-selling literature and the wild guesses of certain promoters whose business it is to distribute stock through the country by mail.

These stock promoters have followed the usual methods of the tribe in selecting the two or three more successful publications, guessing at their profits, and following these wild guesses with wilder ones as to the profits of all publishers. The Postmaster General has adopted the same methods and gone the promoters one better, stating as facts what the promoters have more frankly stated as presumptions.

In the first paragraph of page 5 the Postmaster General tells of some horrible examples of periodical publications classed as magazines which have 97 per cent and even 99 per cent of their superficial area taken up with advertising. On application to the Periodical Publishers' Association no one could be found who had ever seen such a periodical. But this statement of the Postmaster General, as a contribution to this argument, is sufficiently answered by his own statement in paragraph 3 of page 3 of this pamphlet, when the Postmaster General says: "Advertising portions of magazines comprise on an average about a third of their total weight."

Postmaster General Hitchcock's statement in the second paragraph of page 5, that magazines, "in so far as they provide public information, are left exactly on a par with the newspapers," because only their advertising is penalized, is also answered by himself in his explanation in paragraph 3 on page 3, that the increased rate in the Senate amendment has the net effect of a rate of 2 cents a pound on the entire periodical.

It is answered more intelligently by the proved fact that the magazines could never "provide public information" in the physical and editorial excellence of that actually provided by them without the assistance of advertising, the profits from which have to pay more than half the cost of editing, manufacturing, and supplying the periodical before there are any profits.

The Postmaster General's final paragraph on page 5 amounts to nothing more, when one examines it, than the statement that there is, after all, a deficit in the Post Office Department.

Deficits have always been reported from the Post Office Department. The percentage of the deficits to revenue in the years since second-class matter grew to important proportions are vastly smaller than when there was little second-class mail. The percentages of deficits have decreased every decade coincidentally with the increases in second-class mail. There would be a surplus of $23,000,000 in 1910 but for the losses on rural free delivery, a loss wisely incurred, for an institution, however, of little benefit to magazine publishers.

In the first paragraph of page 6 the Postmaster General claims that the proposed postal increase will amount to $6,000,000. It is easily proved by the Postmaster General's own figures and estimates that the Post Office would not gain, net, anything like $6,000,000. The Postmaster General gives the whole weight of second-class mail as 800,000,000 pounds. All the classifications of second-class mail that could possibly be affected by the proposed increase are given in his annual report as 42.97 per cent of the whole, or 343,760,000 pounds. He says the proposed increase means 1 cent a pound on the whole weight of the periodical. This figures easily $3,437,600 gross gain for the department. From this figure would have to be subtracted all the periodicals exempted because they do not publish 4,000 pounds weight per issue.

From the balance thus obtained would have to be subtracted all the expenses of a new force of clerks to check up the publisher's statements of advertising weights; all the expense of extra inspectors to watch the unscrupulous people who would try to take the place of reputable publishers by printing advertising in the guise of reading matter, and extra legal expenses in the injunction suits against the post office certain to follow the exercise of the despotic power, conferred by this

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amendment on the Postmaster General, to kill a periodical by saying it was not a newspaper.

The Postmaster General has been reported by the newspapers as preparing to exempt all agricultural periodicals on the ground that they are newspapers, and perhaps the religious weeklies. If he does so, the further subtractions would bring the net increase of revenue to the Post Office Department down to certainly less than $2,000,000, and probably not one-half that, the new rate being levied on the larger concerns among magazines, which altogether amount to only one-fifth of all second-class mail.

The last paragraph on page 6 of Postmaster General Hitchcock's letter complains that magazines have "repeatedly increased their advertising rates as their circulation has grown, but the postal charges * * * have remained stationary for years."

If a magazine has 100,000 circulation and a fair corresponding rate for advertising, and if the circulation is then increased to 200,000 the publisher has the same right and the same necessity to charge more for the doubled circulation that a grocer has to charge more for 2 pounds of tea than for 1 pound. But what possible relation has this to the fact that postage rates have remained stationary? The post office gives no more service than it did before magazine circulations and advertising increased—in fact, it gives less, as it now requires the big magazines to separate and tag for distribution, and, in many cases, deliver to the trains, a vast quantity of magazine mail formerly handled entirely by the post office.

As to how much this increased circulation and advertising has "swollen the profits" of the publishers, the sworn figures speak for themselves.

As to the last sentence in Postmaster General Hitchcock's letter, on page 6, claiming that the public is "taxed" by the magazine industry, it is a final answer to point out that the public is not taxed, but gains by getting in the many millions of purchases of the weekly and monthly issues of the periodicals an article twice as good as the public's subscription payment could buy but for the advertising help.

The public also gains by having the deficit of its post office reduced by second-class mail and the business it engenders. The Government could in 1910 show a loss of approximately $29,000,000 on rural free delivery and a final total deficit of only $5,800,000. But for second-class mail this would have been impossible, as the parallel history of increases in second-class mail and coincident decreases in the deficit over a generation clearly shows. The public would have had to suffer a direct tax to enable the Government to give this wise benefit of rural free delivery to the farmer but for the filling up of the post office factory with business engendered by second-class mail.

Turning to Postmaster General Hitchcock's letter, beginning at the bottom of page 6, the best answer Mr. Hitchcock can give to the striking example of Canada's second-class mail rate of one-fourth of a cent a pound, and a surplus for its post office department as a result, is the statement that certain other countries do not have a low postage on second-class mail.

How this affects the main contention in this Canadian example—that in a country of magnificent distances, part of our own continent, magazines are given a rate of one-fourth the figure which Postmaster General Hitchcock claims to cause a loss of $62,000,000, while Canada is showing a surplus for the post office—is not apparent.

The other countries mentioned by Mr. Hitchcock do not have magazines of large popular circulation of the most excellent physical and editorial qualities, accessible to any citizen at prices wonderfully low in the United States, where nearly all other prices of articles that make up the cost of living are wonderfully high. Compare the average of intelligence among the masses in the "other countries" mentioned by Mr. Hitchcock with that in the United States, and no better commentary is needed on the educational work of the popular, low-priced American periodicals.

The last item in this pamphlet is a letter from the Postmaster General in which he makes some corrections in his attack on Everybody's Magazine (corrections forced on him by the advertised statements of the real facts from the publishers of Everybody's) and goes on to repeat again his extraordinary error in considering gross advertising income as net profit, when, as we have shown, for five leading magazines, their total net profits are only one-tenth of the advertising receipts.

Then Postmaster General Hitchcock analyzes the figures of the publishers of Everybody's and works up to the climax of a discovery that according to their figures, it cost them $1,550,000 to publish 650,000 copies monthly, or 19 cents a copy.

This is the Postmaster General's final achievement in his controversy with Everybody's to discover that if their other figures were correct it would mean that it cost them 19 cents to supply a magazine, the gross price of which to the public is only 15 cents a copy on the news stands (the publisher receives only 8 cents net from the sales), and 12½ cents a copy in yearly subscriptions.

The answer is simply that it does cost 19 cents a copy. Anyone on Everybody's business staff could and would have told the Postmaster General that this was the case without his painful figuring.

Furthermore, this is the whole nub of the matter, which Postmaster General Hitchcock has never been able to grasp: That it does cost more to edit, manufacture, and deliver a great popular magazine, good enough to carry large quantities of advertising, than even the gross selling price of that magazine to readers and more than twice as much as the net receipts of the publisher from readers.

If Postmaster General Hitchcock had ever studied the situation sufficiently to grasp this fundamental fact—the groundwork of the business of publishing magazines of low price, large circulation, great advertising receipts, and modest final profits—he would never have begun this controversy.

I submit a further reply of the periodical publishers denying the accuracy of the calculations made for the department.

EXHIBIT H.

Some of the most glaring errors of the Post Office Department in computing cost of second-class matter.

DOES SECOND-CLASS MATTER CONSTITUTE 63.91 PER CENT OF THE WEIGHT CARRIED IN THE MAILS, AS CLAIMED BY MR. HITCHCOCK?

The official weighings of 1907 show that Mr. Hitchcock is wrong.

On page 21, House Document No. 910, Sixtieth Congress, the relative proportion of weights carried in the mails is given as follows:

	Per cent.
First-class matter	7.29
Second-class matter	36.38
Third-class matter	8.32
Fourth-class matter	2.73
Franked matter	.21
Penalty matter	1.99
Equipment carried in connection therewith	38.12
Empty equipment dispatched	4.96
Total	100.00

(These are official figures, not Mr. Hitchcock's estimates.)

The pure mail matter weighs 56.92 per cent; the equipment 43.08 per cent. The Government pays for transporting and handling the equipment as well as the mail matter.

It is true that the special weighings show that second-class matter constitutes 63.91 per cent of all the matter without the equipment, but this fact does not justify the representation that second-class matter constitutes 63.91 per cent of the weight carried in the mails, because:

That is absolutely untrue.

Nor does it justify the use of 63.91 per cent as a factor in computing cost based upon weight, because—

That factor is inflated by 22.91 per cent of the whole weight carried in the mails.

How far is Mr. Hitchcock wrong? By over 55 per cent.

How do we prove that? By official figures.

The weight of the equipment in which second-class mail is carried is but a very small percentage of the weight of the second-class matter itself; the weight of the equipment in which other classes of mail are carried is more than the weight of the mail itself. Even Mr. Hitchcock knows that.

The official weighings show that the weight of the equipment carried in connection with second-class matter and the empty equipment is only 12.43 per cent of the weight of second-class matter. In the report of the hearings before the House committee, 1910, Mr. Hitchcock (p. 124) proves this in his apportionment, as follows:

SECOND CLASS.

	Pounds.
Total weight of mail transportation	778,907,471
Total weight of mail, equipment, and empty equipment transported	875,744,735
Total weight of equipment and empty equipment transported	96,837,264

The weight of equipment and empty equipment is 12.43 per cent of the weight of second-class matter; 12.43 of 36.38 per cent added to 36.38 per cent equals 41 per cent second-class matter, and its equipment weighs only 41 per cent of the weight carried in the mails.

Mr. Hitchcock claims it weighs 63.91 per cent.

Mr. Hitchcock's figures are wrong by over 55 per cent.

THE WEIGHT OF SECOND-CLASS MATTER.

The demand for increased postage on second-class mail matter rests mostly on the department's claim that mail of this character constitutes 63.91 per cent of the weight carried in the mails.

In 1907 there was a special appropriation by Congress to have the mail weighed, so as to get at this information about the weights of the different kinds of mail carried, and the figures arrived at are reported in House Document No. 910, Sixtieth Congress.

Turning to page 21 of that report, we find a tabulated statement showing in percentages the weights of the different character of matter carried. They appear as follows:

	Per cent.
First-class matter	7.29
Second-class matter	36.38
Third-class matter	8.32
Fourth-class matter	2.73
Franked matter	.21
Penalty matter	1.99
Equipment carried in connection therewith	38.12
Empty equipment dispatched	4.96
Total	100.00

It appears from this that second-class mail amounted to 36.38 per cent on all the weight carried. The figure of 63.91 is not the proportion of second-class matter to the total weight on which transportation was paid, but is the proportion of second-class mail to all the mail after excluding equipment. It is clear that in apportioning the expense of transportation on this basis it is assumed that equipment is carried in the same proportion for matter of the second class as for matter of other classes. The justice of this assumption is open to investigation, inasmuch as a large proportion of the second-class matter is carried without any equipment, being simply tied with a string and designated in the department as "open mail."

Light is thrown on the matter by some figures furnished by Mr. Hitchcock in the hearing before the House committee, 1910, page 124.

The total weight of second-class mail matter transportation is 778,907,471 pounds. Total weight of mail equipment and empty equipment (the equipment being for this class of mail), 875,744,735 pounds. The equipment and empty equipment for this class of mail having received transportation is, therefore, 96,836,264 pounds. Reducing these figures to every-day proportions we find that 12.43 pounds of second-class equipment receives transportation for each 100 pounds of second-class mail carried. To get at the true proportion of second-class mail and equipment receiving transportation, we can therefore increase the weight of the second-class mail carried by 12.43 per cent. It is noted that the figure of 63.91, on which these figures of cost are reached, was increased by the department, not in the true proportion of 12.43, but in the proportion of 75.67. The correction that obviously should be made in these figures shows that second-class mail and its equipment constitutes 41 per cent of all the mail and equipment carried, and can only be charged with the cost of transportation to that extent.

All costs apportioned on the basis of weight are therefore chargeable against second-class matter in the proportion of 41 per cent, instead of on the basis of 63.91 per cent, as they have been charged by the department.

Committees of the House in recent years, in investigating the operations of the Post Office Department, have commented in serious criticism on the bookkeeping methods of the department. It is astonishing, even in the light of this criticism, that so stupid and stupendous a blunder as this should have been made by the department in their calculations.

THE COST OF HANDLING.

The present demand for increased postage on second-class matter is receiving consideration because of the repeated statement that it costs $64,000,000 more than the Government receives for carrying and handling this class of matter. Of the stupendous loss alleged to be

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sustained by the Government in connection with second-class mail matter, the amount of $21,516,411.55 is said to be for handling, covering items of "compensation of postmasters, clerks, carriers, rentals, miscellaneous, etc." These figures are taken from page 29 of Postmaster General's Report for 1909. The report entered into an explanation of the manner in which this astonishing figure was arrived at, nor could publishers, although they repeatedly asked for information on the subject, learn upon what basis of computation the cost was calculated. The House committee, at the hearings held in the spring of 1910, insisted on having this information, and, after the publishers had been obliged to defend themselves against the charge that they were responsible for any such proportion of the expense of handling, and after the case had been practically closed, the department on January 27, 1910, issued a pamphlet, dated November 1, 1909, in which an explanation was attempted to show how this total of over $21,000,000 was arrived at. This pamphlet appears in the report of the hearings before the Committee on the Post Office and Post Roads of the House of Representatives, 1910, page 118.

On page 127 it is explained that the cost of handling was apportioned on the basis of the number of pieces of the several classes of mail handled. The result they arrived at was astonishing. Matter of the second class (other than that not paid for at all) accounts for 26.61 per cent of the total number of pieces of all kinds of mail. Such mail was charged with 26.88 per cent of the total cost of handling. In other words, piece for piece, it costs more, according to the Postmaster General's calculation, to handle second-class mail than it costs to handle, piece for piece, the rest of the mail.

Let us see how any such result can be possible in the light of an understanding of the manner in which mail of this class is handled. Second-class mail is delivered by publishers to the post office or direct to trains at railroad stations. All classes of mail, other than paid-at-the-pound rate matter and third and fourth class matter paid in a similar way, are stamped at the office of origin. The compensation of postmasters, assistant postmasters, clerks, etc., in which are included the expense of selling and accounting for stamps, is charged against second-class mail in the same proportion by pieces which second-class matter is estimated to bear toward all other classes of mail matter, although no stamps are used. In cities having a free delivery the great bulk of the mail, other than matter of the second class, is collected by carriers from drop letter boxes and substations. Matter of the second class, however, is delivered by the publishers, at their own expense, to the post office or direct to the trains. Matter of other classes has to be handled for the cancellation of stamps. There is no such operation in connection with second-class matter. Matter of other classes is also handled at the office of origin a number of times for separation by States and routes. Of second-class matter only 6.17 per cent was delivered at post offices last year "mixed," that is "received without any separation by States, cities, or routes," and consequently calling for treatment in the office of origin such as is necessary for all other classes of mail. (See report of Second Assistant Postmaster General for year ending June 30, 1910, p. 42.)

Arriving at the office of destination where such office has free delivery, all other classes of mail are delivered by carrier. A very large part of the second-class matter (that addressed to news companies and to news dealers) is called for by the addressees, and is not delivered by carriers at all, eliminating any expense for delivering. Finally, where matter of second-class is delivered at all, it is only taken out by carriers at such times as delivery can be made without detriment to the service in the delivery of other classes of mail. In other words, it is handled purely as a by-product. In view of all these operations necessary in connection with other classes of mail, and which are not performed in the handling of matter in the second class, it is astonishing to find that the handling of second-class matter is claimed to cost more, piece for piece, than for the handling of mail of other classes. The only explanation made by the Postmaster General of this peculiar claim is that certain allowances and deductions had been made in the computation which finally results in this impossible and ridiculous conclusion.

That part of the press of the country which has been promised exemption from any increase in their postage rate has been employed constantly during the last 18 months in advising the people of the country that the Postmaster General's figures are correct, and that the records of the department show that the enormous loss claimed by him in connection with second-class matter is actually incurred; but an analysis of his figures shows that they are not made from the records of the department, but are purely arbitrary conclusions, all apparently designed to justify his previously published statement of the cost incurred in connection with second-class matter. There are no figures or records in the Post Office Department that go to show the cost of transporting and handling second-class matter, as was conclusively proved at the hearings before the Penrose-Overstreet Postal Commission which was authorized by Congress to make inquiry regarding second-class mail matter, and whose findings are reported in House Document No. 608, Fifty-ninth Congress, second session, from which we quote, page XLVII:

"The result is, in short, that the accounts kept by the Post Office Department do not furnish data for any real analysis of its operating expenses. No attempt has ever been made, for example, to classify the charge of compensation to postmasters in such way as to show how much of that charge may reasonably be assigned to the handling of each of the four classes of mail matter involved, although distinct and wholly dissimilar rates are charged for those classes. The same is true of the great item of compensation to clerks. In like manner the books of the department fail to show any method by which the compensation to the railroads for the transportation of the mail, amounting during the year 1905 to $39,384,916.17, and during the year 1906 to $41,141,210.17, can be separated and assigned to the classes of matter making up the body of mail so transported."

RURAL FREE DELIVERY.

The cost of the rural free delivery for the year 1909 was $34,355,209.04. Of this amount $13,821,100.60 has been charged by the department against second-class matter.

Although second-class matter, having the pound rate, constitutes less than 27 per cent of the total number of pieces of all classes of mail, we find it charged with over 40 per cent of the expense of rural free delivery.

It has never been contended that the Rural Free Delivery Service should be self-sustaining. If such were the intention of the Government, it would involve charging the cost of the rural delivery to those on rural free delivery routes. But, then, admitting that the cost of the service ought to be assessed against those mailing matter to be delivered on these routes and not against those to whom delivery of such matter is made, it is obvious that second-class matter is charged with more than its proportion of the cost of the service. It can not be seriously contended that two-fifths of the Rural Free Delivery Service is for the benefit of publishers. It is on this unfair apportionment of the cost that the present demand for increased postage on magazines is largely based.

LENGTH OF HAUL.

The rate of compensation to trunk-line railroads for mail transportation is as low as $19.23¾ annually per daily ton-mile. The rate on feeder lines runs as high as $42.75 annually for 200 pounds daily. This is at the rate of $427.50 annually for a daily ton-mile, which is more than 22 times the lowest rate on trunk lines.

If the average haul on magazines is over 1,000 miles, it is obvious that by far the greater part of this haul is over trunk lines and is paid for at the lowest rate. On these the rate of compensation is less than 5 per cent of the maximum rate.

It has been amply made clear that newspapers can and do distribute their editions to large cities for less than 1 cent a pound by express. The mails are only used by newspapers to reach country points on feeder lines where the department pays the highest rate of transportation.

If we are to discriminate in the rate of postage because of an assumed difference in the cost of transportation, we can not ignore the fact that the hauling of magazines is paid for at the lowest rate, and the hauling of newspapers must, from the nature of the haul, be paid for at a much higher rate.

It is an open question whether the short haul on newspapers does not actually cost more than the long haul on magazines. The difference in the length of the haul certainly furnishes no basis for the proposed difference of 300 per cent in the rate of postage.

THE MANIFEST INJUSTICE OF THE PLAN.

The proposed amendment makes the increase in postage effective July 1, 1911. Publishers have no opportunity to reorganize their business to meet this increased cost, and it is impossible for them to pay the increase out of the proceeds of their business as heretofore conducted.

The change is being made in a manner that will make it most burdensome to everybody affected.

The business of a majority of small publishers will be destroyed; and those who can meet the burden laid on them for the next 12 months will hardly be in better shape. Inasmuch as under the proposed law the increase continues only during the 12 months ending June 30, 1912, publishers can not reorganize their business on a basis that will meet conditions after June 30, 1912, because they do not know whether the old rate will then be restored or whether the proposed rate will be continued by further legislation.

Periodical publishing at present is an important industry, giving employment to hundreds of thousands, and is an important element in the educational progress of the country. The proposed law will reduce an industry to a gamble.

RAILWAY MAIL SERVICE.

The cost of handling second-class matter in the Railway Mail Service is charged by the department at $4,481,072.11. This charge is said to be made on the basis of the handling of the pieces of mail in the Railway Mail Service; but the amount mentioned is 29.7 per cent of the total cost of the Railway Mail Service, although paid at the pound rate, second-class matter constitutes less than 27 per cent of the total number of pieces. This apportionment of the cost is obviously incorrect in the light of the Postmaster's own statement (see Report Second Assistant Postmaster General, 1910, p. 42): "Of these sacks containing second-class matter), 78.78 per cent were fully made up by the publishers and were dispatched intact, 15,05 per cent were partly made up, and 6.17 per cent were mixed—that is, received without any separation by States, cities, or routes."

The fact that second-class matter requires very much less handling than any of the other classes of mail is an established fact and was referred to in the findings of the recent postal commission (see H. Doc. No. 608, 59th Cong., 2d sess., p. 25): "The proportion of equipment to mail is less in the case of second-class than in the case of any other class of matter. This is primarily because second-class matter is to a considerable degree shipped in bulk and 'unworked.'"

Mr. OWEN. I want to say, Mr. President, in brief, that it is conceded that magazines can be shipped 250 miles, from New York to Washington, and distributed at less than 1 cent a pound, which is the present rate. The evidence of that is that the magazines do not use the postal service at all for such distribution, because they find it more economical to have their own distribution by private sources. What answer is there to that? None whatever. If it took four times as much on a haul four times as long (which it does not), the cost would not be as much as 4 cents.

But I want to call the attention of the Senate as to how the magazines can be economically distributed under a reasonable and common-sense system. The ordinary cost of transporting freight is half a cent a ton a mile or half a cent a pound for 2,000 miles. To transport a ton of freight 2,000 miles would cost only two-quarters of a cent a pound. It costs only a quarter of a cent a pound to transport a pound of freight 1,000 miles. If the Government of the United States would require the magazines by a fixed date to deliver their publications in bulk and send this matter by fast freight in steel cars, they could send the magazines 1,000 miles in a few days. It does not take very many days, with a fast-freight arrangement properly made, and it can be done cheaply, at approximately a quarter of a cent a pound, to transport such matter for 1,000 miles.

I have but little patience with the department undertaking to argue that it costs 5 cents to transport second-class matter or 9 cents to transport and distribute it. I think there is no just foundation for those figures. There is no answer that is at all adequate. The cost of transporting is easily ascertainable, and while I have given the low average cost of the average haul of freight, it is obvious that it could be multiplied three times and still be within a reasonable cost.

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I regard the magazines as one of the very greatest educational forces in the Republic. Millions of people read their delightful, charming, beautiful, and instructive pages. Even their advertisements are fascinating and of great educational and commercial value. In spite of some of the muckraking articles, which I think have been improvident and unjust and unfair, indulged in by excessive zeal, and inspired perhaps by unworthy suspicion, yet, take the magazines as a whole, and they have been wonderfully serviceable in instructing the people of the United States in the merits and weaknesses of their own Government and in the affairs of their own municipal, State, and National Government, and teaching the American people how to govern themselves. They have had no proper hearing. They are entitled to infinite credit. They have shown, however, beyond any question, by their memorials, that if this proposed rate were put into effect it would put out of business all the weaker magazines and greatly injure the strongest magazines in the list.

I am not going to repeat their arguments, because I have put them in the RECORD. Let that suffice. I do not desire to detain the Senate at this late hour, and for that reason I shall leave the matter, with the observation, that if the Administration had presented the matter to Congress by a suitable message after having given a fair hearing to the periodical publishers; if the periodical publishers had been heard before the House committee or had been granted a fair hearing there; if they had been granted a hearing before the Senate committee, this proposal would not seem so inconsiderate and unjust.

But this piece of proposed legislation comes here without these reasonable safeguards and is reported as an item on an appropriation bill in violation of the rules of the Senate and of the Constitution of the United States, which forbids the Senate to originate a revenue bill (and this item to raise $6,000,000 by taxing the magazines to this extent by raising the tax rate on them is a revenue bill). It comes in secretly and surreptitiously, and is a legislative trick that is discreditable to the officers who have attempted this breach of a square deal and failed in it.

Mr. STONE. Mr. President, may I ask the Senator from Pennsylvania a question?

Mr. PENROSE. Certainly.

Mr. STONE. I have an impression here from Senators about me that it is the intention of the Senator from Pennsylvania in charge of this bill to withdraw this amendment. If that is so I should like to know it, and if it is not so I desire to submit some observations in opposition to the amendment.

Mr. PENROSE. The Senator from Missouri is correct. I stated at the opening of the discussion that I intended to withdraw the amendment.

Mr. CLAPP. Mr. President, before the Senator withdraws the amendment, would he pardon an interruption?

Mr. PENROSE. Yes.

Mr. CLAPP. I had intended to offer some remarks upon this subject, but as the amendment is to be withdrawn I do not care to take the time of the Senate; but in answer to the argument made by the Senator from Montana [Mr. CARTER], I ask leave to insert in the RECORD the matter which I send to the desk.

The VICE PRESIDENT. Without objection, permission is granted.

The matter referred to is as follows:

AN ANSWER TO POSTMASTER GENERAL HITCHCOCK'S PAMPHLET, "PERIODICAL PUBLICATIONS MAILED AS SECOND-CLASS MATTER" (S. DOC. NO. 820).

Postmaster General Hitchcock in describing the provisions of the Senate admendment increasing postal rates on magazine advertising says (3d line, 2d paragraph, page 3), "this increase does not apply on newspapers."

This leaves it to the Postmaster General to decide what is a newspaper. A monthly like the Review of Reviews or a weekly like the Literary Digest, publishing no fiction or anything but current news and information on public affairs, ought certainly to be considered as newspapers when compared with the great budget of very "popular stories," comic supplements, and the whole "magazine" full of cheap fiction, art, and miscellany that make up the Sunday editions of the daily papers.

But the important point is that this Senate amendment to the appropriation bill would give the power of life and death over the periodicals to the Postmaster General, an administration official in charge of the political machinery of his administration. He could say, "this periodical is a newspaper, let it live; that periodical is not a newspaper, let it die," as he desired or found expedient. There is no definition of a newspaper, as distinguished from another periodical, to govern the department. Mr. Overstreet and the department use the phrase in many of their official documents, "newspapers or other periodical publications."

There will be no one to distinguish between a newspaper, which is itself a periodical, and the "periodicals" on which the postal increase is laid, except the Postmaster General. And the Postmaster General's decisions will be subject to reversal with changes of political administration. A Republican Postmaster General could let certain periodicals live. A Democratic Postmaster General could let other periodicals live.

As far as concerns the justness of separating what is ordinarily in the public mind known as a newspaper from the magazines and levying this increase on the magazines, Postmaster General Hitchcock gives reasons elsewhere: First, that magazines carry more advertising than newspapers; second, that it costs the department, on account of the difference in the length of haul, 5 cents to transport magazines and only 2 cents to transport newspapers.

First: Magazines do not carry more advertising than newspapers. By actual measurement it is found that newspapers carry about 4 per cent more advertising in proportion to reading matter than magazines.

Second: Accepting, for argument, Postmaster General Hitchcock's amazing figures of 5 cents a pound for transporting—that is, hauling—magazines, as against 2 cents for hauling newspapers, and looking at the other items of cost, the handling cost, it is found that newspapers, on account of the much greater number of pieces to the pound, cost the Post Office Department, on Postmaster General Hitchcock's own figures, and by his own methods of figuring and the apportionment methods described by him, 6.75 cents to handle, as against 1.4 cents to handle magazines. And yet the Postmaster General says magazines cost the department more than newspapers, citing only the one element of cost in which they may cost more, and entirely ignoring the larger element of cost, in which they certainly cost the department, according to his own methods of apportioning expenses, less than one-fifth as much as newspapers per pound.

When it is considered that according to Postmaster General Hitchcock's figures only 20.23 per cent of all second-class mail is made up of magazines, while 55.73 per cent of all second-class mail is made up of newspapers, the injustice of this singling out of the magazines for a higher postal rate will be still more obvious.

Postmaster General Hitchcock says in the third paragraph that the net effect of the proposed increased postal rate on advertising will be to "advance the postal rate for second-class matter as a whole about 1 cent, making the second-class rate 2 cents a pound instead of 1 cent, as at present. In view of the fact that it costs the Government about 9 cents a pound to handle and transport this class of mail, the proposed increase is an exceedingly moderate one."

The Postmaster General can not have read the second-class rate amendment carefully. It provides that the 4-cent rate apply on all "sheets" of periodicals on which advertising is printed. This would mean, or at least the amendment says plainly and literally, that in the publications of the largest circulation, like the Saturday Evening Post, Collier's, Literary Digest, Ladies' Home Journal, Delineator, Woman's Home Companion, and others, the 4-cent rate would apply on practically the whole periodical. For there are few "sheets" in such publications on which advertising is not printed, and it would affect the whole business scheme of such publications to rearrange the format.

Again, in this quoted paragraph of Postmaster General Hitchcock, he says that the effect of an increase from 1 cent to 4 cents a pound on magazine advertising "would be to advance the postage rate for second-class matter as a whole about 1 cent, making the second-class rate 2 cents a pound, instead of 1 cent a pound, as at present."

This is an astounding error, as magazines constitute, according to Postmaster General Hitchcock, only 20.23 per cent of "second-class matter as a whole," and he figures here on the basis of magazines constituting 100 per cent of all second-class mail.

The last statement in this paragraph is that "it costs the Government about 9 cents a pound to handle and transport this class of mail." No one knows what the true cost is, and it would take months of investigation by expert accountants, with full and free access to all the operations of the Post Office, to find out the true cost even if there should be an adequate system of bookkeeping installed. But the statement of the Postmaster General, often repeated, that the cost is 9.23 cents a pound, comes to be absurd when the fact is known that publishers of magazines, with sufficient circulation to justify the system, send their periodicals to Canada and distribute them there to subscribers at a total cost for transportation, handling, and delivery of less than 1 cent a pound, with a railroad haul of over 550 miles.

In the last paragraph, on page 3 of the Postmaster General's statement, he questions the truth of the publishers' statement that this proposed postal rate on advertising would drive many of the popular magazines out of existence. He questions the truth of this statement of the publishers about their own business on the ground of the "tremendous profits from the vast amount of high-priced advertising they carry."

From actual figures of the net profits of the popular standard magazines carrying the largest amount of advertising in 1909, Everybody's, McClure's, Review of Reviews, Cosmopolitan, American, figures of net profits sworn to and on record in the Department of Commerce and Labor, it is found that the proposed increase would absorb 81.8 per cent of the net income of their properties. These are the five standard magazines carrying the most advertising. How about the average magazine? How about the struggling magazine, if the five "leaders" in advertising patronage would lose 81.8 per cent of their entire net income?

Moreover, the figures in this exhibit that refer to the postage calculation paid by publishers and the resulting loss from increased postage do not begin to state the complete payments and losses of the publishers. They apply only to copies mailed by the publishers themselves, on which accurate figures are quickly obtainable. They take no account of the news-stand copies, mailed at the second-class rates by the news companies of the country. The news-stand edition, in the case of two of these five leading magazines, is larger than the editions mailed direct to subscribers.

Postmaster General Hitchcock's profound ignorance concerning the relation of magazine advertising to magazine profits is shown by the fact that although these magazines received in 1909, $2,463,940.39 for advertising, the aggregate of their net incomes was only $230,734.57—less than one-tenth of their advertising receipts.

Postmaster General Hitchcock proceeds in the first and second paragraphs on page 4 to cite a recent increase of advertising rates of a certain magazine, and to consider, and use in figuring, as net profits the total amount of advertising it carries for the year.

(It is of incidental interest, in showing the partisan attitude of the Postmaster General, that in calculating the total amount of advertising received by this publication, he takes the number of lines actually printed in this weekly's richest advertising season, ignoring the fact that in the summer this periodical is sometimes published at a loss, and makes an estimate of its advertising patronage for the whole year on the basis of what it received in the months when advertising is at its height.)

But the gigantic error of the Postmaster General in calculating the additional income from advertising for this weekly resulting from its increased advertising rate, and assuming that this increased income is all profit, arises from the Postmaster General's total ignorance of the

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about the conditions with reference to these cars. A certain publication in the western part of the country, edited by a discharged employee of the postal service, has contributed very largely to the exaggerated accounts of these evils, and yet it will be admitted that they exist to a considerable extent and should be remedied. I sincerely hope that the Senate will adopt the committee amendment.

Mr. BANKHEAD. Before a vote is taken, I wish to say one word in reference to this amendment of the committee. This amendment perhaps was considered more carefully than any other or all other amendments pending before the committee. It was demonstrated beyond any doubt whatever that a railroad train could not be operated under the provision of the House. This amendment, inserted by the committee, was prepared by the Postmaster General and his experts, who are supposed to have perfect and complete knowledge of this subject, and who desire, beyond all question, to bring about the reform sought by the amendment.

Now, then, if the Post Office Department, which has charge of this matter and which is certainly very deeply interested in bringing about the reforms that are contemplated, have carefully investigated it from every viewpoint and they are satisfied that the results sought will be obtained by the amendment offered by the committee, it seems to me that the Senate ought to adopt it.

Mr. CUMMINS. I should like to ask the Senator from Alabama a question if he will permit me.

Mr. BANKHEAD. Certainly.

Mr. CUMMINS. What particular part of the House provision makes it impracticable to operate a train under it?

Mr. BANKHEAD. I will endeavor to answer that the best I can. I myself am not an expert railroad man, but it was shown, as I have said, to the satisfaction of the committee that, owing to the construction of depot facilities and the location of the terminals where mails were delivered and where express was delivered and all the other post-office freight or baggage or whatever it is, it could not be delivered from a postal car under the provisions of the bill without making at least two or three stops in approaching the station—first to run past and deliver the mails in case they should be behind, as required by the House provision if they were not steel cars, and then to run back again in order that the passengers from the train might be discharged, and run back again and stop for the purpose of receiving the mails and express and all that sort of thing. That was the reason, among a great many others, why it was believed by the committee that the House provision would not permit the successful operation of a train.

Another reason, Mr. President, perhaps, that may have had some influence is that if a mail car, under the provisions of that amendment, is carried at the rear of a train it obscures, of course, all observation facilities that all first-class passenger trains carry on their fast trains. There are a great many reasons if the matter was thoroughly understood. As we thought we understood it when we adopted this amendment, it is not practicable to operate successfully a fast mail train under the provisions of the House. As stated by the chairman, this provision was never considered by the Committee on the Post Office and Post Roads in the House. It was adopted on the floor of the House without investigation, without discussion, and it was quite impossible, I think, that the House could have understood as well as those who made an investigation as to what the effect would be.

Mr. CUMMINS. I am unable to discover in the statement just made by the Senator from Alabama any reason for the suggestion that it would be impossible for a railway company to operate its trains under these provisions. I assume that what he means is the following proviso:

And provided further, That hereafter no part of this appropriation shall be paid for rental of any wooden mail car placed in any train composed partly of steel cars unless such wooden mail cars are behind all such steel cars.

It is very far from impracticable when it will be remembered that it is entirely feasible for the railway company to have its mail cars in that particular train all constructed of steel. This is intended to compel the railway companies to adopt steel mail cars just as they are adopting as fast as they can, I think, steel cars for all purposes.

We heard the same objection exactly when it was proposed to require them to equip their freight trains with the automatic coupler. We heard the same objection when it was proposed to compel them to equip their freight trains with the air brake. I do not wonder that the railway companies object to a provision of this sort. It is another and indirect regulation of the operation of railways. It is intended to promote the safety and preserve the lives of the people, and there never was a time when the railway companies were willing to accept the regulation. If it is proposed here to require them to use nothing but steel cars after a period of five years it is natural that they should protest against it, but it is vastly more important that we preserve, so far as we can, the lives of these faithful men, who are every day at the hazard of the most perilous occupation known to man, than it is that the convenience and even the profit of the railway companies shall be preserved.

I do not doubt that the Post Office Department is doing all it can. I made no suggestion that it was careless or indifferent of the lives of its employees. I have no doubt that from the head of the department to its most subordinate official there is nothing but solicitude for those who are employed in this service. But without some such mandatory provision as this the reform I have indicated will not be instituted. However, if this provision of the House is adopted you will very shortly see steel mail cars, and nothing but steel mail cars, in the service of the United States.

Mr. PENROSE. I ask unanimous consent to insert in the RECORD a communication from the Postmaster General strongly urging the committee amendment instead of the House provision.

The VICE PRESIDENT. Without objection the request is granted.

The communication referred to is as follows:

OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., February 2, 1911.

Hon. BOIES PENROSE,
Chairman Committee on Post Offices and Post Roads,
United States Senate.

MY DEAR SIR: I have the honor to report, as requested, upon the proposed amendment submitted at the hearing before your committee yesterday with reference to steel railway post-office cars in the service. The proposed amendment reads as follows:

"For railway post-office car service, $5,010,000: *Provided*, That no part of this amount shall be paid for use of any car which is not equipped with sanitary drinking-water containers and toilet facilities, nor unless such car is regularly cleaned and sound in material and construction: *Provided further*, That after the 1st of July, 1911, no pay shall be allowed for the use of any wooden full railway post-office car unless constructed substantially in accordance with the most approved plan and specifications of the Post Office Department for such type of cars, nor for any wooden full railway post-office car run in any train between and adjoining steel cars or between the engine and a steel car adjoining, and that hereafter additional equipment accepted for this service shall be of steel construction or other noncombustible material, or with steel underframe, if used in a train in which a majority of the cars are of like construction. This provision, however, shall not affect the acceptance of equipment now under contract for construction for this purpose, the plans and specifications for which have been approved by the Post Office Department: *And provided further*, That after July 1, 1916, the Postmaster General shall not approve or allow to be used or pay for the use of any full railway post-office car not constructed of steel or other noncombustible material, or with steel underframe, if such post-office car is used in a train in which a majority of the cars are of steel or steel underframe construction.

"*Provided further*, That the Postmaster General may, upon the application of any railroad company and for good cause shown after hearing, extend the time for compliance by such company with the foregoing provisions, the order for such extension of time to prescribe the period within which compliance shall be made."

In its essential features it is apparently intended to express the substance of the recent orders given by the department with respect to the use of wooden cars in trains in which steel cars are operated and the requirement of steel cars or steel underframe cars under certain conditions to fill new authorizations. Furthermore, it recognizes the steel underframe car, which is not recognized in the provision of the House bill and which the officers of the department at present believe is a suitable car for operation in trains carrying steel equipment or steel underframe equipment, and for which there is some claim of advantage over the all-steel car for operation in sections where the heat of summer is great. It may be further said that in the development of the construction of steel cars some large systems have adopted to a considerable extent the steel underframe type and it has proved to be very satisfactory. It would therefore seem unwise at this time to limit by legislation the use of railway post-office cars to those constructed entirely of steel.

There is one provision of the proposed amendment which is clearly inadvisable. It reads as follows:

"This provision, however, shall not affect the acceptance of equipment now under contract for construction for this purpose, the plans and specifications for which have been approved by the Post Office Department."

This follows the provision with respect to the character of wooden cars acceptable and to the position of wooden cars in a train with respect to steel cars after July 1, 1911. The effect of it, therefore, would be to nullify those provisions so far as concerned all cars which any company might claim it had contracted for and which were being constructed in accordance with any plans which have been approved by the department, and this would hold good even though the department had not authorized any service for which the cars were being constructed, although the construction was not in strict accordance with the latest and most approved plans of the department. Consequently, notwithstanding the prohibition that after July 1 next no wooden car, excepting those constructed on the most approved plans, will be paid for, and that no wooden car run in a train between steel cars or the engine and a steel car will be paid for, any car that may have been contracted for by a company and built in accordance with any plan heretofore approved, though not the latest, would have to be accepted by the department notwithstanding its inferior type, and might be run in a steel train and placed in any position without respect to contiguous steel cars, and entitle the company to pay therefor. I do not think the authors of the amendment intended any such a result, but it would inevitably follow. They have transposed the paragraph referred to from the provision in the House bill, but its connection and application have

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been entirely changed. In the House bill it qualifies the requirement that hereafter all additional equipment accepted by the department shall be of steel. In the proposed amendment it qualifies a different requirement, as stated above.

This provision should therefore be omitted from the proposed amendment. Its effect would be bad and it can accomplish nothing desirable.

The SECRETARY. The next amendment passed over is on page 22, after line 19, to insert:

And the Postmaster General in cases of emergency, between November 15 and January 15 of any year, may hereafter return to the mails empty mail bags theretofore withdrawn therefrom as required by law, and for such times may pay for their railroad transportation out of the appropriation for inland transportation by railroad routes at not exceeding the rate per pound per mile as shown by the last adjustment for mail service on the route over which they may be carried, and pay for necessary cartage out of the appropriation for freight or expressage.

The amendment was agreed to.

The SECRETARY. The next amendment passed over is on page 23, to strike out lines 5 to 25, inclusive, and insert the following:

For railway post-office car service, $5,010,000: *Provided*, That no part of this amount shall be paid for the use of any car which is not sound in material and construction, and which is not equipped with sanitary drinking-water containers and toilet facilities, nor unless such car is regularly and thoroughly cleaned: *Provided further*, That after the 1st of July, 1911, no pay shall be allowed for the use of any wooden full railway post-office car unless constructed substantially in accordance with the most approved plans and specifications of the Post Office Department for such type of cars, nor for any wooden full railway post-office car run in any train between adjoining steel cars or between the engine and a steel car adjoining, and that hereafter additional cars accepted for this service shall be of steel, or with steel underframe, if used in a train in which a majority of the cars are of like construction: *Provided further*, That after the 1st of July, 1916, the Postmaster General shall not approve or allow to be used or pay for any full railway post-office car not constructed of steel or with steel underframe, if such post-office car is used in a train in which a majority of the cars are of steel or of steel underframe construction: *And provided further*, That the Postmaster General may, upon the application of any railroad company and for good cause shown, extend the time for compliance by such company with the foregoing provisions, the order for such extension of time to prescribe the period within which compliance shall be made.

The VICE PRESIDENT. The question is on agreeing to the amendment, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. NIXON (when his name was called). I am paired with the junior Senator from South Carolina [Mr. SMITH]. I do not know how he would vote; therefore I withhold my vote.

Mr. RICHARDSON (when his name was called). I am paired with the senior Senator from Maryland [Mr. RAYNER].

The roll call was concluded.

Mr. OVERMAN. I was requested to announce the pair of the senior Senator from Maryland [Mr. RAYNER], who is unavoidably detained from the Senate. He is paired with the junior Senator from Delaware [Mr. RICHARDSON].

The result was announced—yeas 64, nays 13, as follows:

YEAS—64.

Bacon	Depew	McCumber	Smith, Md.
Bailey	Dick	Martin	Smith, Mich.
Bankhead	Dillingham	Money	Smoot
Bradley	du Pont	Nelson	Stephenson
Brandegee	Fletcher	Oliver	Stone
Briggs	Flint	Overman	Sutherland
Bulkeley	Foster	Owen	Swanson
Burnham	Frazier	Page	Tallaferro
Burrows	Frye	Paynter	Taylor
Carter	Gallinger	Penrose	Thornton
Chamberlain	Gamble	Percy	Tillman
Clark, Wyo.	Guggenheim	Perkins	Warner
Clarke, Ark.	Heyburn	Piles	Warren
Crane	Johnston	Root	Watson
Culberson	Kean	Scott	Wetmore
Curtis	Lodge	Simmons	Young

NAYS—13.

Borah	Burkett	Dixon	Shively
Bourne	Clapp	Gore	
Bristow	Crawford	Gronna	
Brown	Cummins	Jones	

NOT VOTING—14.

Aldrich	Davis	Newlands	Smith, S. C.
Beveridge	Hale	Nixon	Terrell
Burton	La Follette	Rayner	
Cullom	Lorimer	Richardson	

So the amendment was agreed to.

The VICE PRESIDENT. The next amendment passed over will be stated.

The SECRETARY. On page 30 the Senate passed over the paragraph embraced in lines 10, 11, 12, and 13, as follows:

For manufacture of stamped envelopes and newspaper wrappers, $1,523,000.

There are two amendments in the paragraph reported. In line 11, before the word "hundred," the committee propose to strike out "five" and insert "eight;" and in line 12, after the word "dollars," to insert "of which the sum of $400,000 shall be immediately available," so as to make the paragraph read:

For manufacture of stamped envelopes and newspaper wrappers, $1,823,000, of which the sum of $400,000 shall be immediately available.

Mr. CLAPP. I asked to have the amendment passed over, expecting to offer an amendment, but I can offer it just as well in the Senate, so I withdraw the request.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

The SECRETARY. On page 31, the Senate passed over an amendment proposing to insert lines 6 to 13, inclusive, which read:

That the Postmaster General is hereby authorized to indemnify the senders or owners of third and fourth class domestic registered matter lost in the mails, the indemnity, which shall be paid out of the postal revenues, not to exceed $25 for a single piece of registered matter or the actual value thereof if less than $25: *Provided*, That no indemnity shall be paid if the loser has been otherwise reimbursed.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

The SECRETARY. Another amendment passed over is on page 32, the committee amendment beginning with line 4, which reads:

And provided further, That all moneys now in the hands of officers and agents of the Post Office Department and all moneys hereafter recovered, collected, or received from any source on account of the loss of registered mail of any kind, either foreign or domestic, shall be deposited in the Treasury for the service of the Post Office Department; and an account is hereby created, to be denominated "Indemnity for lost registered mail," which shall be credited with all such deposits. All appropriations made for the payment of indemnity for the loss of registered mail, either foreign or domestic, and all moneys deposited as herein provided for, shall be available until expended, without regard to fiscal years, for the payment of indemnity for lost registered mail, either foreign or domestic, and for the reimbursement to the owners of the moneys to which they are entitled.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

The SECRETARY. The next committee amendment passed over is on page 35, to strike out from line 5 down to and including the word "dollars," in line 18, and in lieu thereof to insert:

For pay of rural letter carriers, substitutes for rural letter carriers on annual leave, clerks in charge of rural stations and rural branch post offices, tolls and ferriage for rural letter carriers, and for inland transportation by star routes (excepting in Alaska), including temporary service to newly established offices, $49,907,000.

Mr. CURTIS. Mr. President, I made a point of order against that amendment, but since making it I have talked with the Postmaster General and with members of the committee, and after the conference I feel as though I ought to withdraw the point of order. The fear I had was that the authority contained in the amendment will enable the department to establish star routes instead of rural free-delivery routes. If some member of the committee will explain the intent of the amendment, I will consent to withdraw the point of order.

Mr. CARTER. Mr. President, the purpose of this amendment is to facilitate the business of two lines of the service that become commingled in the very nature of things. The star-route service is let by contract. The star-route service has been curtailed from time to time as years have gone by through the construction of railroads and the employment of the Rural Free Delivery Service. The department for many years has been abridging the star-route service by the extension of the Rural Free Delivery Service here and there. Here and there, however, there occurs a situation where it is preferable to utilize a star route or the contract rather than the Rural Free Delivery Service; as, for instance, two towns are 25 miles apart. A stage line may be established between the two. The stage company can carry passengers; they can carry express matter and accommodate the public in a general way and manner that the Rural Free Delivery Service can not under existing conditions. Under such circumstances the mail service could be rendered more economical and efficient by employing the contract or star-route system, and in that case, should this amendment be adopted, it would be employed. The rural free-delivery carrier would also get rid of the star-route service. Therefore, taking all in all, the probabilities are that the Rural Free Delivery Service will continue to encroach in the future as in the past upon the domain of the star-route service. Those who apprehend any absorption of the Rural Free Delivery Service by the star-route service may as well have those apprehensions quieted at once. The trend is in the other direction.

Mr. CURTIS. Then, Mr. President, I understand it to be the purpose simply to carry out the policy of the department consolidating the two plans?

I would say, as I understand the statement of the Senator from Montana [Mr. CARTER], the purpose is to make the appropriations so that these two branches may be carried under the Fourth Assistant Postmaster General, and that it is not the intent of the amendment to authorize generally the substitution of the star-route service for the Rural Free Delivery Service, but that the rural routes will continue to be established when petitioned for, instead of star routes, whenever it is thought

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will last only a year. Upon any disposition shown to abuse the discretion here given Congress, of course, can withdraw the authority.

Mr. JOHNSTON. I wish to make a suggestion which, if adopted by the chairman of the committee, will, I think, quiet the apprehensions of the gentlemen on this side. It is undoubtedly the fact, as I understand it, that this will be beneficial in the economical administration of the Post Office Department. I suggest to the chairman of the committee that he let the amendment stand as it is, and add to line 25, after the word "dollars," the words "of which sum not more than $7,117,000 shall be used for star routes."

Mr. PENROSE. Mr. President, I will accept the amendment.

Mr. JOHNSTON. That will absolutely prevent an increase of the star routes.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. After the word "dollars," in line 25, on page 35, it is proposed to insert "of which sum not more than $7,117,000 shall be used for star routes."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next committee amendment passed over was, on page 36, in line 2, after the word "substations," to strike out "*Provided further*, That on and after July 1, 1911, letter carriers of the Rural Delivery Service shall receive a salary not exceeding $1,000" and insert:

And provided further, That letter carriers of the Rural Delivery Service shall be paid on the following basis: Not exceeding $1,000 per annum on a route of not less than 24 miles in length, and a proportionate amount on a route less than 24 miles in length, emanating from a post office of the first class; not exceeding $975 per annum on a route not less than 24 miles in length, and a proportionate amount on a route less than 24 miles in length, emanating from a post office of the second class; and not exceeding $950 per annum on a route not less than 24 miles in length, and a proportionate amount on a route less than 24 miles in length, emanating from a post office of the third or fourth class.

Mr. CURTIS. I make the point of order against that amendment that it is general legislation.

The VICE PRESIDENT. The point of order is sustained.

The Chair desires to say that regulating compensation or fixing salaries is a legislative act. To provide for the payment of salaries an appropriation is needed. That, the Chair thinks, is the distinction between this provision and the one on the former page. This is clearly a legislative provision fixing salaries, and therefore is obnoxious to the rule which provides that the Senate can not in an appropriation bill resort to general legislation.

The Secretary will state the next committee amendment passed over.

The SECRETARY. On page 37, beginning in line 23, the committee reported an amendment, to insert the following clause:

That the Postmaster General is hereby directed to ascertain by such investigation or experiment as is found necessary, and to report to Congress at its next regular session, the lowest rates of postage at which the Post Office Department can carry by mail, without loss, parcels not exceeding 11 pounds in weight; and the sum of $50,000 is hereby appropriated to cover any expenses incurred hereunder, including compensation of temporary employees.

Mr. BAILEY. Mr. President, against that provision I made the point of order last night. The Chair then rather indicated that he did not think the point of order was well taken. I hope that upon further reflection——

The VICE PRESIDENT. The Chair hardly sees how he could have so indicated, now that he reads the provision.

Mr. BAILEY. I made the point of order and, I repeat, the Chair rather indicated his disagreement with my view. Then I said I would let the matter pass until we disposed of the uncontested portions of the bill.

I think the amendment is obnoxious in two respects. First, I do not think it is germane, and for that reason I make the point of order.

The VICE PRESIDENT. The Senator has reference to that portion of the amendment from line 10 on?

Mr. BAILEY. No; to the amendment beginning in line 23, on page 37, down to and including the word "employees," in line 5, on page 38. The provision beginning in line 10, on page 37, the Chair very promptly and very properly held to be subject to the point of order.

The VICE PRESIDENT. That was the provision the Chair was looking at.

Mr. BAILEY. That was disposed of under the ruling by the Chair. I think it perfectly clear that the provision now under consideration is general legislation. It confers a power on the Postmaster General which he does not now possess; it appropriates money from the Public Treasury to execute that power, and, it seems to me, is independent of and wholly unrelated to any provision of the bill to which it would be germane.

The VICE PRESIDENT. If the Senator from Texas raises the question of germaneness, of course, that must be submitted to the Senate, but, aside from that, the Chair thinks that as the amendment is presented it is obnoxious to the rule, and the Chair sustains the point of order.

Mr. BAILEY. Then the other point is wholly immaterial.

The VICE PRESIDENT. Very well. The Secretary will state the next amendment passed over.

The SECRETARY. At the bottom of page 38 the committee reported an amendment to insert a new section, to be known as section 4, as follows:

SEC. 4. That any post-office inspector or other representative of the Post Office Department, commissioned by the Postmaster General, or any postmaster, assistant postmaster, or superintendent of a post-office division, branch office, or station, may administer oaths and take affidavits, without fee, in connection with any business relating to the postal service.

Mr. STONE. Mr. President, I desire to make a point of order against that amendment.

The VICE PRESIDENT. The point of order is sustained. The committee amendments are completed. Are there other amendments?

Mr. CARTER. I offer the amendment I presented on yesterday, to be inserted at the appropriate point. I presume the lines are somewhat disturbed by the insertions which have been made.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 19, after line 19, it is proposed to insert:

A commission, to be appointed by the President of the United States, is hereby authorized to investigate and advise the Postmaster General as to the feasibility and desirability of the Government purchasing and operating the equipment for pneumatic-tube service in the cities where such service is now installed, together with the right to operate and extend equipment in such cities and elsewhere, and to ascertain the cost of installation, maintenance, and operation, and the cost at which such purchase may be made. The expenses of such inquiry shall be paid from the appropriation for service by pneumatic tubes, and the Postmaster General shall make a report, with recommendations, to Congress at the earliest practicable date.

Mr. BRISTOW. Mr. President, I hope the Senator will withdraw that amendment.

Mr. CARTER. Mr. President, I will not detain the Senate long in explanation of this item.

Mr. BRISTOW. I make the point of order against the amendment.

Mr. CARTER. The department has recommended it.

The VICE PRESIDENT. The Chair understood the Senator from Kansas to yield the floor. The Chair will recognize the Senator in a moment to make the point of order.

Mr. BRISTOW. I make the point of order that it is general legislation.

The VICE PRESIDENT. The Chair has stated that the Chair understood the Senator had yielded the floor to the Senator from Montana, who had begun to discuss the proposed amendment. The Chair will later recognize the Senator from Kansas to make the point of order.

Mr. BRISTOW. I make the point of order that the amendment is general legislation.

The VICE PRESIDENT. The Chair will later recognize the Senator to make the point.

Mr. BRISTOW. I did not know that I had yielded the floor.

The VICE PRESIDENT. The Chair understood the Senator had, though perhaps the Chair was in error.

Mr. BRISTOW. I did not intend to yield the floor.

The VICE PRESIDENT. The Chair will recognize the Senator on the point of order.

Mr. CARTER. Mr. President, the department has recommended the insertion of this paragraph in the appropriation bill. In the cities of Boston, Philadelphia, New York, Brooklyn, St. Louis, Chicago, and, perchance, one or two others, pneumatic-tube service has been installed. It is conceded, I believe, that this service is now a monopoly under the control of one central company. The service can not very well be dispensed with. In the city of New York it has become a necessity.

Mr. BRISTOW. Mr. President, I dislike very much to enter into a discussion on this matter at this late hour in the night; but I must challenge a great many things the Senator is saying in regard to this service. This amendment will lead to a discussion that will last for hours, if the Senator insists upon pressing the amendment.

Mr. CARTER. I will discontinue the explanation in order to get rid of the discussion.

The VICE PRESIDENT. The amendment is withdrawn.

Mr. PENROSE. I offer a verbal amendment. On page 31, line 4, before the word "domestic," I move to strike out the word "first-class." My attention has been called to it by the

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department, and I do not think there will be any objection to the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. OWEN. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 22, after line 9, it is proposed to insert:

That from and after the passage of this act all periodical publications issued from a known place of publication at stated intervals, and as frequently as four times a year, by or under the auspices of a benevolent or fraternal society or order organized under the lodge system and having a bona fide membership of not less than 1,000 persons, or by a regularly incorporated institution of learning, or by a regularly established State institution of learning supported in whole or in part by public taxation, or by or under the auspices of a trades union, and all publications of strictly professional, literary, historical, or scientific societies, including the bulletins issued by State boards of health, shall be admitted to the mails as second-class matter, and the postage thereon shall be the same as on other second-class matter, and such periodical publications, issued by benevolent or fraternal societies or orders, trades unions, strictly professional, literary, historical, or scientific societies, shall have the right to carry advertising matter, whether such matter pertains to such benevolent or fraternal societies or orders, trades unions, strictly professional, literary, historical, or scientific societies, or to other persons, institutions, or concerns; but such periodical publications, hereby permitted to carry advertising matter, must not be designed or published primarily for advertising purposes, and shall be originated and published to further their own objects and purposes, respectively; and all such periodicals shall be formed of printed paper sheets, without board, cloth, leather, or other substantial binding, such as distinguish printed books for preservation from periodical publications: *Provided*, That the circulation through the mails of periodical publications, issued by benevolent or fraternal societies or orders, or by trades unions, strictly professional, literary, historical, or scientific societies, as second-class matter, shall be limited to copies mailed to members, exchanges, and bona fide subscribers, together with 10 per cent of such circulation in addition as sample copies: *Provided further*, That the office of publication of any such periodical publication shall be fixed by the association or body by which it is published, or by its executive board, and such publication shall be printed at such place and entered at the nearest post office thereto.

Mr. KEAN. That sounds to me like a bill extending the 1-cent postal rate.

Mr. OWEN. Mr President, it is the Dodds bill, which passed the House of Representatives unanimously, providing——

Mr. KEAN. It is extending the rate of postage that we have been discussing. I do not think that rate ought to be extended without a readjustment of the whole matter, and therefore I raise the point of order against the amendment that it is general legislation.

Mr. OWEN. Mr. President, just a moment. I should like to have an opportunity to explain the amendment.

The VICE PRESIDENT. Does the Senator from New Jersey withdraw the point of order?

Mr. KEAN. Certainly; I will be glad to do so temporarily.

Mr. OWEN. A bill exactly similar to the amendment has passed the House of Representatives unanimously. It provides that publications of all fraternal and benevolent organizations of the country shall not be subjected to a somewhat harsh rule which has been applied to them, which has prevented their using advertisements in their columns or which has prevented their sending their papers to their own members as subscribers by virtue of membership, unless they have in a formal and deliberate manner subscribed to the publication separately and apart from their membership in the organization. I should like to put in the RECORD the reasons which have been assigned to justify this matter.

The VICE PRESIDENT. Without objection, permission is granted.

Mr. OWEN. This proposed amendment is the same as the Dodds bill, which has already been passed by the House with certain verbal changes, by omitting unimportant words, to make the meaning clearer.

This bill was passed June 6, 1910, by the House of Representatives by a unanimous vote, and I respectfully submit the reasons heretofore prescribed by me in Senate Report No. 1242, part 2.

The amendment of February 25, 1911, proposed to be offered by me, is in substance the Dodds bill in the form of an amendment to H. R. 31539—Post Office appropriation bill.

The matter referred to is as follows:

Provided, That from and after the passage of this act all periodical publications issued from a known place of publication at stated intervals, and as frequently as four times a year, by or under the auspices of a benevolent or fraternal society or order organized under the lodge system, and having a bona fide membership of not less than 1,000 persons, or by a regularly incorporated institution of learning, or by a regularly established State-wide institution of learning supported in whole or in part by public taxation, or by or under the auspices of a trades-union, and all publications of strictly professional, literary, historical, or scientific societies, including the bulletins issued by State boards of health, shall be admitted to the mails as second-class matter, and the postage thereon shall be the same as on other second-class matter; and all such periodical publications shall have the right to carry advertising matter, whether such matter pertains to such benevolent or fraternal societies or orders, trades-unions, strictly professional, literary, historical, or scientific societies, or to other persons, institutions, or concerns; but such periodical publications hereby permitted to carry advertising matter must not be designed or published primarily for advertising purposes, and shall be originated and published to further the objects and purposes of such organizations, respectively; and all such periodicals shall be formed of printed paper sheets, without board, cloth, leather, or other substantial binding such as distinguish printed books for preservation from periodical publications: *Provided further*, That the circulation through the mails of such periodical publications as second-class matter shall be limited to copies mailed to members, exchanges, and bona fide subscribers, together with 10 per cent of such circulation in addition as sample copies: *Provided further*, That the office of publication of any such periodical publication shall be fixed by the association or body by which it is published, or by its executive board, and such publication shall be printed at such place and entered at the nearest post office thereto.

SCIENTIFIC JOURNALS AND POSTAL REGULATIONS.

During the past year many scientific, technical, fraternal, and labor journals have been subject to much inconvenience, owing to recent rulings of the Post Office Department. These rulings practically force all scientific and technical societies and fraternal and labor organizations publishing journals either to omit all advertising from their journals or to give up the right to send their journals to members as one of the privileges of membership. Either of these alternatives would greatly injure these journals and would also seriously hamper these organizations and would cripple the altruistic work which they are endeavoring to do. For the relief of these and other journals similarly published by trades-unions, fraternal organizations, etc., and in order to fix by statute their standing and rights a bill (H. R. 22239) was introduced in the House of Representatives last winter by Mr. DODDS, of Michigan. After repeated and exhaustive hearings this bill was unanimously approved by the House Committee on the Post Office and Post Roads and later passed the House unanimously. (See H. Rept. No. 1437, 61st Cong., 2d sess.) It is now in the Senate, having been referred to the Senate Committee on Post Offices and Post Roads.

The passage of this bill is of the greatest importance to all scientific, fraternal, and labor organizations. In order that a somewhat complicated matter may be better understood, a statement of the present situation and a presentation of the arguments for the passage of the amendment seem advisable.

The subject will be discussed under the following heads:

1. Postal laws regarding second-class publications.
2. Rulings of the Post Office Department regarding second-class publications.
3. Position of scientific publications under present rulings.
4. Reasons why the amendment should pass.
5. Summary.

POSTAL LAWS REGARDING SECOND-CLASS PUBLICATIONS.

There are at present two acts governing the postal privileges of periodicals—one passed in 1879, the other in 1894.

ACT OF 1879.

Section 428, the essential part of the act of 1879, reads as follows:

"The conditions upon which a periodical shall be admitted to the second class are as follows:

"1. It must regularly be issued at stated intervals as frequently as four times a year, and bear a date of issue and be numbered consecutively.

"2. It must be issued from a known office of publication.

"3. It must be formed of printed paper sheets, without board, cloth, leather, or other substantial binding, such as distinguish printed books for preservation from periodical publications.

"4. It must be originated and published for the dissemination of information of a public character, or devoted to literature, the sciences, arts, or some special industry, and having a legitimate list of subscribers: *Provided, however*, That nothing herein contained shall be so construed as to admit to the second-class rate regular publications designed primarily for advertising purposes, or for free circulation, or for circulation at nominal rates."

ACT OF 1894.

In 1894 an amendment, which now forms section 429 of the Postal Laws, was adopted. This section reads:

"SEC. 429. All periodical publications issued from a known place of publication at stated intervals, and as frequently as four times a year, by or under the auspices of a benevolent or fraternal society or order organized under the lodge system, and having a bona fide membership of not less than 1,000 persons, or by a regularly incorporated institution of learning, or by or under the auspices of a trades-union, and all publications of strictly professional, literary, historical, or scientific societies, including the bulletins issued by State boards of health, shall be admitted to the mails as second-class matter, and the postage thereon shall be the same as on other second-class matter and no more: *Provided further*, That such matter shall be originated and published to further the objects and purposes of such society, order, trades-union, or institution of learning, and shall be formed of printed paper sheets, without board, cloth, leather, or other substantial binding, such as distinguish printed books for preservation from periodical publications."

RULINGS OF THE POST OFFICE DEPARTMENT REGARDING SECOND-CLASS PUBLICATIONS.

In a letter to Mr. WEEKS, chairman of the House Committee on the Post Office and Post Roads, dated February 28, 1910, Postmaster General Hitchcock objects to the passage of the Dodds bill and states that the Post Office Department has repeatedly refused to recognize members of societies as "legitimate subscribers," and in support of this statement cites (1) Opinions from J. N. Tyner, Assistant Attorney General, dated October 14, 1890, April 1, 1891, August 16, 1893; (2) section 232 of the Postal Regulations for 1887; (3) letter from J. N. Tyner, dated January 24, 1901; (4) Circular XX, dated December 30, 1901; (5) Circular XXI, dated February 21, 1903; (6) Circular XXV, dated December 16, 1905. As these exhibits evidently constitute the Post Office Department's case, they are entitled to a careful examination, and will be considered in chronological order.

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POSTAL REGULATIONS OF 1887.

From the passage of the law of 1879 to 1890, a period of over 11 years, journals published by organizations and sent to members as one of the privileges of membership were accepted without question as second-class matter. In the letter of the Postmaster General referred to above an effort is made to prove that periodicals published by organizations were never recognized by the Post Office Department as complying with second-class regulations. As evidence of this the Postal Regulations of 1887 are quoted, in which appears a ruling, which reads: "Subscription price * * * will be deemed nominal * * * (3) when the publication is issued for and distributed among the members of a society, organization, or club on the payment of regular dues, with no distinct and sufficient charge for the publication." This quotation is not a part of the law, but is simply an opinion of the Post Office Department as to the meaning of the law; but evidently the post-office officials at that time did not understand paragraph 3 as prohibiting the circulation of journals published by organizations, since no effort was made to enforce this interpretation of paragraph 3 against such journals, and such journals were accepted by the Post Office Department as coming under the law of 1879. In this connection it is significant to note that this is the only reference to the Postal Regulations which the Postmaster General cites as bearing on this point.

OPINIONS OF ATTORNEY GENERAL TYNER.

On October 14, 1890, Mr. James N. Tyner, then Assistant Attorney General, submitted an opinion stating that, under the then existing Postal Laws and Regulations, it was a matter of extreme difficulty to lay down any rule on this point, but suggesting: (1) That the subscription list should show that the publication is taken by the voluntary act of the subscribers; (2) that there should be a distinct subscription price; (3) that such a price should be sufficient to prevent the paper from being classed as one circulated at nominal rates or donated to subscribers.

Another decision of Assistant Attorney General Tyner, dated April 1, 1891, in the case of the Gavel, a fraternity paper, is cited by the Postmaster General in his letter to Mr. Weeks, of February 28, 1910; but in this case, as shown by Mr. Tyner's decision, the paper was not the property of the lodge. Mr. Tyner concludes: "Inasmuch as the order and the paper are two distinct concerns, the member and the subscriber should be equally independent." Obviously, when the paper and the order are not two distinct concerns, but when the paper is owned by the order, Mr. Tyner's decision would not apply. This ruling, therefore, has no bearing on the present situation.

RULING REGARDING ADVERTISING.

On January 24, 1901, the Post Office Department ruled that the clause in the act of 1894, "*Provided further*, That such matter shall be originated and published to further the objects and purposes of such society, order," etc., did not apply to the publication as a whole, but to "the matter contained therein," and that publications containing advertisements in the interest of other persons or concerns than the society, trades union, or institution of learning which such paper represents are not entitled to the privileges of this act. That this interpretation is contrary to the intent of the act of 1894 will be shown later on.

RULINGS OF MR. MADDEN.

On December 30, 1901, the Third Assistant Postmaster General, Edwin C. Madden, ruled that when "the claimed list of legitimate subscribers on which is based an application for entry of a publication to the second class of mail matter under the act of March 3, 1879, is composed entirely or partly of members of the organization publishing the same, whose subscriptions are paid by deducting the subscription price from their membership fees or dues, it is for the present allowed that they may be counted among the legitimate subscribers enumerated in articles 309 and 310, pages 1037–38, of the January, 1901, Postal Guide, provided it be shown that there is a provision of the constitution or by-laws of the organization to the effect that such a part of each member's fees or dues is set aside to pay his subscription," etc. This ruling distinctly admits that members of organizations are "legitimate subscribers" of journals published by such organizations.

On February 21, 1903, Mr. Madden further ruled: "Where the claimed list of legitimate subscribers on which is based an application for entry of a periodical publication of a fraternal society to the second class of mail matter under the act of March 3, 1879, is composed entirely or partly of members of the fraternal society publishing the same and whose subscriptions are made direct by the members of such society or where such subscriptions are paid for from the funds of such fraternal society, which funds are contributed by the members and belong to such fraternal society, it is allowed that such subscriptions are legitimate within the meaning of the law and that they may be counted among and as legitimate subscribers enumerated in Departmental Circular III and section 436 of the Postal Regulations." This ruling confirms the previous one.

CIRCULAR NO. XXV.

On December 16, 1905, on account of the abuse of second-class privileges by publications "which are not in fact newspapers or periodicals; combination advertising circulars clothed with just enough reading matter to appear to be periodicals; house organs and others chiefly designed for advertising purposes and having no legitimate list of subscribers, and others for which no real subscription price is asked," Circular No. XXV was issued, emphasizing the provisions of the law of 1879 regarding a legitimate list of subscribers. This circular was plainly issued for the specific purpose of checking the abuse of second-class privileges by such publications as those enumerated above, which were regarded as "advertising sheets and those sold at a nominal rate or circulated free." As no reference is made in Circular XXV to journals published by fraternal and scientific organizations, it is reasonable to assume that such journals were not considered as belonging to the class of publications referred to in the circular, else they would have been mentioned specifically. The fact that they were not mentioned shows that they were regarded as complying with the requirements of the law. There is nothing in Circular XXV to show that journals published by fraternal and scientific organizations were considered in the preparation of the circular or that the circular in any way referred to such journals.

RULINGS CITED BY POST OFFICE DEPARTMENT DO NOT SUPPORT ITS PRESENT POSITION.

As the rulings given above are the only ones cited by the Post Office Department in defense of its present position, it may be assumed that they are the only rulings on record bearing on these points. According to the Post Office Department's own argument, the ruling of Assistant Attorney General Tyner, in 1890, only applies to journals not owned by the order, but merely used as the official organ. The two rulings of Third Assistant Postmaster General Madden, in 1901 and 1903, distinctly admit that a membership list is a legitimate list of subscribers for a journal owned by the organization publishing it, while Circular XXV, cited by the Post Office Department as bearing on organization publications, was plainly issued for an entirely different purpose, does not, in any place, mention organization publications and consequently has no bearing on the rights of organization publications to second-class rates. The rulings cited by Postmaster General Hitchcock are therefore distinctly in favor of the contention of the organization journals. The passage of the Dodds bill will merely confirm, by statutory enactment, the rulings of Mr. Madden and will perpetuate the conditions which have existed for years.

LATEST RULING ON "LEGITIMATE SUBSCRIPTION LIST."

In the report of the Post Office Department for the year ending June 30, 1909, the Post Office Department "declines to consider as a part of a legitimate subscription list such subscriptions as are made in connection with the payment of dues unless it is made plain to the member that he is given an opportunity to say whether he desires such publication, and in the event of his not desiring it sufficiently to pay therefor his duties will be diminished by the amount of the subscription price of the publication." This ruling is responsible for the present situation.

POSITION OF ORGANIZATION PUBLICATIONS UNDER PRESENT RULING.

A periodical published by a professional, fraternal, literary, historical, or scientific society, or trades-union must, at present, enter either under the act of 1879 or that of 1894. If it enters under the act of 1879, the membership list of the organization can not, under the present ruling, be regarded as a "legitimate" list of subscribers, but each member must be given the opportunity to say whether he desires such a publication and, in the event of his not desiring it sufficiently to pay therefor, his dues must be diminished by deducting the subscription price of the publication. This ruling is entirely different from that of Mr. Tyner in 1890, which related entirely to subscription. The present ruling of the Post Office Department attempts to dictate to organizations under what conditions they shall accept members and how the dues of the society shall be paid. Under this ruling a journal published by an organization can not be sent to all members as one of the privileges of membership, but each individual member who so desires must subscribe for the journal separately. If he does not wish the journal he can decline to receive it and can refuse to pay the amount of his per capita subscription assessment. The organization is denied the right to fix its own dues and each member is given the privilege of paying so much of the dues as he may see fit.

If, on the other hand, the journal desires to enter under the act of 1894, it can not, according to present rulings, carry any matter, either advertising or reading matter, that it is not directly intended to further the object and purposes of the order, as interpreted by the officials of the Post Office Department.

NAMES OF JOURNALS AFFECTED BY THIS RULING.

The following are some of the scientific and technical journals affected by the ruling of the Post Office Department cited above:

	Date of entry.
American Journal of Archæology	1898
American Journal of Anatomy	----
Advocate of Peace	1879
Journal of the Universal Peace Union	1892
Journal of the Western Society of Engineers	1896
The Annals of the American Academy of Political and Social Science	1890
Bulletin of the American Institute of Architects	----
Bulletin of the American Institute of Mining Engineers	1905
Bulletin of American Mathematical Society	1891
Proceedings of the American Institute of Electrical Engineers	----
Journal of the American Chemical Society	1885
The National Geographic Magazine	1888
Journal of the American Medical Association	1885
The Military Surgeon	1902
American Journal of Public Hygiene (application pending)	----
The Nature Study Review	----
Western Society of Technical Chemists and Metallurgists	----
Journal of the Arkansas Medical Society	1906
California State Journal of Medicine.	
Colorado Medicine	1906
Illinois Medical Journal	1899
Journal of the Indiana State Medical Association	1908
Journal of the Kansas Medical Society	1908
Kentucky Medical Journal	1906
Bulletin of the Medical and Chirurgical Faculty of Maryland	1908
Journal of the Michigan State Medical Society	1902
Journal of the Missouri State Medical Association.	
Journal of the Medical Society of New Jersey.	
New York State Journal of Medicine	1907
Ohio State Medical Journal	1905
Oklahoma State Medical Journal	1909
Northwest Medicine	1903
Tennessee State Medical Journal	1908
Texas State Journal of Medicine.	
Journal of the South Carolina Medical Association.	
West Virginia Medical Journal	1906
Wisconsin Medical Journal	1903

OBJECT OF THE DODDS BILL.

The object of the bill now before the Senate Committee on Post Offices and Post Roads (Union Calendar No. 270) is to define the right of fraternal, benevolent, scientific, and other organizations to publish journals carrying advertising for distribution to their members as one of the privileges of membership.

REASONS FOR THE PASSAGE OF THE BILL.

The passage of the bill now before the Senate committee (Union Calendar No. 270) is asked for the following reasons:

STATUS OF SCIENTIFIC JOURNALS SHOULD BE FIXED BY LAW.

The status of journals published by scientific, fraternal, and technical organizations should be definitely fixed by law. Under present conditions the right of the journals enumerated above to second-class mail privileges is dependent entirely on the ruling of the officials of the United States Post Office Department who may be in office at the time. As will be seen above, these rulings have been contradictory

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and uncertain. The passage of the bill will substitute specific statutory enactment for departmental rulings and will determine, authoritatively and finally, the status of these journals. The existing situation is indefinite, uncertain, unsatisfactory, and intolerable. The scientific and professional journals of the country have a right to ask that their status be definitely fixed by act of Congress and not left subject to the contradictory rulings of different officials, usually subordinates.

RIGHTS OF JOURNALS HAVE LONG BEEN RECOGNIZED.

The right of properly constituted bona fide organizations to publish journals for members has been recognized by the Post Office Department for over 30 years. Many of the journals involved in the recent decision were in existence prior to the act of 1894, while those entered subsequent to 1894 were accepted by the Post Office Department under the act of 1879, although the postal authorities now claim that such journals should be entered under the act of 1894. The following table shows the date of entry of the scientific journals involved:

Names of journals entered under act of 1879 prior to passage of act of 1894.

	Date of entry.
Advocate of Peace	1879
Journal of the American Chemical Society	1885
Journal of the American Medical Association	1885
The National Geographic Magazine	1888
Annals of the American Academy of Political and Social Science	1890
Bulletin of American Mathematical Society	1891
The Military Surgeon	1891
Journal of the Universal Peace Union	1892

Journals entered under act of 1879 after passage of act of 1894.

	Date of entry.
Journal of the Western Society of Engineers	1896
American Journal of Archæology	1898
Illinois Medical Journal	1899
Journal of the Michigan State Medical Society	1902
Wisconsin Medical Journal	1903
Northwest Medicine	1903
Ohio State Medical Journal	1905
Bulletin of the American Institute of Mining Engineers	1905
West Virginia Medical Journal	1906
Kentucky Medical Journal	1906
Journal of the Arkansas Medical Society	1906
Colorado Medicine	1906
New York State Journal of Medicine	1907
Journal of the Indiana State Medical Association	1908
Journal of the Kansas Medical Society	1908
Tennessee State Medical Journal	1908
Bulletin of the Medical and Chirurgical Society of Maryland	1908
Oklahoma State Medical Journal	1909

If it is true, as claimed by the Post Office Department, that the act of 1894 was passed to provide a way by which journals published by organizations could be entered as second-class matter, why has the Post Office Department continued, since the passage of the act of 1894, to accept such journals for entry under the act of 1879?

The Journal of the American Medical Association was accepted under the act of 1879 as second-class matter on June 25, 1885. This journal was established primarily for distribution to members only, as one of the privileges which they received in return for the payment of annual dues and to take the place of the annual volume of Transactions. The demand for the journal by others than members and the increasing membership of the association has developed a joint membership and subscription list of 53,191 (Oct. 1, 1910), of which 33,693 are members of the association and 19,498 are subscribers. The books of the association show that approximately 75 per cent of the present membership were originally subscribers and later on became members on solicitation, so that over 84 per cent of those who receive this journal are independent, bona fide subscribers, although many of them are now carried on the list as members. The right of this journal to second-class privileges has been recognized by the Post Office Department for over 27 years. Now this right is denied.

THE PASSAGE OF THE DODDS BILL WILL NOT CHANGE EXISTING CONDITIONS.

The passage of the Dodds bill will confer no new privileges or rights on any existing publications, but will simply confirm, by specific act of Congress, the privileges which society publications are at present enjoying and which many have enjoyed for years.

In the hearing before the House committee, Mr. S. D. Williams, chairman of the special committee of the Fraternal Press Association, said: "These fraternal publications have been admitted to the mails for the last 30 or 40 years. The Modern Woodman of America, the paper over which this controversy occurred and which was ruled out of the mails, * * * was admitted to the mails 27 years ago. These papers were admitted to the mails long before the act of 1894 was passed, and they had all the privileges of newspapers. * * * The Post Office Department having made this ruling, there was but one thing left for us to do, and that was to ask Congress to so amend the law as to place us back again in the same position we have occupied for 30 years previous to that ruling. We are asking for nothing we have not had for 30 years. * * * We have had these privileges for 30 years. Now, the question before Congress and before this committee is whether these rights, which these papers have enjoyed all these years, are to be taken away from them. I can not think of any other industry or any other institution whose rights have been taken away from them arbitrarily without compensation, unless it may be some hurtful thing that has operated against public policy. * * * We want to be reinstated again, placed back in the same position we have occupied for 30 years. We want the same rights and privileges, and no more, extended to our periodical that are extended to other periodicals. We want this committee and this Congress to fix our status and not leave us to the changed conditions that are brought about by constant changes in the Post Office Department."

These journals have all been entered as second-class matter for years past and have been carried by the post office as second-class matter. The passage of the proposed bill will simply confirm existing conditions and will not cause any increase in the number of such journals nor in the amount of second-class mail matter. The fear expressed by Postmaster General Hitchcock, in his letter of June 16, 1910 (CONGRESSIONAL RECORD, June 25, p. 9503), that it would cause any "extension of the second-class mailing privileges," is not founded in fact, since the bill simply confirms conditions which have existed for years. Mr. Hitchcock's further objection that "the bill apparently seriously discriminates against those other publishers who have to maintain a legitimate circulation through the sheer merits of their papers as against circulation based on a mere matter of membership" falls to the ground when it is understood that these journals could not be published by private enterprise and that the chief object for organizing many of the scientific societies affected is the publication of technical, scientific journals for distribution to members.

THE PASSAGE OF THE DODDS BILL WILL CARRY OUT THE REAL INTENT OF THE ACT OF 1894.

It was not the intent of the act of 1894 to prevent organization journals entered thereunder from carrying advertising. Hon. W. S. Linton, of Nebraska, a member of the House of Representatives of 1894, who was prominent in the passage of the amendment to the postal laws adopted that year, states that the object of the passage of this act was to confer on journals published by fraternal, benevolent, and scientific organizations all the rights and privileges accorded other journals entered as second-class matter. His letter on this point is submitted herewith:

FEBRUARY 10, 1910.

S. D. WILLIAMS,
Chairman Special Press Committee, Detroit, Mich.

DEAR SIR: Responding to your favor of February 9, will say that the object of the act of 1894 as advocated, and substantially as passed, was for the purpose of securing an unquestionable right for fraternal society papers to enter the mails as second-class matter.

This right has been questioned by officials of the Post Office Department, and it was said even those fraternal papers such as published by the Maccabees and others and entered as second-class under the act of 1879 were about to be excluded therefrom. Just at this time, too, a number of fraternal journals were paying under protest the postage rates of higher classifications, and were demanding that they be relieved from what they considered a burden and placed on the same plane as other publications in the country which were being accorded second-class privileges.

I was at this time a Representative in Congress from this State, and also a member of the National Fraternal Congress. The latter body named a committee, of which I was chairman, to secure, if possible, the desired legislation. We caused the bill, or rather the amendment of the existing law, to be introduced by Representative Hainer and Senator Manderson, both of Nebraska, and the bill became known as the Manderson-Hainer bill, and more petitions were filed in Congress for its passage than any other measure under consideration at that session. After introduction it was amended somewhat, principally to permit publications of other regular organizations to have the unquestioned privilege also of entering the mails as second class.

I do not remember that any time while the bill was under discussion that the privileges of advertising and running such other departments as were then accorded to publications entering the mails under the act of 1879 were to be eliminated in any degree from the fraternal journals; but, on the contrary, it was supposed by those having the matter in charge that fraternal publications would be accorded precisely the same privileges and rights as all other periodicals rated at that time as second-class mail matter. I am confident that ex-Congressman Hainer and ex-Senator Manderson had this understanding of the matter also, and I would suggest that you write the former at Aurora, Nebr., and the latter at Omaha, sending each of them a copy of this letter.

Fraternally, yours,
W. S. LINTON.

As further evidence of the intent of this act, the statement of Hon. E. J. Hainer, of Lincoln, Nebr., is submitted:

LINCOLN, NEBR., *February 21, 1910.*

S. D. WILLIAMS, Esq.,
302 Whitney Building, Detroit, Mich.

DEAR SIR: Answering your favor of the 17th instant, have to say that during the discussions relating to postal rates on fraternal papers, and during all of the negotiations leading up to the introduction and passage of that measure, the strong argument made against according fraternal publications the same rates as are given to other papers was that the fraternal publications were used principally and almost exclusively for advertising purposes. They were then of the same general character as now. In fact, perhaps, carried more of advertising than they do at the present time.

When the matter came on for hearing on the motion of Mr. Springer, as I suggested to you in my last letter, a large number of Members spoke in favor of the measure, and as I now recall it, none spoke against it. * * * The advertising objection was used principally by officers of the department in support of the departmental ruling to which we objected. At that time, however, the argument proceeded along the line that not only were the fraternal publications devoted almost exclusively to advertisements, but that these publications had no bona fide subscribers, and that the papers were sent out to simply further the advertising schemes of the promoters of fraternal societies. Manifestly, the fact that these papers contained advertisements which were prohibited by law could not be urged legitimately against it, for all newspapers contain more or less advertising matter.

The entire purpose of the amendment engrafted upon the appropriation bill was to accord to fraternal papers exactly the same status and the same rights and privileges accorded to the regular and ordinary newspaper. This was the simple thought which prevailed, and was made effective by statute. I can not see that there is any reasonable excuse for placing any other construction upon the statute, and if these papers or any of them are denied admission to the mails at second-class rates, on the pretext suggested by you, it seems to me quite clear that mandamus would lie to compel compliance.

Very truly, yours,
E. J. HAINER.

These two statements are positive evidence of the intent of Congress in passing the act of 1894. Mr. Hainer's statement that the strongest argument brought against the passage of the act of 1894 by the post-office authorities at that time was that "fraternal publications were issued principally and almost exclusively for advertising purposes" is the best possible evidence that it was not the intent of the act of 1894 to prohibit journals admitted under it from carrying advertising.

MEMBERS OF A BONA FIDE SOCIETY ARE LEGITIMATE SUBSCRIBERS TO ITS PUBLICATIONS.

Members of scientific, benevolent, or philanthropic societies, one of the purposes of organization of which is to publish a journal, are ipso facto legitimate subscribers to that journal and should be so recognized by the Post Office Department. Scientific and technical societies have been organized largely, and many primarily, for the purpose of publishing journals devoted to scientific or technical matters. Many of these journals can not be published by private enterprise, as they are

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too expensive and have necessarily a limited circulation. They must be published by an organization of those interested or they can not be published at all. Their admission to second-class privileges can not work a hardship to anyone, while the denial of these privileges would work a great hardship on the members, as it would make it impossible for them to secure scientific papers giving the results of technical and scientific researches of other men working on the same subjects. The association of individuals interested in the same scientific and technical subjects makes possible the publication of journals which would be impossible to private enterprise. Each applicant for membership in such an organization understands when he joins that one of the principal objects of the organization is the publication of a journal. One of the principal reasons for which he joins is to secure the publications of the society. The act of becoming a member is an entirely voluntary one and carries with it subscription to the publications of the organization. These journals stimulate the growth of the organization and advance scientific knowledge. In scientific and technical organizations the journal and the organization are inseparable. All members of the organization desire to receive the journal, while most of those who receive the journal are or shortly become members. Neither the journal nor the society can be affected without affecting the other.

At the hearing before the Committee on the Post Office and Post Roads, Mr. Gilbert H. Grosvenor, of the National Geographic Society, said: "Membership means cooperation in the things for which the society exists and a magazine which stimulates interest in the objects of the society instructs the members. The only way to keep up interest in the society's work is through a publication." In reply to a question from Mr. STAFFORD, of the committee, as to whether he was certain that the membership of the National Geographic Society would be impaired by this change, Mr. Grosvenor said: "Absolutely. It would destroy the very foundation and means by which the society has been developed."

At this hearing Hon. JOHN H. SMALL, of North Carolina, a member of the committee, said: "Cooperation is a necessary factor in the promotion and in the success of the work in the interests of which these periodicals are published * * * and membership is a part of the cooperative effort." Robert S. Woodward, president of the Carnegie Institute of Washington, was asked by Hon. VICTOR MURDOCK, of Kansas, a member of the committee, whether the Journal of the American Mathematical Society required the influence of the organization to start it and whether the continued existence of the magazine was necessary to the existence of the society. Mr. Woodward replied: "You would wipe the society off the face of the earth. You would simply abolish the society if you abolished these journals."

POST OFFICE DEPARTMENT CONFUSES TWO CLASSES OF PUBLICATIONS.

The Post Office Department fails to discriminate between journals published by organizations in which the journal is an incidental and comparatively unimportant feature and journals published by scientific organizations, established primarily to make such publications possible. Scientific and professional men band themselves together in societies so as to be able to issue journals containing the results of their researches. If these journals were not issued by such organizations they could not be published at all. The journals cited in the list given above are recognized as of the greatest importance in the progress of science. The statement of the Post Office Department that receipt of these journals by members of the societies publishing them "is compulsory and not voluntary and does not constitute bona fide subscription," shows a complete lack of comprehension of the scientific interests affected by their ruling as well as of the importance and value to the entire public of these scientific publications.

SCIENTIFIC AND TECHNICAL JOURNALS DO NOT INJURE PRIVATE PUBLISHERS.

No discrimination is shown in allowing scientific and technical organizations to send journals to members and to carry advertising. As shown above, many of these journals could not be published were it not for the organizations supporting them. These organizations exist for the professional and scientific benefit of the members and are kept up, in most cases, by the contributions of the individual members, either in the form of dues or otherwise. The admission of such journals to second-class privileges will merely give to altruistic organizations publishing journals for mutual benefit the same rights and privileges given to private individuals who publish journals for personal profit. What justification have the Post Office authorities in denying to organizations the rights they grant to individuals? If the second-class rates are in fact a subsidy, as is claimed by the Post Office officials, certainly those organizations which are of public and professional benefit are at least as much entitled to the benefit of such subsidy as are individuals publishing journals for personal profit.

SCIENTIFIC SOCIETIES THE SAME AS "CLUBS."

The Post Office Department encourages the commercial press in the formation of so-called "clubs" by which publications give reduced rates to subscribers. In order to receive these reduced rates, it is necessary to belong to one of these clubs and no one outside the club has the same privilege as a member of the club. Many scientific and technical organizations affected by the ruling of the Post Office Department are essentially journal clubs, organized and maintained for the purpose of publishing a journal of value and importance to the members. Certainly the journals published by such organizations of professional men are entitled to the same clubbing privileges as commercial journals published for personal profit.

ADVERTISING OF VALUE TO READERS OF SCIENTIFIC JOURNALS.

Advertising is not merely a source of revenue and should not be so regarded. The advertisements contained in scientific, benevolent, and professional journals are often of as much value to the subscriber as is the text. In the hearing before the House committee on this bill, Dr. H. W. Wiley said: "I could not carry on my business as chief of the chemical laboratory without the advertisements in the journal (Journal of the American Chemical Society). I want to get something. I turn there to see. There it is; everything a chemist wants is set forth there. It is as valuable as the text. * * * If you took away the advertising we would lose members so fast that you could hardly count them. They want these advertisements; that is what they pay for and must have."

Examination of the journals in question bears out this statement. For instance, the Journal of the American Chemical Society for September, 1910, contains the following advertisements: Porous crucibles for use in the laboratory; chemically pure chemicals and acids; books on chemistry; a law firm which makes a specialty of chemical patents; chemical balances; balances and weights of extreme precision; four pages of advertisements regarding situations wanted, chemists wanted, laboratory assistants wanted, etc.; directory of American chemists; machines for grinding chemicals; apparatus for securing perfect combustion; electrocentrifuges and filters for use in the laboratory, etc.

The Quarterly Bulletin of the American Institute of Architects for April, 1910, contains advertisements of white lead, fireproof material, steel doors and shutters, fireproof plaster board, elevators, paint, metallic doors, architectural bronze, waterproof concretes, garbage closets, ornamental mail chutes, art bronzes for use in buildings, steam boilers and radiators, architectural marble, building stone, heating apparatus, weather vanes, lightning rods, roof slate, sash cords, slag roofing, and water filters.

The Journal of the Western Society of Engineers for April, 1910, contains advertisements of dump cars, hoisting engines, cement, concrete, casting, iron pipe, railroad machinery, tapes and measuring rules, hydraulic tools, building steel, bridge material, steel tanks, pile drivers, surveying instruments, etc.

Instances could be multiplied indefinitely of the value of advertising to the reader. The position of the Post Office Department, that the sole value of advertising is as a source of revenue to the publisher of the journal, is based on an entire misconception of the nature of technical and scientific journals.

The organizations affected by the present rulings of the Post Office Department are carrying on many activities of great value to the public, for the successful prosecution of which these journals are necessary. By bringing together in one organization those interested in the development and advancement of the various sciences they contribute largely to progress in scientific and technical matters. Not only do they contribute indirectly to the public good by making progress possible along these lines, but many scientific and technical organizations have taken up, as a part of their activities, semipublic functions carried on by the expenditure of money earned through the journals published by the organizations.

A few examples may be cited. The National Geographic Society, which publishes the National Geographic Magazine, recently appropriated $7,000 to finance an expedition to survey the Alaskan glaciers, a work which should have been undertaken by the Government. The American Mathematical Society has expended in the last 15 years $39,500 in publishing its journal, while the total returns for the same period from sales, subscriptions, and advertising have been $13,500, the remaining $26,000 having been contributed by the members of the society. This organization includes among its 600 members practically every mathematician of any standing in the country, and its circulation is practically confined to members, to libraries, and to exchanges, with perhaps 200 subscribers who are not members. The society has played a large part in creating all of the great advances which have taken place in this country in the last 20 years. When it was organized, mathematics in the United States were about a hundred years behind Europe. Through the cooperation of the members of this society and the publication of the journal mathematics in America are now abreast with modern conditions. The standard of scholarship in colleges and universities has been raised, the requirements for courses in the various universities have been standardized, and the quality of high-school instruction has been greatly improved. Prof. F. N. Cole, secretary of the American Mathematical Society, says: "Our society embodies American mathematics of the present time. We fill an important public educational function. Any discrimination against us or discouragement of our work would certainly not be an enlightened governmental policy. We have never abused our postal privileges, and we feel that we are certainly entitled to consideration."

The American Institute of Mining Engineers, which publishes a bimonthly bulletin, has taken the lead in many important industrial and technical improvements of the last 40 years. Its committee on the waste of anthracite coal took the lead in the investigations which have led to important economics in that department. Its papers on iron and steel are recognized as authoritative throughout the world and it has been a leading factor in developing methods of mining, metallurgy, and manufacture, chemical analysis, economic geology, etc.

The Association of Military Surgeons, which publishes The Military Surgeon, is carying on a work which is of value to the public, as it promotes the various public medical services, including the Army, Navy, Public Health and Marine-Hospital Service, and medical services of the National Guard. The meetings of the association and the publication of the journal are recognized as most important factors in the education of medical officers. Without this association and its journal medical military officers would be severely handicapped in carrying on their patriotic work for the benefit of their services and of the public.

The value of medical journals published by organizations of physicians is too apparent and too well known to need elaboration. Each of the State medical associations publishing a journal is devoting a large amount of its time and efforts and a considerable amount of its income to the suppression of tuberculosis, typhoid fever, blindness, impure foods and drugs, as well as to the elevation of the standard of medical education and of the medical profession. The American Medical Association, through its journal and its committees and boards, is doing an enormous amount of unselfish work of value to the public. Through its council on pharmacy and chemistry, maintained by the association, it has been carrying on the same investigations with regard to drugs which the Bureau of Chemistry of the Department of Agriculture has undertaken with regard to foods. Through its council on medical education it has endeavored to elevate and standardize medical education throughout the United States. By means of lectures and public meetings, pamphlets, and exhibits, it is putting before the public the possibility of stamping out or at least controlling such diseases as tuberculosis, typhoid fever, yellow fever, and ophthalmia neonatorum with its consequent blindness.

Journals published by organizations of scientific and professional men, maintained by the contributions of the members and carrying on altruistic enterprises of great value to the public are surely entitled to the same privileges as those given to journals published by private individuals for personal profit. To deny to such organizations the right to send their publications to members as one of the privileges of membership will seriously hamper and in some cases disrupt the organizations. To deny to journals published by such organizations the right to carry proper advertising will diminish the revenues of the organization and increase the burden on individual members, and in many cases make the continued publication of the journal impossible.

SUMMARY.

The professional, technical, scientific, fraternal, and labor organizations of the country ask that the Senate approve the principle of the Dodds bill (H. R. 22239), for the following reasons:

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1. The status of journals published by such organizations should be definitely fixed by law and should not be left to the varying decisions of post-office officials.

2. Journals published by scientific and technical organizations have been admitted to second-class privileges for over 30 years and should continue to receive the same rights, unless it can be shown that harm to the public is resulting therefrom.

3. The passage of the proposed bill will not increase the burden on the Post Office Department nor enlarge the scope of second-class privileges, but will simply confirm conditions which have existed for many years.

4. The present bill reaffirms the real intent of the act of 1894.

5. Members of an organization established to publish a scientific or professional journal, who have paid their dues in full, are bona fide and legitimate subscribers by virtue of their membership and should be recognized as such.

6. The present rulings of the Post Office Department fail to distinguish between organizations in which the journal is an incidental feature of the society and those in which the journal is the chief feature, often the reason for the organization of the society.

7. The passage of this bill will in no sense discriminate against private individuals, but will simply give to organizations the rights now granted to individuals.

8. While no special favors are expected, if any class of publications are favored by the Government it should be those journals published for altruistic and benevolent purposes rather than for private profit. Scientific, benevolent, professional, and philanthropic societies working for the advancement of science are entitled to at least the same privileges in publishing journals as are given to individuals publishing journals for private profit.

9. The advertisements in technical and professional journals are often of as much value to subscribers as the reading matter. Such journals should, therefore, not be deprived of the right to carry advertising.

10. The scientific, technical, fraternal, and labor organizations of the country are carrying on many activities of a semipublic nature and of great value to the people. Journals owned and controlled by these organizations are a necessity in this work and should be encouraged.

For the reasons set forth in the summary, I think the amendment should be adopted, and so advise. I submit a brief of the National Fraternal Press Association as an exhibit.

EXHIBIT—BRIEF OF THE NATIONAL FRATERNAL PRESS ASSOCIATION IN DEFENSE OF ITS PLEA FOR EQUAL JUSTICE.

To the Congress of the United States of America:

STATEMENT OF FACTS.

There are two acts governing the postal privileges of periodicals, one passed in 1879 and the other in 1894, and are as follows:

ACT OF 1879.

SEC. 428. The conditions upon which a publication shall be admitted to the second class are as follows:

First. It must regularly be issued at stated intervals, as frequently as four times a year, and bear a date of issue, and numbered consecutively.

Second. It must be issued from a known office of publication.

Third. It must be formed of printed paper sheets, without board, cloth, leather, or other substantial binding, such as distinguish printed books for preservation from periodical publications.

Fourth. It must be originated and published for the dissemination of information of a public character, or devoted to literature, the sciences, arts, or some special industry, and having a legitimate list of subscribers: *Provided, however,* That nothing herein contained shall be so construed as to admit to the scond-class rate regular publications designed primarily for advertising purposes or for circulation at nominal rates.

ACT OF 1894.

SEC. 429. All periodical publications issued from a known place of publication at stated intervals and as frequently as four times a year, by or under the auspices of a benevolent or fraternal society or order organized under the lodge system and having a bona fide membership of not less than 1,000 persons, or by a regularly incorporated institution of learning, or by or under the auspices of a trades union, and all publications of strictly professional, literary, historical, or scientific societies, including the bulletins issued by the State boards of health, shall be admitted to the mails as second-class matter, and the postage thereon shall be the same as on other second-class matter and no more: *Provided further,* That such matter shall be originated and published to further the objects and purposes of such society, order, trades union, or institution of learning, and shall be formed of printed paper sheets, without board, cloth, leather, or other substantial binding, such as distinguish printed books for preservation from periodical publications.

There are, in round numbers, about 200 publications published as the official organs of fraternal societies, many of which were admitted to the mails as second-class matter under the act of 1879, several years before the passage of the act of 1894, and have maintained their entry under that act since that time. Many of the more recent publications have been entered under the act of 1894.

These papers enjoyed the privileges of the mails quite undisturbed until 1903, when the question arose as to their right of entry under the act of 1879. It was claimed by certain ones that they did not have such a "legitimate list of subscribers" as would entitle them to entry under that act; that to have such a list they must have paid subscriptions the same as newspapers are supposed to have. The matter was taken up with Mr. Madden, then Third Assistant Postmaster General, and a ruling was made by that officer to the effect that if the fraternal society would provide in its by-laws for the setting aside of a definite portion of the annual per capita tax or dues of each member, so that each one would be required to pay a certain sum for the paper, with his knowledge and consent, it would be regarded as a reasonable requirement of the law and would entitle them to remain entered under the said law of 1879. Accordingly all of the orders publishing an official organ adopted by-laws similar to the following, taken from one of the oldest of these societies:

"Each member shall pay an annual per capita tax of $1.20, of which 10 cents shall be for the payment of a copy of the official organ."

The Modern Woodmen of America adopted such a by-law and, in addition, under the direction of Mr. MADDEN, required all its new members to sign the following subscription:

"I direct that the official paper, The Modern Woodman, be mailed me at the address given below until I shall notify the head clerk to change the same, and that the subscription price thereof be paid from my yearly per capita tax."

Acting upon this ruling and advice of the Third Assistant Postmaster General and believing the matter settled for good, the Modern Woodman purchased a printing plant at an expense of about $50,000 or more, and started printing its own paper, expecting that its advertising would assist it in paying the enormous expenses of maintaining such a plant. The purchase of this plant was further desired because there were not adequate facilities at Rock Island for the printing and mailing of the 1,000,000 copies issued each month. It thought that it could give better service to its members and less trouble to the Postal Department by personally handling its own mailing list under its own supervision. Accordingly it sought to change its post office to Rock Island and maintain its former entry and privileges under the act of 1879. However, an interested party made complaint against it to the post-office officials, and after a hearing was given it, a ruling was made to the effect that it had no right to be entered under the act of 1879; that Mr. Madden's ruling was wrong; that it would have to reenter under the act of 1894, and that when so entered it would have no right to carry advertising in its columns, as the Assistant Attorney General had ruled that the said act of 1894 did not carry with it such right. (Cir. V., Classification Div.) Mr. Madden's ruling had taken into consideration the said Circular V.

At that time the said Modern Woodman was running certain departments, calculated to be of benefit and interest to its members, such as fashion plates, plans for beautiful homes, and a review of such books as the editor thereof thought might be helpful to the members. The department was asked to rule upon that matter also, and accordingly sent the following letter:

POST OFFICE DEPARTMENT,
THIRD ASSISTANT POSTMASTER GENERAL,
Washington, December 28, 1908.

Mr. F. O. VAN GALDER,
Editor, The Modern Woodman, Rock Island, Ill.

DEAR SIR: In reply to your communication of the 21st instant, stating that application had been made for readmission of the Modern Woodman to the second class of mail matter under the act of July 16, 1894, and asking if certain advertisements heretofore carried in the columns of that publication, viz, books mentioned in column entitled "Literary Notes"; fashions mentioned in "Modern Fashion Talks"; plans for beautiful homes; rings and emblems of the society sold by the supply department of the society, are objectionable under the opinion of the Assistant Attorney General for the Post Office Department, dated January 24, 1901, you are advised that the advertisement relating to rings and emblems of the society is the only one which can be regarded as furthering the objects and purposes of the order. (See inclosed copy of Circular V.)

Respectfully,
A. L. LAWSHE,
Third Assistant Postmaster General.

The last two paragraphs of the department pertaining to "beautiful homes" reads as follows:

"If any of our readers who intend to build will send us a rough sketch of what they want, we would be pleased to work it into shape for them, and send them a floor plan, drawn to scale, without charge.

"Twentieth Century Cottages is a book which illustrates a number of views and complete floor plans of modern houses of moderate cost. It will be sent postpaid to any of our readers upon receipt of 25 cents. Address all letters to M. W. of A., Home Building Department, Rock Island, Ill."

No. 176.—A pretty design for a pleasant home.

The illustration with the rest of the article was ruled out of the Modern Woodman.

This was one of the departments ruled out by the Post Office Department.

A number of other fraternal papers have been ordered to reenter under the act of 1894, although they have been entered under the act of 1879 for many years and have arranged the conduct of their affairs accordingly.

ARGUMENTS FOR THE BILL.

The claims of the proponents of the measure rest upon the broad principle of equal justice for all and discrimination against none.

The Federal Constitution gives Congress the power to establish post roads and post offices and to provide for the carrying of mail as an incident thereto. The discussion of the delegates which framed it and the postal laws which were first enacted all show conclusively that the primary purpose of all this legislation was to promote the public welfare. The only reason why any publication should be carried by the mails is that it is a public benefactor. That principle is the basis for our entire postal system and is fundamental. No publication or periodical of whatever character should be allowed to circulate through the mails which can not stand that classification, and any publication which can stand that classification should be allowed equal privileges with every other and all other publications. The law as it now stands will not permit it, and it should be amended so as to end all unjust discrimination.

Do the fraternal publications come within this classification? They are published in the interest of the orders which they represent.

The objects and purposes of these societies are set forth in the following provisions, taken from the by-laws of one of the oldest of these orders, and similar provisions can be found in all of them. This is one of the societies which has recently been proscribed:

OBJECTS OF THE ORDER.

SEC. 2. To unite fraternally all male white persons of sound bodily health and good moral character, who are socially acceptable, between 18 and 70 years of age, and to provide for life and disability benefits to those between the ages of 18 and 51 years.

SEC. 3. To give all moral and material aid in its power to its members and those dependent upon them.

SEC. 4. To educate all its members socially, morally, and intellectually.

SEC. 5. To relieve sick and disabled members, to care for the living, and bury the dead.

SEC. 6. To establish a benefit fund or funds from which, on satisfactory evidence of the death of a benefit member of the order who has complied with all its lawful requirements, a stipulated amount shall be paid to the beneficiary of such member, or as he shall direct and as the laws of the order shall provide, and to establish a disability benefit fund from which, upon the total and permanent disability of a benefit member in good standing, either as the result of disease, accident, or old age, such sum of money and in such manner as may be fixed in the laws of the order: *Provided,* That the period of life at which the payment of benefits for disability on account of old age shall not be under 70 years.

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SEC. 7. To establish a fund for the payment of sick, accident, and funeral benefits.

Can there be any doubt about their promoting the general welfare when they do the things enumerated in the by-laws quoted?

The following is what President Taft said about them in his letter to the National Fraternal Congress, in session at Put in Bay, in August, 1908:

HOT SPRINGS, VA., *August 11, 1908.*

MY DEAR SIR: It is with regret that I decline your renewed invitation to attend the annual meeting of the National Fraternal Congress, for I would like much to offer personally a word of encouragement to those who have in charge the very important interests of the many thousands of members of fraternal associations affiliated in the congress. I realize the power which these associations exercise for the good of the members and their protection in sickness and the protection at their death of those depending upon them. I sincerely hope that the efforts of all may be exerted in perfecting and perpetuating a system by which the two commendable purposes of all such societies may be fully achieved.

I appreciate the great courtesy of your renewed invitation and am very sorry that circumstances prevent my acceptance.

Faithfully, yours, WM. H. TAFT.

C. A. GOWER,
Secretary National Fraternal Congress, Lansing, Mich.

If these fraternal societies do all the President says they do, do they not, in a marked degree, "promote the general welfare?" These fraternal papers are necessary to the well-being of these benevolent institutions, and the full "purposes of all such societies" can not be "fully achieved" without them.

There are more than 7,000,000 men and women in this country belonging to these fraternal beneficial orders, representing fully 28,000,000 of interested people, with more than 103,000 subordinate lodges or branches, and carrying fully $8,000,000,000 of life and accident insurance and disability benefits. They have paid to the widows, orphans, and dependents of deceased members, together with disability benefits to disabled members, more than $1,200,000,000. Some of these orders are supporting, at large expense, great hospitals for the cure of consumption and other dread diseases. Some of them support homes for aged members and helpless children; beds in hospitals for the sick and disabled.

Can there be any doubt about their being public benefactors and among the most worthy of all the benevolent institutions in the whole world? Can there be any sound or wholesome reason why they should be discriminated against in the matter of postal rates and privileges?

NONCOMMERCIAL IN CHARACTER.

These orders are noncommercial in character. They are incorporated under the fraternal acts of the several States. No certificates of stock are issued, as they are purely mutual concerns. No dividends are ever declared, for they are run absolutely at cost. They are not profit-making institutions, but wholly benevolent in character. Are not such institutions, at least, entitled to as much consideration at the hands of a government as those concerns which are run absolutely and wholly for profit and gain, to the few persons interested in them?

The fraternal society is an open corporation. Any white person of wholesome character can join them as a social member; and the same thing is true of colored societies. Membership is unrestricted, in this respect, except where self-respect requires it in the interest of morality and decency. Furthermore, "benefit" membership is limited only by certain laws of mortality in addition to those governing social membership. Thus is membership limited only by such restrictions as are necessary to carry out the patriotic and benevolent purpose of those institutions.

On the other hand, the close corporation, issuing stock to its members, is limited in its membership (1) by the amount of its stock, and (2) by the number of people who are financially able to purchase it. The first purpose of a fraternal corporation is to promote the general welfare, financial gain being a mere incident to its existence. The close commercial corporation is instituted for the direct purpose of making money for its stockholders, the public welfare being a mere incident to its operation. The conditions are completely reversed.

It is not the purpose of this brief to lessen the importance of or belittle the commercial press of the country. Fraternalists believe in the usefulness of the press of the land and respect it highly. But which should be entitled to the first consideration of the Government, the fraternal press whose highest duty it is to promote the general welfare or the commercial press which makes it a mere incident?

But the fraternal press seeks no favors. It simply asks equal rights and privileges, and nothing more. It merely asks the passage of the measure which it offers and which is necessary to protect it against the discrimination which has grown out of the administration of the postal laws on the statutes of the country. Many of the leading newspapers of the land are owned and controlled by close corporations, operated for the profit and gain of the stockholders who own them. Is the stockholder of a close corporation entitled to any rights or privileges which a member of a fraternal corporation is not? If so, why?

PASSAGE OF THE BILL NECESSARY TO ESTABLISH JUSTICE.

In attempting to administer the law as it now stands, gross injustice has arisen. This must always be true where fundamental principles are forgotten. If allowed to continue, it can only result in bringing the most helpful of all the departments of Government into disfavor.

In explanation of this it may be well to call attention to the fact that the ruling of the Third Assistant Postmaster General, above referred to, was made more than a year ago, and for a whole year some of the most worthy of the fraternal papers have been denied the full privileges of the mails. Yet, upon investigation, it is found that the following-named periodicals are admitted to the full rights of the mails and have been during all that time, although their circulation is maintained, in substance and in fact, the same as that of the Modern Woodman, which was deprived of its home department as above set forth.

The Journal of the Indiana State Medical Association, Fort Wayne, Ind.; Journal of the South Carolina Medical Association, Florence, S. C.; the Journal of the Medical Society of New Jersey, Orange, N. J.; Iowa Medical Journal, Des Moines, Iowa; the Journal of the Arkansas Medical Society, Little Rock, Ark.; Western Medical Review, Omaha, Nebr.; the Journal of the Oklahoma State Medical Association, Muskogee, Okla.; Kentucky Medical Journal, Bowling Green, Ky.; California State Journal of Medicine, San Francisco, Cal.; the Journal of the American Medical Association, Chicago, Ill.

These facts are not given to injure the publications named, for they are worthy periodicals, but for the sole object of putting an end to a system which, if continued, is sure to bring so benificent a department as our Post Office into disrepute.

All of these publishers are required to file a copy of each issue of their publications in the Library of Congress, with which the librarian is familiar, and it is not an impossible task to ascertain who are violating the rules and regulations of the department, and thus require universal obedience. The fraternal publications will be satisfied with such requirements.

METHODS OF CIRCULATION.

Some arguments have been made against the fraternal publication because its circulation was obtained somewhat differently from that of the average newspaper. The Acting Third Assistant Postmaster General, in a letter written to Congressman LEVER, concerning the South Carolina Pythian, used the following language:

"It is manifestly an injustice to publishers competing in the same or similar field and having papers which would be patronized by the members of an organization, to be compelled to secure and maintain a list of subscribers based on the drawing power of the paper as such, whereas the competing organization papers' list of subscribers is composed of members who were drafted in under a by-law of the organization and receive the paper as one of the benefits of membership, and not on account of voluntary subscription. Publishers of other papers have entered complaints asserting that people will not pay for that which they can receive free."

In reply to this statement we would ask to whom is it "manifestly an injustice" that fraternal beneficial societies, organized, not for profit and gain, but to protect the widow and orphan and care for those dependent members who are overtaken by misfortune, whose first duty is to promote the general welfare of the country, should have the same and equal privilege as those close corporations, owning and publishing newspapers, not for the benefit of widows and orphans nor to promote the general welfare, except as a mere incident, but for the personal profit and gain of the few stockholders who own them? To whom is it "manifestly an injustice?"

Again, we believe the Acting Third Assistant Postmaster General is mistaken in his statement that the members of fraternal societies are "drafted" into those organizations. No institution on the face of the earth is more free from coercion or "draft." The act of joining one of these orders is absolutely voluntary. How could it be otherwise? Furthermore, there is unrestricted competition in this field. There are more than 200 of these benevolent orders in the United States. Can not a man find a free choice among that number? They all publish by-laws and a copy is given to every member, so that he may know just what his obligations and benefits are. To him it is all an open book, and we challenge the assertion that anybody is "drafted" into these orders. The fraternal paper is paid for out of each annual contribution to the society, a fact known to all members when they join.

Compare this method of obtaining a circulation with that employed by some newspapers and it will not be found to the disadvantage of the fraternal publication. We say this without desire to injure in any way whatsoever the newspaper. Discrimination has compelled us to issue a statement of facts in our own defense.

To be specific, we quote the following from the Pittsburg Leader, of Pittsburg, Pa., of January 8, 1910, first page:

SUNDAY COUPON GIVES 10 VOTES—PURCHASE OF COUPONS IN BULK WILL NOT BE PERMITTED—A CHANCE FOR ALL.

Ten votes will be represented by the coupon to be printed in the Sunday Leader to-morrow for the free trip to the Jeffries-Johnson fight offered by the Leader.

The coupon will be printed on page 2 to-morrow, and as previously announced, all Sunday coupons will be good for 10 votes.

Save your coupons and have your friends save for you, but pay particular attention to the fact that coupons purchased in bulk from news agents or news dealers will be thrown out. Under no circumstances will such coupons be counted.

Is not a membership in a fraternal order as legitimate a way to obtain a circulation to a periodical as a trip to a prize fight? Is the free choice of joining a benevolent society any more of a "draft" than an offer of a ticket to a prize fight, 3,000 miles away, between a white man and a colored man, in which there is a prize of $100,000 going to the one who shall knock the other senseless for the period of 10 seconds? To whom is benevolent competition "manifestly an injustice?"

This is not an unfair comparison, for every sort of scheme is resorted to by some newspapers to increase and maintain their circulation, from a trip to a prize fight to a cheap chromo.

The benevolent orders have never taken, and do not now take, the position that such competition is "manifestly an injustice." They can take care of the widow and orphan in spite of it. All they ask is an equal opportunity with all competitors in so doing.

In answer to the last proposition, that "people will not pay for that which they can receive free," we would say that it appears to us that the public mail service should not be commercialized and left with any individual to say who shall make money out of it and who shall not. The fraternal paper is not furnished "free" to the members, for that would imply a gift. Who gives a paper to a member? The facts are each member pays for his own paper the same cost as all other members, the actual cost price of the same. What law, either of public policy or of the statute, does that violate? What basis is there for the statement that because a mutual society can and does furnish a thing to its members at cost, it is therefore "free?" Must the right to use the public mails depend upon the principle of profit and gain? Should a man be allowed to use the mails because he is a member of a close corporation and makes money out of it, and at the same time his neighbor denied the right because he is a member of a benevolent corporation and does not make money out of it? Is our postal system to be hereafter constructed and operated along that line? We trust not.

In this connection, and right here, we wish to and do call the attention of the Members of Congress to a single comparison which should serve as an illustration of the injustice of the situation. We have asked the Ladies of the Maccabees of the World to mail a copy of their official organ, The Ladies' Review, to every Member of Congress, and we respectfully request each one to compare the same with the Police Gazette, which may be found in nearly every shop and news stand, for the purpose of judging, if needed, which of the two conduces most to the public welfare. The Police Gazette has the full privilege of the mail service, while the Ladies' Review is liable to be excluded from the mails at any time the ruling of the Post Office Department is applied to it, or compelled to lose its privileges under the act of 1879.

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THE QUESTION OF THE VOLUME OF ADVERTISING AND THE HAUL.

As to the question of the volume of advertising carried, we hold that there is less of it in the fraternal paper, in proportion to its size, than in the newspapers. Take any issue of the fraternal papers and it will serve equally well. Those that have not yet been refused the right to carry advertising will show that not more than one-sixth of their space is devoted to advertising. A large part of them carry no advertising at all except their "home departments." Their advertising is of the "mail-order" character, which stimulates letter writing on first-class mail business and is a large profit to the postal department. So far as cost to the mail service is concerned, it will be found a benefit instead of a deficit.

But the hurtful feature of this situation is, that it not only deprives the fraternal paper of the right to carry advertising in its columns, to aid in lessening its expenses to the order, but it deprives it of the right to maintain its home department and to use its columns freely to do such work as it desires to assist its members individually. Many times a member in hard circumstances desires to sell his farm or other property. It is desirable to insert an advertisement in the columns of the official paper to assist him. Under the ruling of the Post Office Department, as the law now stands, a fraternal paper would render itself liable to be refused admission to the mails for doing so charitable an act.

The fraternal press wants the freedom enjoyed by the commercial press, that it may work out its mission of benevolence and charity.

A newspaper is a public intelligencer, and because of that fact it seeks and uses the mails. It is simply one method of promoting the public welfare. As such they are entitled to the highest consideration. But are they any more entitled to consideration than another periodical which is also a public intelligencer, and in addition promotes the broadest benevolence and protects and cares for masses of people who would otherwise become public charges to be supported at the public's expense?

AS TO THE HAUL.

We are ready to prove by statistical evidence that for every paper published by a fraternal society we will find two others with as long if not a longer haul.

CLOSING ARGUMENT.

We ask for the passage of our bill as introduced because we feel that we are entitled to some established status. For years we have been left in uncertainty and doubt. One administration has ruled us in and another has ruled us out. We do not want it left to the conflicting opinions of successive officials. We are convinced that it is as embarrassing to Post Office officials as it is to us, and that it will be mutually helpful to have the question settled by congressional enactment; and while we feel that we are doing, as benevolent organizations, the highest possible good to our country, we do not ask for special consideration. We are willing to pay our part of the postal deficit, whatever that may be, and ask only for a general law which will treat all alike. If we are compelled to pay an equal tax, we feel that we are entitled to equal privileges under the law. In other words, it savors of class legislation to give a privilege to one public benefactor and deny it to another who is taxed the same for it. We are at peace with all publications, wish them success in every way, and only ask for ourselves equal opportunity.

STEPHEN D. WILLIAMS,
Chairman Special Committee National Fraternal Press Association.

Mr. OWEN. I hope the Senator from New Jersey will not insist on the point of order. This amendment affects scientific publications that have been very useful to the country. I want to call the attention of the Senator——

Mr. KEAN. I only want to say to the Senator that by adding a large list of very worthy publications to the list of those entitled to second-class mail privileges this will only make it all the more difficult to adjust the subject as it ought to be adjusted. I insist upon my point of order.

Mr. OWEN. Before this matter is disposed of I should like to call attention to the journals——

Mr. KEAN. I think they are very worthy publications.

Mr. PENROSE. Mr. President, I understand a point of order has been made against the amendment.

The VICE PRESIDENT. It is within the province of the Chair to permit a Senator to discuss a point of order to aid the Chair in reaching a proper conclusion, but the Chair really thinks he could reach a just conclusion in this case without any further debate.

Mr. OWEN. If the Chair would reach the same conclusion which he did on the item just preceding this, in regard to the 4 cents a pound rate, I should be content with his like decision and leave the question of its germaneness to the Senate.

The VICE PRESIDENT. But that was not the question. The question raised was that the amendment proposed general legislation upon an appropriation bill; and the Chair sustains the point of order.

Mr. STONE. Mr. President, I offer the amendment which I send to the desk, to come in after line 25, on page 15.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 15, after line 25, it is proposed to insert the following:

That from and after June 30, 1911, it shall be unlawful for the Post Office Department, or any officer, head of bureau, or chief of division thereof, to print or have printed, or sell or offer to sell, any stamped envelope bearing upon it a printed direction giving the name of any individual, firm, or company, or any number of any post-office box or drawer, or any street number, or the name of any building to which it shall be returned if uncalled for or undelivered: *Provided*, That this shall not apply to those envelopes printed with a return card left blank as to name, address, box, drawer, street number, or building, and which only give the name of the town or city, with the State, District, or Territory.

Mr. BURTON. Mr. President, I raise the point of order against that amendment. It is contrary to the existing law and is general legislation.

The VICE PRESIDENT. The point of order is sustained. It is a provision of general legislation.

Mr. McCUMBER. Mr. President, I offer the amendment which I send to the desk, to strike out all the portions of the bill on page 36 that I have indicated and to insert in lieu thereof that which I now send to the desk. I ask that both may be read.

Mr. PENROSE. I call the Senator's attention to the fact that the amendment on page 36 has already gone out on a point of order.

The VICE PRESIDENT. The amendment has already gone out on a point of order.

Mr. McCUMBER. Very well. In lieu thereof I move to insert the amendment I send to the desk.

Mr. PENROSE. Very well. I shall have to make a point of order against the amendment.

Mr. McCUMBER. Let the amendment be read.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 36, after line 5, it is proposed to insert the following:

That on and after July 1, 1910, all rural carriers now serving daily routes of 24 miles or more shall receive as compensation for such service the sum of $1,200 per annum, payable in equal monthly installments; those serving daily routes of less than 24 miles shall receive as compensation such proportion of $1,200 as the miles of the routes served by them bear to 24 miles: *Provided*, That fractions of 1 mile shall not be considered in fixing such salary: *And provided further*, That no compensation shall be less than $600.

Mr. PENROSE. Mr. President, I simply desire to state that the provision in the bill as passed by the House increasing the salaries of rural carriers adds about $4,000,000 to the expense of this service and this amendment would add $12,000,000 more. I raise the point of order that the amendment proposes general legislation.

The VICE PRESIDENT. It is general legislation. The point of order is sustained.

Mr. JONES. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 26, after the word "dollars," in line 2, it is proposed to insert the following:

Provided, That no part of this appropriation shall be used in paying salary to any clerk subject to road duty, who, having a distribution of 7,000 post offices or more, is required to perform in excess of an average of five hours of service per day through the month, nor to any clerk, who, having a distribution of 5,000 post offices or more, is required to perform in excess of an average of five and a half hours of service per day through the month, nor to any clerk, who, having a distribution of 2,500 post offices or more, is required to perform service in excess of an average of six hours per day through the month, nor to any clerk who is required to perform service in excess of an average of six and one-half hours per day through the month.

Mr. PENROSE. The amendment is not asked for by anybody. The department has adjusted this question to the satisfaction of the clerks. I raise the point of order that it is legislative in character.

The VICE PRESIDENT. The Chair overrules the point of order.

The question is on agreeing to the amendment.

Mr. JONES. Mr. President, I shall take but a moment. This relates to the adjustment in the hours of railway mail clerks. While the chairman states that there has been an arrangement of some sort, I do not know just what, between these clerks and the Post Office Department, I really do not think it ought to be left in that situation. I think we ought, by legislative enactment, to place some limit in reference to the hours the railway mail clerks shall actually put in, and this amendment is governed by the number of offices each one has to distribute to. It is recognized that the more offices they have to distribute to the more study and the more time they have to give to it.

I think it is a very meritorious proposition, and I think we ought to do something of that sort.

Mr. PENROSE. I think if the Senator knew as much of the recent developments he would not press this amendment. There was great complaint early in the winter regarding the conditions, but they have been entirely remedied, and I can assure the Senator from Washington and the Senate that the representatives of railway mail associations and the Postmaster General have been in conference and this matter has been happily and satisfactorily adjusted, and to tie up the situation by legislative enactment would very seriously embarrass the service.

The amendment was rejected.

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

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H. R. 30946. Seymour S. Peloubet.
H. R. 30947. George W. Van Wagner.
H. R. 30954. Noah Horner.
H. R. 30979. William Jones.
H. R. 31014. George W. Doty.
H. R. 31019. Daniel Davids.
H. R. 31030. John C. Dempsey.
H. R. 31086. Milton Buchanan.
H. R. 31216. Esther M. Shenick.
H. R. 31235. Frederick Yahnkee.
H. R. 31248. Harriet V. Tiernon.
H. R. 31251. Michael Cavanagh.
H. R. 31252. Franklin Lovell.
H. R. 31255. James A. Zeller.
H. R. 31263. John A. Meroney.
H. R. 31268. James W. Vanderyoort.
H. R. 31289. John B. Pasley.
H. R. 31362. John J. Burtsfield.
H. R. 31363. George L. Johnson.
H. R. 31368. Lewis J. Cutter.
H. R. 31459. John Potter.
H. R. 31494. Anna C. Foulke.
H. R. 31495. William H. Vasbinder
H. R. 31515. Jacob G. Crouse.
H. R. 31558. William F. Bell.
H. R. 31560. David Lucas.
H. R. 31569. Jemima Johnson.
H. R. 31572. Carrie E. Keepers.
H. R. 31585. Alban H. Foster.
H. R. 31607. Isabella M. Appold.
H. R. 31613. John Dawson.
H. R. 31626. William Miller.
H. R. 31631. William Turner.
H. R. 31675. William F. Gibson.
H. R. 31711. Jonathan Cooprider.
H. R. 31734. Cornelia E. Combs.
H. R. 31741. Albert H. Rather.
H. R. 31778. Thomas E. Dittemore.
H. R. 31814. Lucy A. Carter.
H. R. 31831. George K. Jones.
H. R. 31849. John B. Hall.
H. R. 31872. James L. Morrison.
H. R. 31878. John L. McBeth.
H. R. 31880. Harriet L. Nichols.
H. R. 31964. John Woolery.
H. R. 31983. Stephen Virtue.
H. R. 31994. Fountain P. Kephart.
H. R. 32024. Matthew McKnight, alias Thomas McKnight.
H. R. 32085. John C. Hagen.
H. R. 32105. Andrew J. Hopper.
H. R. 32108. John S. Wilson.
H. R. 32113. George Riel.
H. R. 32154. Joseph B. Matthews.
H. R. 32156. Peter Hadley.
H. R. 32190. George W. Hedges.
H. R. 32193. William Elpline.
H. R. 32194. Albert R. Dick.
H. R. 32254. Peter Winsor.
H. R. 32295. Margaret A. Bryant.
H. R. 32296. James H. Cloer.
H. R. 32300. Catharine A. Carruthers.
H. R. 32322. Abraham Waddle.
H. R. 32338. Emil Glaser.
H. R. 32364. Seth M. Young.
H. R. 32375. Isaac R. Stelle.
H. R. 32377. Charles A. Howk, alias James Nelson.
H. R. 32406. Sewall R. Reeves.
H. R. 32411. Elias Pearson.
H. R. 32422. Isadore V. Douglass.
H. R. 32423. Ellen F. Fahey.
H. R. 32454. Richard Allen.
H. R. 32464. Sylvester F. Wallace.
H. R. 32467. James M. Hay.
H. R. 32493. Loren W. Lewis.
H. R. 32501. William M. Hovey.
H. R. 32514. James Hayden.
H. R. 32515. Joshua Widger.
H. R. 32521. James J. Morrally.
H. R. 32523. Martha W. Moore.
H. R. 32548. William Steadman.
H. R. 32555. William Swartz.
H. R. 32561. Mary L. Kibler.
H. R. 32565. John Chamberlain.
H. R. 32569. John Jones.
H. R. 32588. Sallie A. Palmer.
H. R. 32592. William B. Davis.
H. R. 26120. Walter Scott Ingalls.
H. R. 32387. Francis W. Burnham.
H. R. 16235. Lidda Rusmisel.
H. R. 32596. Moses R. Leland.
H. R. 32597. Adelaide Heim.
H. R. 32600. Alonzo Fox.
H. R. 32601. Katie B. Meister.
H. R. 32650. William H. Griner.
H. R. 32653. Eunice Ella Stockwell.
H. R. 32689. William H. Brown.
H. R. 32692. John Frank.
H. R. 32694. Charles K. Beecher.
H. R. 32704. Martin Norton.
H. R. 32705. Samuel M. Ream.
H. R. 32734. Milo A. Tucker.
H. R. 1810. Henry C. Curtis.
H. R. 2801. James Taylor.
H. R. 7245. Edmund Gannon.
H. R. 12264. Robert W. Van Riper.
H. R. 13616. Henry T. Clark.
H. R. 14789. John E. Fulkerson.
H. R. 15335. Lynyear Fulford.
H. R. 22528. James A. Burk.
H. R. 24019. Moroni N. Fuller.
H. R. 25907. Benjamin F. Patterson
H. R. 26142. Emily Reed.
H. R. 27054. Philip Cronin.
H. R. 28293. Sarah Quinn.
H. R. 28425. Leland P. Smith.
H. R. 28727. Jacob C. Rosenberger.
H. R. 28728. George Housman.
H. R. 28939. Jacob B. Vannatter.
H. R. 29844. Leslie Norman.
H. R. 31329. Maria Mulligan.
H. R. 31611. David Sedore.
H. R. 31897. Abraham Metheny.
H. R. 32405. Lydia S. Moore.
H. R. 32598. Henry W. Wisecup.
H. R. 32614. Augustus L. Dyer.
H. R. 32690. Mary A. Bullard.
H. R. 32703. Joseph Fortescue.
H. R. 32746. Samuel Rothweil.
H. R. 32761. Thomas J. Elton.
H. R. 32762. Joseph Waltshiager.
H. R. 32763. William T. Colbert.
H. R. 32773. Harrison Ferguson.
H. R. 32796. William Hammond.
H. R. 32797. Mary Bolling.
H. R. 31001. Reuben Koch.
H. R. 31952. Thomas Clark.
H. R. 32708. John Walters.

MINNIE A. CURTIS.

Mr. McCUMBER. I move that the Senate proceed to the consideration of the bill (S. 10864) granting an increase of pension to Minnie A. Curtis.

There being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Minnie A. Curtis, widow of Lee A. Curtis, late of Company B, Utah Volunteer Artillery, and pay her a pension of $12 per month in lieu of that she is now receiving.

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

RECESS.

Mr. HALE (at 7 o'clock and 7 minutes p. m.). I move that the Senate take a recess until 9 o'clock.

The motion was agreed to; and the Senate took a recess until 9 o'clock p. m.

EVENING SESSION.

The Senate reassembled at 9 o'clock p. m.

COMMANDER ROBERT E. PEARY.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 6104) providing for the appointment of Commander Robert E. Peary as rear admiral in the Navy as an additional number in grade, which was to strike out all after the enacting clause and insert:

That the President of the United States be, and he is hereby, authorized to place Civil Engineer Robert E. Peary, United States Navy, on the retired list of the Corps of Civil Engineers with the rank of rear admiral, to date from April 6, 1909, with the highest retired pay of that grade under existing law.

SEC. 2. That the thanks of Congress be, and the same are hereby, tendered to Robert E. Peary, United States Navy, for his arctic explorations resulting in reaching the North Pole.

Amend the title so as to read: "An act providing for the promotion of Civil Engineer Robert E. Peary, United States Navy, and tendering to him the thanks of Congress."

Mr. HALE. I move that the Senate concur in the House amendment.

The motion was agreed to.

Mr. HEYBURN. I had no idea that that was going through with such lightning rapidity.

The VICE PRESIDENT. Does the Senator from Idaho wish the Chair to put it again?

Mr. HEYBURN. I wish the Chair would put it again.

The VICE PRESIDENT. The question is on agreeing to the motion to concur in the House amendment.

The motion was agreed to.

COAL LEASES.

The bill (H. R. 32531) authorizing the Secretary of the Interior to permit the Missouri, Kansas & Texas Coal Co. and the Eastern Coal & Mining Co. to exchange certain lands embraced within their existing coal leases in the Choctaw and Chickasaw Nation for other lands within said nation was read twice by its title.

Mr. HALE. Mr. President——

Mr. OWEN. I ask unanimous consent that the bill be put upon its passage.

The VICE PRESIDENT. The Chair had recognized the Senator from Maine.

DEFICIENCY APPROPRIATIONS.

Mr. HALE. I move that the Senate proceed to the consideration of House bill 32957, the deficiency appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 32957) making appropriations to supply deficiencies in appropriations for the fiscal year 1911 and for prior years, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. HALE. I ask that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the amendments of the committee first receive consideration.

The VICE PRESIDENT. Is there objection?

Mr. OWEN. I should like to have the bill read.

The VICE PRESIDENT. For action on committee amendments?

Mr. OWEN. I should like to have the bill read.

The VICE PRESIDENT. It is read in full in that way. Unless the Senator would rather have it read formally, it is read in full in that way. Does the Senator from Oklahoma object?

Mr. OWEN. No; if it is read in full that is all I want.

The VICE PRESIDENT. For action on the committee amendments it is read in full. The Secretary will read the bill.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, at the top of page 3, to insert:

For the payment of the expenses of delegates to the General Assembly of the International Institute of Agriculture, to be held at Rome during the year 1911, $10,000, or so much thereof as may be necessary, to be expended under the direction and in the discretion of the Secretary of State and to be immediately available.

Mr. CULBERSON. I ask that the amendment may be passed over for the present.

The VICE PRESIDENT. Is there objection to temporarily passing over the amendment? The Chair hears none.

The reading was continued to page 4, line 3.

Mr. HALE. In line 23, page 3, at the beginning of the appropriation I move to insert the word "of," and after the word "Canada," in line 1, page 4, I move to insert the words "five thousand dollars," so as to make the paragraph read:

Of the appropriation of $75,000 carried in the sundry civil appropriation act for the fiscal year ending June 30, 1911, concerning the boundary waters between the United States and Canada, $5,000 may be used for the rent of buildings in the District of Columbia from the date of the approval of said sundry civil act.

The amendment was agreed to.

The next amendment was, on page 4, after line 3, to insert:

For additional compensation to the Secretary of State from March 5 to June 30, 1911, inclusive, $1,288.89.

The amendment was agreed to.

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The next amendment was, under the head of "Treasury Department," subhead "Office of the Secretary," at the top of page 6, to insert:

To enable the Secretary of the Treasury to purchase the necessary materials for the use of the bookbinder authorized by law, for the fiscal year 1912, $250.

The amendment was agreed to.

The next amendment was, under the subhead "Independent Treasury," on page 10, after line 5, to insert:

For paper for interest, transfer, redemption, pension and other checks and drafts for the use of the Treasurer of the United States, assistant treasurers, pension agents, disbursing officers, and others, for the fiscal year 1912, $10,000.

The amendment was agreed to.

The next amendment was, under the subhead "Miscellaneous, Treasury Department," on page 16, after line 17, to insert:

Credit in the accounts of Pay Directors Lawrence G. Boggs and S. R. Colhoun: The proper accounting officers of the Treasury be, and they are hereby, authorized and directed to credit in the accounts of Pay Directors Lawrence G. Boggs and S. R. Colhoun, United States Navy, the sums of $10,000 and $7,483.01, respectively, now standing against them on the books of the Treasury, said sums having been embezzled by one Thomas Costelloe through no fault of the officers named.

The amendment was agreed to.

The next amendment was, on page 17, after line 2, to insert:

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 in transit between the United States Treasury and the State treasury of Idaho, $500.

The amendment was agreed to.

The next amendment was, on page 17, after line 8, to insert:

The Secretary of the Treasury is authorized and directed to adjust and report to Congress, through the office of the Auditor for the War Department, all unpaid claims for services of the volunteers who rendered service in the war with the Indians in Oregon in 1847 and 1848, known as the Cayuse War, at the same rates as were paid to those whose claims have already been settled, and when said claims shall have been settled, the amount found to be due in each individual case shall be certified up to the Congress, for an appropriation to pay it, in the same manner as is now done in claims for pay for services in all the other Indian wars in which the United States has been engaged.

The amendment was agreed to.

The next amendment was, on page 18, after line 4, to insert:

The accounting officers of the Treasury are hereby authorized and directed to allow and credit in the accounts of Capt. Claudius M. Seaman, Coast Artillery Corps, the sum of $250, disallowed against him on the books of the Treasury.

The amendment was agreed to.

The next amendment was, on page 18, after line 9, to insert:

The accounting officers of the Treasury are hereby authorized and directed to allow and credit in the accounts of Lieut. Col. William C. Langfitt, Corps of Engineers, the sum of $182, disallowed against him on the books of the Treasury.

The amendment was agreed to.

The next amendment was, on page 18, after line 14, to insert:

The accounting officers of the Treasury are hereby authorized and directed to allow and credit in the accounts of Lieut. Col. William C. Langfitt, Corps of Engineers, the sum of $100, disallowed against him on the books of the Treasury.

The amendment was agreed to.

The next amendment was, on page 19, after line 13, to insert:

To pay to the State of New Hampshire for land and fort in Portsmouth Harbor ceded to the United States, $12,000.

Mr. CRAWFORD. I ask that that amendment be passed over for the present.

Mr. GALLINGER. Let the amendment be passed over.

The PRESIDING OFFICER (Mr. KEAN in the chair). The amendment will be passed over at the request of the Senator from South Dakota.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 19, after line 16, to insert:

That the Secretary of the Treasury be, and he is hereby, authorized to pay to Benjamin S. Hanchett, of Grand Rapids, Mich., out of any money in the Treasury not otherwise appropriated, the sum of $77.68, to reimburse him for money expended for necessary expenses while attending the meetings of the Assay Commission, in March, 1905, held at Philadelphia, Pa.

The amendment was agreed to.

The next amendment was, on page 19, after line 24, to insert:

That the Secretary of the Treasury, the Attorney General, and the Treasurer of the United States be, and they are hereby, fully authorized and empowered to compromise, adjust, and finally settle with the governor of the State of North Carolina, or with such person or persons as may be authorized by the laws of that State to act in its behalf, upon such terms and conditions as to them may seem just and equitable, subject to approval by Congress, as hereinafter provided, all or any of the differences between the Government and the said State growing out of and arising from the issue of certain bonds by the said State which are now owned in their own right or held in trust by the United States, and certain claims made by the State of North Carolina, fully described and set forth in the report of Senate Committee on Claims No. 248, Part II, Sixtieth Congress, first session; and any compromise or settlement they may make with the said State shall be fully reported back to Congress, giving the basis therof, for its further action, said compromise not to be effectual and final until approved by Congress.

The amendment was agreed to.

The next amendment was, under the head of "District of Columbia," on page 24, after line 22, to insert:

For additional amount required up to and including December 31, 1911, for the police relief fund, District of Columbia, $14,000; for the firemen's relief fund, District of Columbia, $7,000; in all, $21,000.

The amendment was agreed to.

The next amendment was, on page 25, after line 12, to insert:

Columbia Polytechnic Institute: For the instruction and employment of the blind of the Columbia Polytechnic Institute who are actual residents of the District of Columbia, and for the purchase and repair of machinery and tools which may be needed to equip a workshop for the blind of said District, $3,000, to be expended under the direction of the Commissioners of the District of Columbia.

The amendment was agreed to.

The next amendment was, under the head of "River and harbor work," on page 35, after line 5, to insert:

Authority is hereby given the Secretary of War, in his discretion, to apply any unexpended balance for Union River, Me., of appropriation for improving said river and allotments for the same from appropriation "Preservation and maintenance of river and harbor works," to removing obstructive bowlders and ledge along said river above the limits of the existing project.

The amendment was agreed to.

The next amendment was, under the subhead "Marine Corps," on page 44, afer line 4, to insert:

Barracks and quarters, Marine Corps: For the completion of the marine barracks, navy yard, Charleston, S. C., $6,000.

The amendment was agreed to.

The next amendment was, under the head of "Interior Department," on page 45, after line 24, to insert:

For the construction of steel stacks for books, scientific library, Patent Office, $2,500.

The amendment was agreed to.

The next amendment was, on page 47, line 18, before the word "thousand," to strike out "fifty-four" and insert "sixty-four," so as to read:

To complete the construction of the building for the heating, lighting, and power plant in connection with the Capitol Building and other congressional buildings, including waterway, substation equipment, cable connections between buildings, and for each and every purpose in connection with and necessary for said completion, $64,357.65, to be expended under the direction of the commission in control of the House Office Building appointed under the sundry civil appropriation act approved March 4, 1907.

The amendment was agreed to.

The next amendment was, on page 48, after line 9, to insert:

To pay Elliott Woods compensation for services in connection with the preparation of the plans and specifications for and superintending the construction of the Senate Office Building, $5,000.

The amendment was agreed to.

The next amendment was, on page 48, after line 18, to insert:

To pay H. A. Vale compensation for services rendered to the Commission for enlarging the Capitol Grounds, authorized by the act approved June 25, 1910, $1,000.

The amendment was agreed to.

The next amendment was, under the subhead "Public Land Service," on page 53, after line 15, to insert:

To pay the Title Guaranty & Surety Co., Scranton, Pa., surety for David B. Wickersham, United States deputy surveyor, for surveying public lands in Idaho under contract No. 291, dated October 15, 1907, as found due by the accounting officers of the Treasury by certificate of settlement by the Auditor for Interior Department, No. 19998, of March 1, 1911, $1,620.08, payable from the appropriation "Surveying the public lands, certified claims."

The amendment was agreed to.

The next amendment was, at the top of page 54, to insert:

BUREAU OF MINES.

Authority is hereby granted the Director of the Bureau of Mines to expend for the purchase of books, journals, and other publications relating to the mining industries the sum of $2,500 out of any unexpended balance remaining of the sum of $5,000 appropriated "For making public reports of the work, by the Bureau of Mines," in the act (Public, No. 266) making appropriations for sundry civil expenses of the Government for the fiscal year 1911; and the same is made immediately available.

The amendment was agreed to.

The next amendment was, under the head of "Department of Justice," on page 58, after line 5, to insert:

For continuing the construction at the Court of Appeals Building, including the extension of steam-heating system to connect with the steam-heating system of the Interior Department plant, $6,617, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 65, after line 5, to insert:

CENSUS OFFICE.

The Director of the Census is hereby authorized, out of the appropriations made for the Bureau of the Census, to pay the reasonable expenses of the hospital and surgical treatment of Alice V. Houghton, incurred by reason of the injury suffered by her at the Bureau of the Census on January 31, 1911, such payment, however, not to exceed $1,000: *Provided further*, That the Director of the Census is author-

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unteer Infantry, and also captain of Company H, Forty-fourth Regiment Iowa Volunteer Infantry, be held and considered not to have been mustered into Company C, Twenty-eighth Regiment Wisconsin Volunteer Infantry.

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

ELI HELTON.

Mr. WARREN. From the Committee on Military Affairs, I also report favorably the bill (H. R. 32047; S. Rept. No. 1279) for the relief of Eli Helton, and ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that in the administration of the pension laws Eli Helton, who was a member of Company K, Second Regiment Tennessee Volunteer Cavalry, shall be held and considered to have been discharged honorably as a member of said company and regiment on the 20th day of May, 1863.

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

CONSTITUTION OF NEW MEXICO.

Mr. DILLINGHAM. From the Committee on Territories I report back favorably the joint resolution (H. J. Res. 295) approving the constitution formed by the constitutional convention of the Territory of New Mexico, and I ask unanimous consent for its immediate consideration.

Mr. OWEN. I object.

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

Mr. BAILEY. I think it is a privileged matter. I think the Senator from Vermont can make a motion.

Mr. KEAN. I hope the Senator from Oklahoma will withdraw his objection.

The VICE PRESIDENT. Objection is made, and the joint resolution goes to the calendar.

R. J. WARREN.

Mr. PERCY. I wish to call up the bill (H. R. 11421) for the relief of R. J. Warren.

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 $499.60 to R. J. Warren, of Aberdeen, Miss., for expenses incident to defending an indictment made in Franklin County, Ala., and in the United States court at Huntsville, Ala., against R. J. Warren, charging him with the murder of Houston Vines, while Warren as a United States marshal was attempting to make an arrest of Vines for violation of the internal-revenue laws of the Government.

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

PNEUMATIC-TUBE SERVICE.

Mr. DICK. From the Committee on Post Offices and Post Roads I report back the bill H. R. 25925; S. Rept. No. 1277) authorizing the Postmaster General to advertise for the construction of pneumatic tubes in the city of Cincinnati, State of Ohio, and I ask 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. It proposes that the Postmaster General be authorized to advertise for the construction of double lines of pneumatic tubes, 30 inches in diameter and not exceeding 1 mile in length, in the city of Cincinnati, Ohio, and to enter into contract for the operation of the same for the transmission of the mails, at a rate not exceeding $17,000 per mile per annum, until June 30, 1916, provided that no contract be entered into until the proposed lines shall have been operated for mail purposes in a satisfactory manner for six months, without cost to the Government.

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

DAVID F. WALLACE.

Mr. FRAZIER. I ask unanimous consent for the present consideration of the bill (H. R. 3982) for the relief of David F. Wallace.

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 Military Affairs with an amendment, to add at the end of the bill the following proviso: "*Provided*, That no pension shall accrue prior to the approval of this act," so as to make the bill read:

Be it enacted, etc., That in the administration of the pension laws, David F. Wallace, who was a private of Company M, Fifth Tennessee Volunteer Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on the 4th day of June, 1864: *Provided*, That no pension shall accrue prior to the approval of this act.

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.

REGISTERS OF LAND OFFICES.

Mr. BROWN. I ask for the consideration of the bill (H. R. 6043) for the relief of registers and former registers of the United States land offices.

The Secretary read the bill.

Mr. KEAN. I should like to have an explanation of that bill. How much money is involved?

Mr. BROWN. A very small sum of money.

Mr. KEAN. How much—$100,000 or $200,000?

Mr. CRAWFORD. No, no.

Mr. BROWN. I think it applies to three or four different registers of the Land Office.

Mr. KEAN. How many will follow after this?

Mr. BROWN. They are all in the report.

Mr. CRAWFORD. They are all mentioned in the report, and there is a list of them.

Mr. KEAN. I think it is a very bad bill, but I will not object.

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.

MATTHEW LOGAN.

Mr. WETMORE. I ask unanimous consent for the present consideration of the bill (S. 6479) granting an honorable discharge to Matthew Logan.

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 Military Affairs with an amendment to strike out all after the enacting clause and to insert:

That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Matthew Logan shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Battery H, First Regiment Rhode Island Volunteer Light Artillery, on the 25th day of July, 1865: *Provided*, That no pension shall accrue prior to 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 Matthew Logan."

RETURN OF STATE BONDS.

Mr. FOSTER. I call up 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, and ask unanimous consent for its present consideration.

The Secretary read the bill.

Mr. BRANDEGEE. I object.

The VICE PRESIDENT. Objection is made by the Senator from Connecticut.

FALSIFICATION OF ACCOUNTS.

Mr. SUTHERLAND. I ask unanimous consent for the present consideration of the bill (H. R. 25503) to provide punishment for the falsification of accounts and the making of false reports by persons in the employ of the United States.

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 the Judiciary with an amendment, which was to strike out all after the enacting clause and insert:

That whoever, being an officer, clerk, agent, or other person holding any office or employment under the Government of the United States and, being charged with the duty of keeping accounts or records of any kind, shall, with intent to deceive, mislead, injure, or defraud the United States or any person, make in any such account or record any false or fictitious entry or record of any matter relating to or connected with his duties, or whoever with like intent shall aid or abet any such officer, clerk, agent, or other person in so doing; or whoever, being an officer, clerk, agent, or other person holding any office or employment under the Government of the United States and, being charged with the duty of receiving, holding, or paying over moneys or securities to, for, or on behalf of the United States, or of receiving or holding in trust for any person any moneys or securities, shall, with like intent, make a false report of such moneys or securities, or whoever with like

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intent shall aid or abet any such officer, clerk, agent, or other person in so doing, shall be fined not more than $5,000, or imprisoned not more than 10 years, or both.

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.

BRIDGE ACROSS SNAKE RIVER, IDAHO.

Mr. BORAH. I ask for consideration of the bill (S. 10878) to authorize the Commercial Club of Payette, Idaho, to construct a bridge across the Snake River near the town of Payette, Idaho.

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, in section 1, page 1, line 3, after the word "the," to strike out the words "Commercial Club of Payette, State of Idaho," and to insert the words "Canyon Snake River Wagon Bridge Commission," so as to make the bill read:

Be it enacted, etc., That the Canyon Snake River Wagon Bridge Commission is hereby authorized to construct, maintain, and operate a bridge and approaches thereto across the Snake River, at a point suitable to the interests of navigation, at or near the town of Payette, in the county of Canyon, in the State of Idaho, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

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 of the bill was amended so as to read: "A bill to authorize the Canyon Snake River Wagon Bridge Commission to construct a bridge across the Snake River at or near the town of Payette, Idaho."

ADDITIONAL PROFESSOR OF MATHEMATICS.

Mr. THORNTON. I should like to call up the bill (S. 10342) providing for the appointment of an additional professor of mathematics in the Navy.

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 Naval Affairs with amendments, on page 1, line 8, after the word "such," to strike out "an," and on page 2, line 2, after the word "be," to strike out "made" and insert "held," so as to make the bill read:

Be it enacted, etc., That the President be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, one additional professor of mathematics in the Navy, who shall be an extra number in the corps of professors of mathematics, and who shall, when appointed, take rank at the foot of the list of officers in said corps: *Provided*, That such appointment may be made when the proposed appointee shall be found mentally, morally, and physically qualified therefor and shall also establish his professional fitness, in such manner as the Secretary of the Navy may prescribe, as an instructor in the Spanish language: *And provided further*, That the appointment herein authorized shall be held and considered as filling the next vacancy among the regular members of said corps when such vacancy occurs.

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.

COLUMBIA RIVER BRIDGE.

Mr. JONES. I ask for the consideration of the bill (S. 10863) to give the consent of Congress to the building of a bridge by the city of Northport, Wash., over the Columbia River at Northport.

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 an amendment, on page 1, line 6, after the word "River," to strike out "at some suitable point" and insert "at a point suitable to the interests of navigation," so as to make the bill read:

Be it enacted, etc., That the consent of Congress be, and is hereby, given to the city of Northport, in the State of Washington, to construct and maintain a wagon bridge and approaches thereto over the Columbia River at a point suitable to the interests of navigation at Northport, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

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.

SILETZ INDIAN RESERVATION LANDS.

Mr. CHAMBERLAIN. I ask unanimous consent to call up the bill (H. R. 27298) relating to homestead entries in the former Siletz Indian Reservation, in the State of Oregon.

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.

PROTECTION OF GAME IN ALASKA.

Mr. PILES. From the Committee on Territories, I report back favorably the bill (H. R. 32170) for the protection of game in the Territory of Alaska, and ask 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. It provides that from and after the passage of the act it shall be lawful to kill grouse, ptarmigan, shore birds, and waterfowl from September 1 to March 1, both inclusive, anywhere in the Territory of Alaska.

Mr. BAILEY. I understand that that is not for the protection but rather for the destruction. As I caught it, it is a bill to allow them to hunt, not to keep them from hunting. I have no objection to it, but I think the title ought to be amended.

Mr. PILES. No; I do not want to have the title amended.

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

BERING RIVER BRIDGE, ALASKA.

Mr. PILES. From the Committee on Commerce I report back favorably the bill (H. R. 32842) to authorize the Controller Railway & Navigation Co. to construct two bridges across the Bering River, in the District of Alaska, and for other purposes, and I ask 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 a third reading, read the third time, and passed.

OSAGE LANDS.

Mr. OWEN. I call up order of business 1098, being the bill (S. 10606) supplementary to and amendatory of the act entitled "An act for the division of the lands and funds of the Osage Nation of Indians in Oklahoma," approved June 28, 1906, and for other purposes, and I move that House bill No. 32348, which is the same bill, be taken up, and I ask unanimous consent to substitute it for Senate bill No. 10606.

The VICE PRESIDENT. The Senator from Oklahoma calls up a Senate bill which has heretofore been reported and asks unanimous consent to substitute for the Senate bill a House bill. The Secretary will read the bill.

Mr. OWEN. It has already been read.

Mr. HEYBURN. It had better be read again.

The VICE PRESIDENT. The Senator from Idaho asks that the bill be read again.

Mr. OWEN. Very well.

The Secretary read the bill (H. R. 32348) supplementary to and amendatory of the act entitled "An act for the division of the lands and funds of the Osage Nation of Indians in Oklahoma," approved June 28, 1906, and for other purposes.

Mr. SCOTT. I object to the consideration of the bill.

The VICE PRESIDENT. The Senator from West Virginia objects.

STANDARDS FOR COINAGE.

Mr. SMOOT. I report from the Committee on Finance the bill (H. R. 24886) to amend sections 3548 and 3549 of the Revised Statutes of the United States relative to standards for coinage, without amendment, and I ask unanimous consent for the present consideration of the bill.

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

The Secretary read the bill.

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

Mr. HEYBURN. Mr. President, I want to ask a question. The bill is somewhat indefinite in its language. Does it refer to the copper alloy in coin?

Mr. SMOOT. No. Mr. President, 83 years ago we brought to this country the pound troy weight. The standard was made of copper, and through the process of oxidation it increased in weight. Every other country has substituted plati-

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num for copper, and this bill simply provides for the substitution of platinum instead of copper in that pound troy weight.

Mr. HEYBURN. Mr. President, there is another inquiry which arises in my mind. Platinum is more valuable than gold. How much expense will this incur? There are a great many weights in use by the Government of the United States, as any Senator knows who has visited the mints. Are you going to replace all the existing weights of copper with platinum weights?

Mr. SMOOT. No, Mr. President, this is just the standard weight, the single, solitary weight that is used as the pound troy weight, and has been so used for 83 years. All this bill does is to substitute a platinum weight as the standard for a copper weight.

Mr. HEYBURN. Mr. President, this is probably the fifth time within a few days that the Finance Committee has undertaken to float bills over the head of the Senate which have not been reported to the Senate and have not been printed or gone to the calendar. The one which was just passed in reference to other coins should not have been passed. There is nothing in the country with which it is more dangerous to tamper than its coinage. Every man on this floor is entitled to know a sufficient length of time before a matter is up for consideration that it is to be brought up for consideration. The practice of having a bill come in here, not even with the sanction of the chairman of the Committee on Finance, floated right over to the desk, and being immediately considered is likely to result in our wakening up some morning and finding we have made a grand mistake.

This bill effects the substitution of a platinum weight for the copper standard weight. Why should that be done? The copper weight has been in use for nearly a century. We brought it from abroad. It has answered our purpose. The change may be a wise one, but I object to the method. If these occasions arise hereafter, I shall, perhaps, be very watchful in my objection to bills that are brought in here but never come to the attention of a Senator. One Senator is as much responsible for the legislation of this body as is another. There is no rank or precedence in this body. After a committee, which is the agent of the Senate, has reported a measure it has fulfilled its full duty, and the Senate is the master and not the committee. I make these remarks because I think they are timely just now.

The VICE PRESIDENT. Does the Senator from Idaho object?

Mr. BAILEY. It sometimes happens that a Senator instead of the Senate is the master of the situation.

Mr. HEYBURN. I am willing to let that rest in conjecture. I am also willing to say that I shall be watchful against such a condition. We want no mastery here in the Senate. If the Senate consents to a master, it acknowledges its own degradation. There is only one mastery here, and that is in the equality of every Member of this body, and the mastery is in the vote.

The VICE PRESIDENT. Is there objection?

Mr. OWEN. I object, Mr. President.

The VICE PRESIDENT. Objection is made.

Mr. SMOOT subsequently said: I understand the Senator from Oklahoma [Mr. OWEN] has withdrawn his objection to the bill (H. R. 24886) to amend sections 3548 and 3549 of the Revised Statutes of the United States, relative to the standards for coinage.

By unanimous consent, 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.

LAKE CHAMPLAIN BRIDGE.

Mr. BRANDEGEE. I ask unanimous consent for the present consideration of the bill (H. R. 31652) to authorize the Central Vermont Railway Co. to construct a bridge across the arm of Lake Champlain between the towns of Alburg and Swanton, Vt.

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

Mr. OWEN. Mr. President, I understood that to-night unobjected bills on the calendar would be considered. I have only tried to obtain consideration for one bill. It was a departmental bill in which I had no personal concern whatever. Objection has been made to its consideration. I think, in view of that circumstance, that it is not a good plan to go on with this program to-night, and that we might as well discontinue it.

The VICE PRESIDENT. Objection is made.

Mr. GALLINGER subsequently said: The Senator from Oklahoma [Mr. OWEN] withdraws his objection to the consideration of the bill (H. R. 31652) to authorize the Central Vermont Railway Co. to construct a bridge across the arm of Lake Champlain between the towns of Alburg and Swanton, Vt. The bill has already been read.

Mr. OWEN. I withdraw my objection.

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.

MEDAWAKANTON AND WAHPAKOOTA (SANTEE) SIOUX INDIANS.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 5121) for the restoration of annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians, declared forfeited by the act of February 16, 1863, which was to strike out all after the enacting clause and insert:

That jurisdiction be, and hereby is, conferred upon the Court of Claims to hear, determine, and render final judgment for any balance that may be found due the Medawakanton and Wahpakoota bands of Sioux Indians, otherwise known as Santee Sioux Indians, with right of appeal as in other cases, for any annuities that may be ascertained to be due to the said bands of Indians under and by virtue of the treaties between said bands and the United States, dated September 29, 1837 (7 Stat. L., 538), and August 5, 1851 (10 Stat. L., 954), as if the act of forfeiture of the annuities of said bands, approved February 16, 1863, had not been passed: *Provided*, That the court, in rendering judgment, shall ascertain and include therein the amount of accrued annuities under the treaty of September 29, 1837, up to the date of the passage of this act, and shall determine and include the present value of the same, not including interest, and the capital sum of said annuity, which shall be in lieu of said perpetual annuity granted in said treaty; and to ascertain and set off against any amount found due under said treaties all moneys paid to said Indians or expended for their benefit by the Government of the United States since the treaties were abrogated by the act of 1863, except such amounts as have been paid them for an otherwise adequate consideration. Upon the rendition of such judgment and in conformity therewith the Secretary of the Interior is hereby directed to ascertain and determine which of said Indians now living took part in the Sioux outbreak of 1862, and to prepare a roll of the persons entitled to share in said judgment by placing thereon the names of all living members of said bands residing in the United States at the time of the passage of this act, excluding therefrom only the names of those found to have personally participated in the outbreak; and he is directed to distribute the proceeds of such judgment, except as hereinafter provided, per capita, to the persons borne on the said roll.

Proceedings shall be commenced by petition, verified by the attorney to be employed by said bands of Indians to prosecute their claims under this act under contract to be approved by the Commissioner of Indian Affairs and the Secretary of the Interior, as provided by law, upon information and belief as to the existence of the facts stated in said petition and no other verification shall be necessary. Upon final determination of the cause the Court of Claims shall decree such fees as the court shall find to be reasonable upon a quantum meruit for services performed or to be performed, to be paid to the attorney or attorneys employed by the said bands of Indians, and the same shall be paid out of the balance found to be due said bands of Indians, when an appropriation therefor shall have been made by Congress: *Provided*, That in no case shall the fees decreed by the court amount in the aggregate to more than 10 per cent of the amount of the judgment recovered, and in no event shall the aggregate amount exceed $25,000: *Provided further*, That the court shall by its decree distribute such fees equitably between the attorneys who have been or who may hereafter be employed by said bands of Indians in said cause.

Mr. KEAN. This is a bill from the other House. Has any Senator asked for its present consideration?

The VICE PRESIDENT. The Chair has laid before the Senate the amendment to the bill made by the House of Representatives.

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

Mr. KEAN. What is the bill about?

Mr. GAMBLE. It is a Senate bill with an amendment made by the House providing for the restoration of annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians, declared forfeited by the act of February 16, 1863.

Mr. KEAN. Will it take any money?

Mr. GAMBLE. It is a bill which has passed the Senate two or three times. It has now passed the House of Representatives with an amendment.

Mr. McCUMBER. Mr. President, that bill has not passed the Senate at all. Another bill passed the Senate and went over to the other House, and the House has substituted this bill. This bill has not gone to conference, and it either ought to go to conference or go to the Committee on Indian Affairs. The amendment of the other House has not been considered either by the Committee on Indian Affairs or by the Congress. It seems to me the proper thing to do is to ask for a conference, instead of asking that we agree to an amendment proposed to the bill by the other House.

Mr. GAMBLE. Mr. President, this bill, as I have said, has passed the Senate on two or three occasions independently, and also as an amendment to the Indian appropriation bill. It passed the Senate last June during the present Congress. The House amendment is a substitute for the original bill which covers practically identically the same provisions as the Senate

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bill, only differently worded. It is a matter of very great importance, and should be disposed of, for if it goes to conference, it means the death of the bill. It has been considered by subcommittees and by full committees; it has been discussed in the Senate; and during its consideration in the House it was fully discussed before that body. I believe, as I have said, that it is a matter of very great importance, and ought to be disposed of.

Mr. McCUMBER. I object to the present consideration of the bill.

The VICE PRESIDENT. Objection is made.

Mr. GAMBLE. Do I understand that, in the condition of business at the present time, objection has been made?

The VICE PRESIDENT. Objection can be made to any action other than the reference of the bill. The bill may lie on the table, if the Senator so desires.

Mr. GAMBLE. I will ask that the bill remain on the table.

The VICE PRESIDENT. Without objection, the bill will lie on the table.

INJURIES TO GOVERNMENT EMPLOYEES.

Mr. BULKELEY. I ask unanimous consent for the present consideration of the bill (H. R. 26367) to pay certain employees of the Government for injuries received while in the discharge of duty.

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 Claims with amendments.

The first amendment was, on page 2, line 3, after the word "pay," to strike out "$5,000," and insert "$912.50," so as to make the clause read:

To pay $912.50 to Lars P. Peterson, for disability incurred by reason of injury received at Aqueduct No. 5, on the Illinois and Mississippi Canal, in the State of Illinois, December 22, 1905.

The amendment was agreed to.

The next amendment was, on page 2, line 8, after the word "pay," to strike out "$5,000" and insert "$642.40," so as to make the clause read:

To pay $642.40 to the heirs or legal representatives of James H. Quinn, who was fatally injured by an accident at the Watertown Arsenal, Watertown, Mass., July 10, 1905.

The amendment was agreed to.

The next amendment was, on page 2, line 21, after the word "dollars," to insert "and 75 cents," so as to make the clause read:

To pay $638.75 to Severin Hartmann for injury received at Rock Island Arsenal, Ill., February 16, 1905.

The amendment was agreed to.

The next amendment was, on page 3, line 1, after the word "pay," to strike out "$5,000" and insert "$642.40," so as to make the clause read:

To pay $642.40 to the heirs or legal representatives of Michael Mahoney, who was fatally injured at Lock No. 2, Mississippi River, between the cities of St. Paul and Minneapolis, Minn., December 14, 1906.

The amendment was agreed to.

The next amendment was, on page 3, line 12, after the word "pay," to strike out "five thousand" and insert "one thousand five hundred," so as to make the clause read:

To pay $1,500 to Robert Coggan, dependent father of Clifford J. Coggan, who was fatally injured by a premature explosion of dynamite at Caimite, Mulato, May 22, 1908, while employed on Panama Canal.

The amendment was agreed to.

The next amendment was, on page 3, line 17, after the word "pay," to strike out "$5,000" and insert "$905.20," so as to make the clause read:

To pay $905.20 to the heirs or legal representatives of William Van Gurp, who was fatally injured by an accident at Fort Lafayette, in New York Harbor, by an explosion of an 8-inch shell, February 19, 1903.

The amendment was agreed to.

The next amendment was, on page 3, line 23, after the word "pay," to strike out "$5,000" and insert "$905.20," so as to make the clause read:

To pay $905.20 to the heirs or legal representatives of Gustav Doser, who was fatally injured at Fort Lafayette, in New York Harbor, by an explosion of an 8-inch shell, February 19, 1903.

The amendment was agreed to.

The next amendment was, on page 4, line 3, after the word "pay," to strike out "$5,000" and insert "$905.20," so as to make the clause read:

To pay $905.20 to the heirs or legal representatives of John Mason, who was fatally injured by an accident at Fort Lafayette, New York Harbor, by an explosion of an 8-inch shell, February 19, 1903.

The amendment was agreed to.

The next amendment was, on page 4, line 8, after the word "pay," to strike out "$5,000" and insert "$905.20," so as to make the clause read:

To pay $905.20 to the heirs or legal representatives of Frederick Munder, who was fatally injured by an accident at Fort Lafayette, New York Harbor, by an explosion of an 8-inch shell, February 19, 1903.

The amendment was agreed to.

The next amendment was, on page 4, line 14, after the word "pay," to strike out "five thousand" and insert "seven hundred and thirty," so as to make the clause read:

To pay $730 to the heirs or legal representatives of James Clancey, who was fatally injured by an accident at Fort Lafayette, New York Harbor, by an explosion of an 8-inch shell, February 19, 1903.

The amendment was agreed to.

The next amendment was, on page 4, line 19, after the word "pay," to strike out "$5,000" and insert "$1,109.60," so as to make the clause read:

To pay $1,109.60 to the heirs or legal representatives of John Rothar, who was fatally injured by an accident at Fort Lafayette, New York Harbor, by the explosion of an 8-inch shell, February 19, 1903.

The amendment was agreed to.

The next amendment was, on page 5, line 1, after the word "pay," to strike out "five thousand" and insert "one thousand four hundred and sixty," so as to make the clause read:

To pay $1,460 to Pete Jelovac for the loss of his eyes by reason of an injury received at River Portal, the east portal or intake Gunnison Tunnel of the Uncompahgre Valley, Colo., July 17, 1906.

The amendment was agreed to.

The next amendment was, on page 5, line 6, after the word "pay," to strike out "$5,000" and insert "$642.40," so as to make the clause read:

To pay $642.40 to the heirs or legal representatives of Peter Cornick, who was fatally injured by an accident at the navy yard at Norfolk, Va., December 2, 1901.

The amendment was agreed to.

The next amendment was, on page 5, line 11, after the word "pay," to strike out "sixty-four" and insert "one hundred and twenty-eight," so as to make the clause read:

To pay $128 to Patrick Murphy for injury received as a blacksmith's helper in the Charlestown Navy Yard, at Boston, Mass., July 26, 1906.

The amendment was agreed to.

The next amendment was, on page 5, line 15, before the word "thousand," to strike out "five" and insert "one," so as to make the clause read:

To pay $1,000 to the heirs or legal representatives of Edward M. Reilly, who was fatally injured at the general post office in New York City, N. Y., February 6, 1908.

The amendment was agreed to.

The next amendment was, on page 5, line 19, after the word "thousand," to strike out "five hundred and ninety-one" and insert "six hundred and thirty-five," so as to make the clause read:

To pay $1,635.20 to Theodore Schroeter for injuries received on the Panama Canal September 28, 1907.

The amendment was agreed to.

The next amendment was, on page 6, line 1, after the word "pay," to strike out "five thousand" and insert "seven hundred and thirty," so as to make the clause read:

To pay $730 to Hans Peter Guttormsen for injuries near Moline, Ill., November 6, 1880.

The amendment was agreed to.

The next amendment was, on page 6, line 4, after the word "pay," to strike out "five thousand" and insert "five hundred and eighty-four," so as to make the clause read:

To pay $584 to the heirs or legal representatives of Valentine Brasch, who was fatally injured while working under the direction of the Chief of Engineers, United States Army, at Willets Point, N. Y., September 10, 1897.

The amendment was agreed to.

The next amendment was, on page 6, line 10, after the word "pay," to strike out "five thousand" and insert "five hundred and eighty-four," so as to make the clause read:

To pay $584 to the heirs or legal representatives of William Bindhammer, who was fatally injured while employed under the direction of the Chief of Engineers, United States Army, at Willets Point, N. Y., September 10, 1897.

The amendment was agreed to.

The next amendment was, on page 6, line 21, after the word "pay," to strike out "$5,000" and insert "$5,047.50," so as to make the clause read:

To pay $5,047.50 to the heirs or legal representatives of Edward O'Toole, who was fatally injured by an accident at Rock Island Arsenal, Ill., February 24, 1905.

The amendment was agreed to.

The next amendment was, on page 7, after line 5, to insert the following:

To pay $500 to Alessandro Comba on account of injuries received while in the employ of the United States, under the supervision and direction of the Isthmian Canal Commission, on the Isthmus of Panama, on the 21st day of September, 1907.

To pay $2,520 to the heirs of Robert S. Gill for injuries received by him while in the employ of the Government on the Panama Canal.

To pay $1,138.80 to Albert S. Henderer for injuries sustained by him while employed in the east gun shop, United States Navy Yard, Washington, D. C., on the 11th day of August, 1903.

To pay $500 to Carl Krueger on account of injuries received in the United States mint in the city of Denver, State of Colorado, on February 27, 1906.

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as I think they will make a mistake in making such a choice, that does not disqualify them for statehood, and I am unwilling to deny to those people the right of local self-government upon such narrow and partisan consideration. There is, however, a question of party expediency which my Democratic associates can afford to ignore. I feel constrained to say to my friends on this side that we might as well disorganize the Democratic Party of New Mexico as to stand in the way of statehood for that Territory. Senators who have lived in a Territory know that with their people statehood is always the paramount question.

If these people, having obeyed our command, having conformed to the enabling act which we passed almost without a dissenting voice when we reached the end of that controversy, having done all that we required of them, are now told that because some other people did not act as promptly as they did, or perhaps have not acted as wisely as they did, they shall be made to suffer this Territorial vassalage until somebody else shall have corrected an independent mistake, they will have ample cause to bitterly complain.

I believe New Mexico is entitled to become a State. I believe New Mexico is qualified to become a State. I know that the faith of the American Congress has been pledged that she may become a State by conforming to the terms of that enabling act, and I sincerely hope that this Congress will signalize its closing hours by adding another star to the flag of the Union, by making another Commonwealth, next to the last, I sincerely hope, that the Union will ever receive into the sisterhood. When we have taken New Mexico in upon terms of equality, and Arizona shall follow, as follow she will in time, then I am ready myself to adopt a constitutional amendment that no other State shall ever be admitted into the American Union.

I hear these suggestions about Mexico to the south and I have heard suggestions about Canada to the north. There was a time when I would have believed the principle of the American Government susceptible of indefinite application. If you had adhered to the old-time doctrine of local self-government, I think we might have covered a continent from ocean to ocean and from north to south.

But, sir, when we abandoned that and were tempted by appropriations from the Federal Treasury to yield one State power and one State function after another, we made it dangerous to extend our jurisdiction, because it is as true in politics as it is in physics that when you increase the area over which a given force must operate, you must increase that force at its center; and as we extend the limits of this Republic it will be inevitable, sir, that we must extend the power of the Federal Government until it destroys the sovereignty of the States. Believing that and compelled to believe it by the trend of events, I want to close the book.

I could not be tempted by anything they might offer us at the north, neither could I be tempted by anything that they might offer us on the south. It is for that reason that I am always so eager to keep peace with our neighbors to the south. Our children will not be as well and as strongly fortified against the lust of territorial expansion as our fathers were. We ran the flag of this Republic up once over the capital of a neighboring nation, and then gave the world an enduring exhibition of generosity to a foe by taking it down and bringing it home.

But, sir, I fear very much that the same spirit of conquest which sought to free the Philippines from an alien domination and ended by subjecting them to our own domination, will not be strong enough, nor wise enough, nor just enough to ever take the American flag down from the capital of another conquered nation.

If I had my way I would take a bond against this spirit of conquest, against this greed of territory by writing it into the Constitution of this Union that its circle had been completed and never again should its numbers be increased, but whether we shall do that or not must be decided in the years to come. It is enough for us to-night, sir, to perform the duty that lies before us, and add a new star to the flag that shall answer to the name of another great and splendid Commonwealth.

Mr. LODGE. Mr. President, I shall detain the Senate but a moment, but I have heard with surprise the suggestion of the Senator from Texas that there was opposition or could be opposition to this bill. I was one of those who favored admitting the two States of Arizona and New Mexico as one, but Congress decided otherwise, or rather left to them the decision, and they decided otherwise. They have complied with all the conditions we have laid down.

Now, Mr. President, one of these States is here knocking at the door and asking for admission. The constitution which she presents has been approved by the President of the United States; it has been approved by the House of Representatives; and it seems to me that it ought to pass the Senate without a syllable of objection.

To make the admission of New Mexico dependent upon the action of Arizona is an injustice on its face. They have been separated as States, and we have no more right to make New Mexico dependent upon Arizona than we would have the right to make Arizona dependent upon New Mexico if the conditions were reversed.

I believe, Mr. President, that this Congress could not close better than by adding this new State to the great sisterhood of States as they are to-day. I hope most earnestly that where the Executive and the House of Representatives have given their approval the Senate will not withhold its approbation. I trust that the bill may pass without delay and without opposition.

Mr. HEYBURN. Mr. President, I feel a special interest in this question. I occupy the unique position of one who prevented the two Territories being admitted as one State. When it was a tie I came into this Chamber and cast a vote that separated them.

Mr. President, I am in thorough accord with the sentiments expressed by the Senator from Texas and the Senator from Massachusetts. Living under a Territorial form of government is not unfamiliar to me. I know what the limitations mean to a man who has first lived in a State. I can see no reason whatever for delaying the admission of New Mexico because the people of Arizona came under the influence of this taint of insanity which seems to be abroad in the land. I can see no reason why Arizona should not remain a Territory until she demonstrates by her actions, by her wisdom in the making of a constitution, that she is capable of self-government.

In my judgment, no State is capable or fit for self-government that does not know better than to adopt a rule of recall in its organic law. If it wants to experiment with the madness of the hour, let it do so through its legislature, and it can then remedy the evil when it appears.

I would not vote for the admission of either of these Territories if they had twice their population and had multiplied their prosperity if they came here with a proposition in their constitutions that they might withdraw a judge or a Representative of the State in either branch of the Congress or that they might withdraw the executive officers of their State. I would not vote for them in a lifetime if they should come here tainted with such madness, because it is political madness that seems to have taken possession of some people.

We have plenty of time to-night to stand at the door of the Nation and receive a new member of the household leisurely, with dignity, and with deliberation. This is not a case in which we need to show any haste whatever.

Mr. President, I have spoken these words because, as I have said in the beginning, I know this country. I knew its people many years ago. I know their soil and their climate and their mountains and their valleys and their people as well as any man knows them, and I have lived the experiences of life among them. There is just as much manhood in that country as in any other part of this country. I undertake to say that you will find as high an average of intelligence among those of the white blood in that country as you will find in any State in the Union. The others must be farmed out and bred out, as we did in California in the early days. There was a taint there of a foreign blood, which has disappeared to-day and cuts no figure whatever in the civilization of that State; and yet I remember when the prophecy was that California could never be in sympathy an American State.

Mr. President, I am ready to vote to admit this new State and to welcome her into the Union.

Mr. OWEN. Mr. President, I have long desired to see New Mexico admitted as a State; I have long desired to see Arizona admitted as a State. I do not agree with the views of the Senator from Idaho [Mr. HEYBURN] that Arizona or its people are affected with insanity. I do not believe that Arizona ought to be deprived of statehood because in the constitution of Arizona the people of that Territory have written the initiative, the referendum, and the right of recall. Those are the doctrines of popular sovereignty; they are doctrines which are sweeping this country like an irresistible tide that nothing can stop and nothing can turn aside, that nothing can divert any more than you can divert the forces which move the sea.

I doubt whether the Senate has realized how far this doctrine has progressed. Is Arizona indeed of unsound mind? If so, California is also unsound of mind, because the issue of direct legislation and direct nomination was the issue in California, the issue not only of one party but of both parties. Gov. Johnson campaigned the State of California from end to end

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on that very doctrine, appealing to the people of that State on the doctrine of direct legislation, on the doctrine of direct nomination of officers, on the doctrine of the right of recall, on the doctrine of popular supremacy and popular control, on the doctrine that the Southern Pacific Railroad had to go out of the governing business in California; and the two doctrines are identical; they are the same, and it is because they are the same that I say on the floor of the Senate that there is no power in the Senate or anywhere else in this country that can stop their triumphant progress.

Gov. Johnson swept California on this great doctrine of the rule of the people of this country. It is not a new doctrine, but it is a doctrine that has within the last 10 years grown by leaps and bounds, until now it is an overwhelming force that will put its master hand on the Senate and teach it to respect the will of the people of this country. It was this doctrine that made the Senate come so near to passing a constitutional amendment to elect Senators by direct vote of the people. It was this doctrine which made men hesitate before they voted against that amendment, and every man knows that as soon as the next Senate assembles there will be no doubt about the passage of a joint resolution by the Senate for the election of Senators by direct vote of the people. It would have passed at this session if it had not been for 10 votes, which are now retiring from the Senate, and they would not have retired from the Senate if they had recognized the truth of what I am now saying, if they had recognized the right of the people of this country to rule, if they had adhered to the doctrine of the sovereign power of the people, the right of the people to directly legislate when their representative fails in his office, either by omitting to do his duty or by committing an act offensive to those who have sent him as a public servant to serve them in the legislative functions.

It is not California alone. Oregon has long since adopted this doctrine, and the people of Oregon are the masters there and are not ruled by a legislature. The legislature is not the master in Oregon; it is the servant, and it ought to be the servant, of the people.

It has been the fancy of some legislators that they were wiser and more learned than were the people. That is but an evidence of human vanity. The people know more than any legislator, and the people are less easily biased or turned from a course of righteous and moderate and conservative judgment. So true is that, that in England recently the Tories appealed to the people on a referendum vote against the representatives of the people in Parliament, the Tories recognizing that the people were more conservative than their chosen representatives.

It will not do to imagine that this great movement which is sweeping not only this Republic, but is sweeping the world, is an evidence of insanity. The State of Washington is being moved by this great force. What was it, I pray you, that sent MILES POINDEXTER to this body by a plurality vote of over 40,000 in the primaries? It was because he made this the issue of his campaign, and when I was in Seattle during the last summer I had no hesitation in a public address to the Democrats at Seattle in advising them to support MILES POINDEXTER in that campaign, because it was impossible to elect a Democrat in the first place, and in the second place, MILES POINDEXTER stood for the very essence of Democracy. I do not care if he be called a Republican or not. He is no Republican in the true sense, from my standpoint of what constitutes a Republican.

We all have our ideals. As I understand, fundamental Democracy is the rule of the people. What does the word "democracy" mean? It means the rule of the people. In my judgment, Abraham Lincoln was a Democrat, and when at Gettysburg he declared for the doctrine of a government of the people, by the people, and for the people, he declared the essential doctrine of Democracy. The initiative and referendum and the direct primary are the concrete forms of that doctrine laid down by Lincoln, because, with the direct primary and with the initiative and referendum and the right to recall, it is a government of the people, by the people, and for the people.

The weakness of our Government is, as the Senator from Oregon [Mr. BOURNE] pointed out recently, that which appears in the frame of Government when you pass from the people to the representatives by delegating the powers of Government. Let us look at the old method of conducting government. There would be a precinct primary——

The PRESIDING OFFICER (Mr. KEAN in the chair). The question is on the resolution.

Mr. OWEN. I am simply waiting for the Presiding Officer to restore order in the Chamber.

The PRESIDING OFFICER. The Senate will be in order. Senators will take their seats.

Mr. OWEN. I have much to say on this question; it will take a good many hours; and I wish perfect order when I address myself to this interesting question. I am occupying the floor under the laws governing this body.

When I was interrupted by the conversation on the floor—and I shall not continue while conversation continues on the floor; if Senators desire to converse, they should retire and not disturb the speaker. I was about to describe; and I beg Senators to believe that I shall discuss this matter with great coherence——

Mr. BAILEY. Will the Senator from Oklahoma yield for a moment?

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

Mr. OWEN. I do, with pleasure.

Mr. BAILEY. There are a number of Senators who desire to secure the confirmation of certain appointments, and I am not willing to stand in their way. Will the Senator from Oklahoma yield for that purpose? Of course, when the Senate comes out of executive session he can then resume his speech.

Mr. OWEN. I do not feel willing to be taken off the floor, and then have invoked upon me the rule that I have spoken twice on this question.

Mr. BAILEY. The Senator could only be construed to have spoken once anyway, and he is entitled to speak twice on the same day on the same question.

Mr. OWEN. I prefer not to have my address broken up, as it would be if that rule was invoked.

Mr. OVERMAN. There is no such intention.

Mr. OWEN. I am sure there is no such intention, but it is the rule, regardless of intention.

Mr. BAILEY. I made my suggestion purely in the interest of Senators who told me that they wanted to have some appointments confirmed. I am not one myself.

Mr. OWEN. I ask unanimous consent to postpone this discussion until 10 o'clock this morning, and that will give abundant time to confirm the appointments.

Mr. BAILEY. If the Senator from Oklahoma will say that he intends to prevent a vote on this motion, I will abandon it, because I am not willing to prevent a number of Senators securing the confirmation of appointments in their States by a fruitless effort to accomplish the admission of this Territory as a State into the Union.

Mr. OWEN. I will make that declaration in terms that can not be misunderstood when I shall have finished making the argument upon which I base my action.

Mr. BAILEY. Well, Mr. President, I will return in time to hear the conclusion of that argument.

Mr. OWEN. I am deeply obliged to the Senator.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The Senate will please be in order. Visitors to the Senate will kindly observe order likewise.

Mr. OWEN. I should be greatly obliged to the Chair if I might have complete silence when I speak.

Mr. KEAN. Mr. President——

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

Mr. OWEN. For a question.

Mr. KEAN. I was merely going to state to the Senator from Oklahoma that there are numerous Senators here who desire an executive session. Would the Senator be willing to yield for such a motion?

Mr. OWEN. I will ask as a preliminary that this discussion be resumed at 10 o'clock in the morning.

The PRESIDING OFFICER. The Senator from Oklahoma asks unanimous consent that the further consideration of the bill be postponed until 10 o'clock in the morning. Is there objection?

Mr. YOUNG. I object.

Mr. OWEN. In view of the objection made, I can not yield the floor.

Mr. KEAN. The Senator would not necessarily yield the floor. He could resume it again at any time.

Mr. OWEN. I know the rules of the Senate fairly well, and I know I could only speak twice upon a subject in one legislative day.

Mr. KEAN. But that would not be speaking twice at all; it would be but once.

Mr. OWEN. Let me make my speech now. It will not be very long; not more than a few hours.

This is really a very interesting subject upon which I was about to address the Senate—of great interest not only to the Senate, but to the people of the United States—and I wish to discuss it coherently and logically, and point out the force of this great movement which I had begun to describe when I was interrupted.

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The PRESIDING OFFICER. The Senate will please be in order.

Mr. OWEN. Mr. President, as I started to say in the first place, I have long desired to have New Mexico and Arizona admitted as States, but this really is a controversy between the right of popular government on the one side and those who deny it on the other. That is the issue. There is no reason why Arizona and New Mexico should not be admitted at one time and admitted now, and if this joint resolution had provided for the admission of both these States I should have welcomed it most heartily.

But I call the attention of the Senate to the fact that Arizona had its constitution submitted here and referred to the committee on January 31, 1911. The constitution of Arizona was submitted by a letter from the Secretary of the Interior on January 31, 1911.

Mr. KEAN. I think that was before it was voted upon, was it not?

Mr. OWEN. I did not understand the question of the Senator from New Jersey.

Mr. KEAN. That was before the constitution of Arizona was voted upon, was it not?

Mr. OWEN. I do not know the exact date upon which it was voted upon, but the proposed constitution of the State of Arizona was not changed. There is no reason why the constitution——

Mr. KEAN. But the constitution of Arizona has never yet been received officially.

Mr. OWEN. It was received to-day at the White House; a little late, but still——

Mr. KEAN. I do not know anything about that. It has never been transmitted to Congress.

Mr. OWEN. But still in time.

Mr. KEAN. It has not been transmitted to Congress.

Mr. OWEN. No; it has not been transmitted to Congress; and that is the thing of which I complain.

Mr. KEAN. Therefore I think we ought to act upon what we have.

Mr. OWEN. I can not agree with the Senator from New Jersey, because I think both of these Territories should be admitted, and admitted now, and I should be glad to have them admitted now, but the truth is that Arizona is being punished because in the constitution of Arizona direct legislation is provided for, and because the right of recall is provided for. Those people believe in that doctrine. There is nothing in the constitution of Arizona which could rightfully offend anyone. It is for this very reason, Mr. President, that I do not feel that New Mexico should at this late minute be admitted and Arizona denied.

Mr. CLAPP. Will the Senator pardon an interruption?

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Minnesota?

Mr. OWEN. Certainly.

Mr. CLAPP. I do not think there is any man in this Senate or out of the Senate who is in more hearty accord with the principle of popular government that I am, but it does seem to me that inasmuch as New Mexico held her election and either held it earlier than the Arizona election or else was more prompt in getting the returns here, the fact that Arizona has not her returns before Congress, due to no fault of hers, perhaps, certainly not due to any action on the part of New Mexico, is no reason why New Mexico should be deprived of statehood.

As I understand, while the certified copy of the constitution adopted by the people of Arizona is here, the official returns are not here, or at least did not arrive here until yesterday afternoon. This being true, I can see no reason why we should deny New Mexico statehood. It does seem to me, with all due deference to the Senator from Oklahoma, that we who believe in popular government are illogical if we say that because New Mexico has not adopted a constitution according to our theory, therefore New Mexico should be rejected. We should hold that New Mexico had the same right to adopt her constitution which the people of Arizona had to adopt theirs. As I understand the situation now, the Arizona constitution, especially the official returns, was not received in this city, I think, until yesterday afternoon. It hardly seems to me fair that we should oppose statehood for New Mexico simply because Arizona held her election late—and I would not be certain about that; at all events because the returns were not here in time to have been acted upon earlier.

Mr. OWEN. In view of some doubt as to where the constitution of Arizona was, although a proper copy of it had been published as a Senate document over 30 days ago, on January 31, 1911, which gave abundant time for the Committee on Territories to consider it——

Mr. DILLINGHAM. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Vermont?

Mr. OWEN. I yield with pleasure.

Mr. DILLINGHAM. Do I understand the Senator to say that the constitution has been transmitted to Congress by the President?

Mr. OWEN. I had not yet responded to the portion of the suggestion made by the Senator from Minnesota. I was going to do that.

Mr. DILLINGHAM. But does the Senator so claim now?

Mr. OWEN. I was going to explain that when I was interrupted.

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

Mr. OWEN. I made an inquiry with regard to its whereabouts to-day by a telegram I sent to the President's Secretary, Mr. Norton. I sent this message to him, which I will read for the information of the Senate:

> I am informed that the President questions whether it would be wise to admit Arizona with its present constitution. Please wire me immediately whether this is true or whether Arizona will be denied admission as far as the President is concerned.
>
> ROBERT L. OWEN.

I wanted to know. I had seen in the public press that the constitution of Arizona was not acceptable to the President; that it provided for the recall of judges in Arizona, and that he regarded that with disapproval and would not, in view of that feature of the constitution of Arizona, admit that State, being opposed to that feature of the constitution and thinking it within his proper province to decline to give his approval to the constitution in that form.

The reply I received reads:

> WHITE HOUSE,
> *Washington, D. C., March 3, 1911.*
>
> Hon. ROBERT L. OWEN,
> *United States Senator:*
>
> Constitution has just arrived this afternoon. The President has not examined it yet, but has referred it to the Attorney General for an expression of opinion.
>
> CHARLES D. NORTON.

Mr. DILLINGHAM. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oklahoma further yield to the Senator from Vermont?

Mr. OWEN. I do; with pleasure.

Mr. DILLINGHAM. I may have misunderstood the Senator, but I understood him to criticize the Committee on Territories for not having considered the Arizona constitution and having failed to report it to the Senate. I thought he must be in error, because I was unaware that the President had transmitted it to Congress; and as a member of the Committee on Territories I knew that it had not been referred to that committee for action.

Mr. OWEN. I recognize it to be true that the original, from which this certified copy which I hold in my hand was taken, has not yet reached the committee, nor do I know that the original will ever reach the committee. But the Secretary of the Interior addressed a letter to the Members of the Senate and the House of Representatives on the 30th day of January, 1911, which was received in the Senate of the United States on the 31st day of January, 1911, and was referred to the Committee on Territories and ordered to be printed. I do not know why it was referred to the Committee on Territories if the committee did not intend, or if the Senate of the United States did no intend, that the committee should consider it when it was transmitted in this official letter of the Secretary of the Interior.

Mr. DILLINGHAM rose.

Mr. OWEN. I yield to the Senator with pleasure.

Mr. DILLINGHAM. Mr. President, I can not quite understand the reasoning of the Senator from Oklahoma. I suppose that there was transmitted to Congress a copy of the constitution for their general information, that they might be studying, possibly, the provisions of the constitution and familiarizing themselves with its peculiarities. I suppose it was referred, as all communications are referred, to some committee. But I do not understand that any committee of this body would be authorized to report to the Senate upon a constitution or a copy of a constitution communicated to Congress by some one of the departments of the Government without any resolution having been introduced either in the House or in the Senate, such as has been introduced in the case of New Mexico, such as has been passed by the House of Representatives, and which has come regularly to the Senate and been regularly referred to the Committee on Territories for action. Does the Senator understand that under the conditions he has men-

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tioned the Committee on Territories could make a report to this body? If so, upon what?

Mr. OWEN. I should understand, Mr. President, that the committee, under the circumstances, would have been thoroughly equipped and prepared to make a report; that anticipating the arrival of the originals it would be ready to make a report and be ready to amend this joint resolution so as to admit Arizona when the originals arrived. I should like to ask the Senator a question. Is it true that you have the originals of the constitution of New Mexico?

Mr. DILLINGHAM. We have a certified copy of the constitution of New Mexico with the certificate of the authorities of the proposed State, showing the vote in every county in the Territory, and these papers have been sent to the desk with the report of the committee. But no such document as that has come to the Committee on Territories in the case of Arizona.

It has been called to my attention by some of the Senators sitting near me that the election for the ratification of the constitution which has recently been adopted by Arizona, a copy of which was transmitted to the Secretary of the Interior and that copy transmitted to Congress before the people of Arizona had voted upon it, was not held until about two weeks after that constitution had been circulated in Congress through the agency of the Secretary of the Interior. I do not know whether that is correct or not, but that suggestion has been made to me.

Mr. OWEN. I know from the press, so far as anyone may know any matter of general notoriety, that the constitution has been adopted by an overwhelming majority; that about 80 per cent of the people voted in favor of this constitution; and that, too, notwithstanding the fact that nearly every one of the newspapers of the State was opposing the adoption of the constitution.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Oklahoma yield to the Senator from New Hampshire?

Mr. OWEN. I do.

Mr. GALLINGER. I ask unanimous consent, if the Senator will yield for a motion, that the Senate shall proceed to the consideration of executive business, and that he shall be permitted to continue his remarks after the executive session is over.

Mr. OWEN. That it shall not count against me?

Mr. GALLINGER. My formula, I think, is correct—that the Senator be permitted to continue his remarks.

Mr. OWEN. I do not wish to be permitted to resume in the sense that I have spoken once and would then be speaking twice.

The PRESIDING OFFICER. The Chair understands it.

Mr. GALLINGER. The Senator will be continuing.

The PRESIDING OFFICER. Continuing on the first round.

Mr. OWEN. On the first round.

EXECUTIVE SESSION.

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

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 1 hour and 10 minutes spent in executive session, the doors were reopened.

POST OFFICE APPROPRIATION BILL.

Mr. PENROSE. I ask the Senator from Oklahoma to yield to me to present a conference report.

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Pennsylvania?

Mr. OWEN. I do.

Mr. PENROSE 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. 31539) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1912, 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, 2, 3, 4, 5, 6, 9, 10, 11, 12, 13, 14, 15, 16, 20, 24, 27, 29, 30, 31, 32, 43, 49, 51, 52, 53.

That the House recede from its disagreement to the amendments of the Senate numbered 7, 8, 17, 18, 19, 21, 25, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 44, 45, 46, 47, 48, 50, 54, 55, 56, 57, 58, 59, 60, 61; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment, as follows: Page 16, in second line of said amendment, strike out "five" and insert "four"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment, as follows: Page 4, line 18, after the word "transportation" insert "and handling"; page 4, line 22, after the word "transporting" insert "and handling"; page 5, line 3, after the word "transportation" insert "and handling"; page 5, line 4, after the word "first" insert "1911"; and the Senate agree to the same.

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: Page 20, lines 22, 23, and 24 of said amendment strike out all after "construction"; in lines 1, 2, and 3, page 7 of said amendment, strike out all the language; and the Senate agree to the same.

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: Page 21, in line 6 of said amendment, strike out "eight" and insert "ten"; and the Senate agree to the same.

BOIES PENROSE,
THOS. H. CARTER,
J. H. BANKHEAD,
Managers on the part of the Senate.

JOHN W. WEEKS,
JOHN J. GARDNER,

I agree except as to postal commission—No. 23.

JOHN A. MOON,
Managers on the part of the House.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. JONES. Of course all the amendments are referred to by number, and no one has any idea as to what is the effect of the conference report. Can not the chairman of the committee furnish us that information briefly?

Mr. PENROSE. There are so many amendments that it would be quite a long story. The Senate receded on its amendment regarding the amalgamation of the rural routes and star routes. I suppose the Senator is deeply interested in that.

Mr. JONES. I am interested in that and also in the amendment concerning the per diem allowance to railway mail clerks. What action was taken on that?

Mr. CARTER. I can say to the Senator that the provision relating to the per diem allowances in lieu of subsistence while away from home was retained at $1, but the Senate acceded to an amendment placing the number of hours at 10 rather than at 8, as provided in the Senate amendment.

Mr. JONES. What was the amount appropriated to carry it out?

Mr. PENROSE. That was arranged for as provided in the Senate amendment.

Mr. JONES. Very well.

Mr. STONE. Mr. President, I inquire what was done with the amendment increasing the allowance for travel for post-office inspectors from $3 to $4 per diem.

Mr. PENROSE. The Senate receded on that.

Mr. STONE. The Senate receded and the allowance remains at $3?

Mr. PENROSE. Yes; and the Senate also receded on the amendment increasing the number of inspectors by 10, to which the Senator objected at the time, and afterwards withdrew his objection, or he was not in the Chamber when it passed.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

Mr. PENROSE. I move that the Senate insist upon its amendments, and request a further conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. PENROSE, Mr. CARTER, and Mr. BANKHEAD conferees on the part of the Senate.

RECIPROCITY WITH CANADA.

Mr. CARTER. Mr. President, I ask the Senator from Oklahoma to yield to me for a moment.

Mr. OWEN. I yield to the Senator.

Mr. CARTER. Mr. President, I expected during the session to make some observations on the subject of Canadian reciprocity. It is now evident that that question will not be brought forward. I desire to present, for printing in the RECORD and

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especially since 1900, an important, although indeterminable, influence. In other words, I am of opinion that since British manufactures enjoyed a rebate of one-third the regular duties, the Canadian tariff has exerted a restrictive effect upon the normal growth of American export trade to that country, so that our share might have been in 1906 perhaps 75 per cent, instead of 61 per cent, if the trade of the United States had not suffered this differential treatment in competition with British industries.

But be this as it may, the table shows that Canada makes the bulk of her foreign purchases in the American market, notwithstanding the preferentials and the colonial or imperial sentiment. Commenting upon this state of affairs, the editor of the London Financial Times recently remarked that what has evidently been accomplished by the preferential tariff is a checking of the decline in British exports to Canada which set in between the years 1892 and 1895, and in this respect, he thought, it has performed a service to British manufacturers. While this is undoubtedly true, some share of the credit for arresting the decline mentioned is due to British exporters who have awakened in recent years to the necessity of energetic efforts in order to maintain their hold on the Canadian market. I quote the following extract from the editorial referred to:

"The geographical position of Canada, it is obvious, is a severe handicap to British manufacturers and a corresponding advantage to United States merchants. There is also what, perhaps, is too often overlooked here—the immense advantage given to the States by the approximation of social and economic conditions in the two countries. To so great an extent is this the fact that the manufacturers of the States can regard the Dominion as being in many of its requirements merely an extension of the home market and as not needing specialized lines or methods of production such as our manufacturers would in many cases have to undertake before they could hope to compete on equal terms. The big point in our own favor consists in the fact that we are Canada's principal customer, with the result that there is always a large tonnage moving eastward and providing comparatively low freights for return business. Then we have the preferential tariff and that wider preference in good will which arises from our political connection and our ties of blood."

While the preferential tariff is a most important factor in building up trade between the Dominion and the United Kingdom, it is not difficult to account for the steady increase of imports from the United States. All our consular officers stationed in Canada agree that American goods are held in high favor as respects quality. In a recent report Consul Van Sant, of Kingston, says that in the long run, notwithstanding the keenest competition and sentiment, the natural advantages in geographical position and common commercial interests and tastes seem to count favorably, and the importation of manufactures from the United States continues to lead. In order to hold this position, he cautions the American exporter to watch the situation and to meet every new wave of industrial competition by extending fair trade inducements to Canadian merchants who buy abroad. Consul Van Sant also makes the gratifying announcement that there are no complaints against American packing methods in his district, and that the usually admitted superiority of American goods and their quick transit across the border, along with the low average of breakage and damage, have aided largely in bringing about the leading trade position enjoyed by the United States. It would seem that these considerations explain the apparent failure of the preferential tariff to accomplish what its framers claimed for it.

In several important lines of manufactured goods the United States enjoys in the Canadian market an apparently securely intrenched position notwithstanding differential tariff treatment in competition with the industries of the mother country. It may be of interest to note a few of these industries in which the United States is strongest and the United Kingdom weakest. Such are agricultural implements and machines, tools and hand or machine implements, portable machines and parts, locomotives, railway cars, copper manufactures, electrical apparatus, and iron and steel manufactures. In some of these classes of Canadian imports the share of the United States is as high as 90 or 95 per cent, thus giving a virtual monopoly. This position is likely to be maintained indefinitely, excepting in so far as modified by the growth of domestic manufactures, including the Canadianized American plants, to which I shall presently refer.

On the other hand, the classes of manufactures in which our British rivals have been aided materially by the preferentials include the miscellaneous metal trades, hardware, cutlery, jewelry, etc.; textiles; waterproof clothing; leather goods; steam engines and boilers; some kinds of iron and steel, particularly pig iron; and earthenware. In all these lines the gain of Great Britain seems to have been at the expense of the United States. Still other British industries that have been benefited by the preference are hats, caps, and bonnets; drugs, dyes, and chemicals; china and porcelain; and cement, although in these classes the trade of the United States has kept pace with the increase in the Canadian demand and has generally increased more rapidly. At any rate, the classes of manufactured goods that I have enumerated in this paragraph are those in respect of which we have good cause to apprehend increasingly keen competition from the mother country as a direct result of the heavy tariff preference.

The following interesting tables, showing the general course of Canadian trade from 1884 to 1905, were compiled by the Canadian tariff comission in 1907. While some of the percentages are slightly different from those I have given above, the discrepancies are due simply to taking total imports in one case and total imports of merchandise for consumption in the other:

TABLE A.—*Imports into Canada: Percentage derived from different sources.*

Origin.	1884	1894	1904	1905
United Kingdom	40.1	34.2	24.6	23.6
The rest of the Empire	3.1	2.5	4.4	5.1
Total imports from British Empire	43.2	36.7	29.0	28.7
United States	46.7	46.9	60.0	60.7
Other foreign countries	10.1	16.4	11.0	10.6
Total from foreign countries	56.8	63.3	71.0	71.3

According to the above table the imports into Canada from the mother country fell from 40.1 per cent in 1884 to 23.6 per cent in 1905, while those from the United States rose from 46.7 per cent to 60.7 per cent in the same period.

TABLE B.—*Exports from Canada: Percentage to various destinations.*

Destination.	1884	1894	1904	1905
United Kingdom	46.9	58.5	55.4	50.6
The rest of the Empire	4.8	5.0	5.7	5.9
Total exports to British Empire	51.7	63.5	61.1	56.5
United States	43.0	31.6	33.7	37.4
Other foreign countries	5.3	4.9	5.2	6.1
Total to foreign countries	48.3	36.5	38.9	43.5

It appears from the foregoing table that the exports from Canada to the mother country rose from 46.9 per cent in 1884 to 50.6 per cent in 1905, while, in the same period, those to the United States declined from 43 per cent to 37.4 per cent. It should be borne in mind, of course, that this is simply a statement of respective shares expressed in percentages, for Canadian exports to the United States have, as we have seen, increased to a formidable figure. What the table does show, however, is that the mother country was buying more, relatively, and the United States less, relatively, in 1905 than in 1884 in the Canadian market. On the principle of natural reciprocity in trade—that a nation should buy where it would sell—the percentages of the tariff commission seem to me to point a certain moral and to be pregnant with meaning, the trend of the second table (B) foreshadowing a different story for the first table (A), when they shall be recast a few years hence.

The statistics that I have presented show, I think conclusively, that the pro-British tariff has failed to accomplish the divergence in international trade which its founders and advocates anticipated; but it would be unwise to minimize its importance, for the time may come when tariff differentials against American goods of 33⅓ per cent, or even 25 per cent, will suffice to ruin our export trade to the Dominion. There is no partisanship in the proposition that the continuance of our industrial prosperity is essential to the continuance and progress of our foreign trade. If the present halcyon period were to be succeeded by one of depression and stagnation, all experience indicates that foreign tariff restrictions against American products that are now, on the impulse of the waves of prosperity, overridden without much difficulty, would become stone-wall obstacles. It therefore should be a matter of general concern to understand precisely the character of the Canadian tariff system.

Prior to 1897 Canada, like the majority of countries and colonies, employed the single-tariff system. In that year the Parliament of the Dominion adopted a double tariff, consisting of the regular tariff and the preferential tariff in favor of the mother country and reciprocating colonies. During the first year the reduction allowed as preference was only 12½ per cent; but by the terms of the original law (May 13, 1897) this was increased in 1898 to 25 per cent. It remained at that figure until July 1, 1900, when, by an order previously made in council, it was increased to 33⅓ per cent, and this continued to be the uniform reduction in duties on imports from the United Kingdom and reciprocating colonies (mostly in the West Indies) until the triple tariff of 1907 went into effect. While the Canadian tariff during the period 1897 to 1907 was virtually a double tariff, like the maximum and minimum tariff of France, it was a single tariff in form, with a single schedule of duties applicable to all foreign countries alike, the provision for preferential treatment within the British Empire being a separate feature of the law.

The apparent ineffectiveness of the British preferentials was the principal reason for the revision of the tariff in 1907, on an entirely new plan, which bids fair to have far-reaching results. In preparation for the revision a tariff commission collected a mass of evidence in 1906 in the different industrial centers, both in the Dominion and in England, as regards the effect of the then existing uniform preference of 33⅓ per cent and the needs and wishes of the business interests concerned. As adopted by the Canadian Parliament, the new tariff consists of three schedules of duties on the same articles published in parallel columns, thus making the system a unique triple tariff. These columns are headed, respectively, "British preferential tariff," "Intermediate tariff," and "General tariff."

The rates of the "General tariff," applicable to the United States, are not radically different from those of the old tariff. The average ad valorem rate of duty collected in 1906 on total dutiable imports from the United States was 24.8 per cent, and on total free and dutiable imports 13.1 per cent, thus showing a moderate tariff of the protective class.

Considerable change was made in the British preferential tariff. Instead of the former flat rebate of 33⅓ per cent, fixed duties, mostly specific, were provided, some representing a higher preference than one-third and others a less. The preference was increased, speaking generally, on iron and steel and their manufactures, glass and glassware, earthenware and china, silk manufacturers, and paper manufactures. It was made lower on cotton manufactures, woolen goods; flax, hemp, and jute manufactures; drugs, dyes, and chemicals; and leather and its manufactures. It was estimated by the tariff commission that of the total dutiable imports (measured by valuation) from the mother country the preference was increased on 28 per cent and diminished on 72 per cent. It is also to be remembered that the preference will be materially diminished to the extent that the intermediate tariff shall be put into effect. It will presently be affected by the new Franco-Canadian reciprocity treaty.

The most interesting feature of the new law to the United States, however, is the intermediate tariff, standing in a column between the British preferentials and the general tariff, with rates for the most part from 2½ to 5 per cent lower than the general rates. This tariff is to be brought into operation by Canadian order in council after negotiation with foreign countries which "give Canada favorable conditions," or with British colonies other than the reciprocating colonies which enjoy the preferentials.

Mr. Fielding, in outlining the intermediate tariff, made the following significant statement in Parliament:

"All we do, then, by adopting this intermediate tariff is to hold it up to countries abroad and say: 'This is something which you may ob-

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tain, if you desire, by entering into negotiations with Canada; you may obtain the whole tariff for equal compensation, or you may obtain a part of that tariff for compensation. You may obtain it from day to day by reciprocal legislation, or you may obtain it by a treaty brought about through the diplomatic channels.' We do not, therefore, bring this middle tariff into operation at once, but we put it before the world as a statement of the terms and conditions upon which we are willing to negotiate with other countries, and in order that we may induce them to give us better terms and take from us a larger share of the products of Canada."

It has been the general impression that the intermediate tariff is an invitation extended mainly to the United States. France, however, has been the first country to profit by it. A reciprocity convention between Canada and France was signed at Paris on September 19, 1907, whereby Canada granted to France the benefits of the intermediate tariff on a long list of French products, including practically everything in which that country is interested, and in return France conceded to Canada her minimum tariff duties on a large number of Canadian products. This treaty has been approved by the Canadian Parliament and is now awaiting ratification by the French Senate, having been already approved by the French Chamber of Deputies. When it goes into effect in Canada it is obvious that it will have a double influence, namely, it will impair pro tanto the value of the British preference on competitive goods and it will increase the differentiation against the United States until the latter shall obtain the same treatment.

Inasmuch as the United States can not hope to obtain the benefit of the preferential tariff, which, of course, is restricted to the mother country and reciprocating colonies, all our interest centers in the possibilities of the intermediate tariff. By the provisions of the reciprocity convention above mentioned, France secures the rates of the intermediate tariff on no less than 97 articles or classes of articles, almost exclusively manufactured goods. Here are some of them: Canned meats; florist stock and trees; canned corn; canned fruit; all kinds of nuts; canned fish; confectionery; photographs, paintings, and drawings; toilet preparations; printing and writing ink; tableware of china, porcelain, white granite, or ironstone; cement; window glass; glassware in general; manufactures of lead, copper, brass, aluminum, gold, and silver, not otherwise provided for; clocks and watches and their movements; locomotives and motor cars; automobiles and motor vehicles; manufactures of iron, steel, or wood, n. o. p.; house and office furniture; dress goods, cotton threads; carpets and rugs of cocoa, straw, hemp, or jute; braids, fringes; handkerchiefs and corsets; velveteens and plush fabrics; musical instruments and talking machines; leathers; boots and shoes; trunks and valises; toys; gloves and brushes.

The treaty also contains a schedule of 12 classes of French goods enjoying the benefit of special duties. These include wines, books, drugs and medicines, laces and embroideries, silks, ribbons and velvets.

But there are many other articles in the intermediate tariff not provided for in the French treaty and yet possessing no little importance to our own trade, for the tariff consists of 711 numbers, including goods that are free in all three columns. For example, the item of typewriters does not occur in the French treaty, and yet the United States is interested therein. The duties are: Preferential, 17½ per cent ad valorem; intermediate, 22½ per cent; and general, 25 per cent. It is the same with corn meal, printing presses, agricultural machinery, stoves, wagons and carriages, bicycles and tricycles, and many other products of American ingenuity and skill. France has not obtained the reduced duties upon them because she is not concerned in their exportation to Canada, but the case is different when the trade relations between the United States and Canada are considered.

In this conection we are hardly concerned, except incidentally, with the equally serious question to the United States presented by the increased differentiation against American exports in the French market as a result of the Franco-Canadian treaty. Speaking of the concession by France to Canada of the minimum duties on agricultural machinery, Consul General Mason, of Paris, says in a recent report:

"The difference between maximum and minimum French duties on agricultural machinery figures out, as has been stated in a previous report, to $3.86 on a mower, $4.82 on a reaper, $8.20 on a binder, and $1.93 on a hayrake. This disparity of import duties is sufficient, in addition to the high cost of steel, wood, and labor in the United States, to put the importers in France of American harvesting machinery at a disadvantage that will imperil their present splendid trade as soon as Germany, Great Britain, and henceforth Canada, can develop their production so as to cover the French market. Already the Canadian manufacturers are preparing to improve the larger opportunity that will be offered here, and it is reported that a harvesting-machinery plant in Canada, which belongs to the American syndicate, will be enlarged and worked to its highest capacity for the export trade to France. The pending situation, if indefinitely prolonged, may result in transferring largely to Canadian territory this and several other industries which have been built up and have their native home in the United States."

To this testimony it is pertinent to add that of Consul General Bradley, of Montreal, who reports that a special commissioner, sent over by the British board of trade to find means of extending the trade with England, states that 122 of the leading manufacturing firms of the United States have operating branches in Canada, and declares that in Montreal alone $25,000,000 to $75,000,000 American capital is invested. The complicating effect upon our trade relations of an "American invasion" of this kind needs no comment.

When discussing the question of our commercial relations with Canada, one instinctively thinks of reciprocal tariff arrangements. In carrying out the policy of commercial reciprocity the object of the United States has always been to protect its export interests in foreign markets, granting no more in return for the concessions thus secured than is consistent with the principle of adequate protection of domestic industries. No more appropriate field for the inauguration of this policy could be suggested than the Dominion of Canada, for reasons which I mentioned at the beginning of this article. These considerations, indeed, actuated the two Governments in concluding the Marcy-Elgin treaty of 1854, which went into effect in 1855 and remained operative until March 17, 1866, when it was terminated in consequence of notice on the part of the United States in accordance with congressional direction. That treaty established a certain measure of free trade between the contracting parties, inasmuch as it exempted from duties some 28 classes of natural products when imported into either country from the other. The action of Congress in directing the termination of the treaty was quite generally approved by the people of the United States, although the mercantile interests engaged in the Canadian trade were, as a rule, in favor of its extension or at least renewal in revised form.

Repeated efforts to secure another reciprocity arrangement for the regulation of our commercial relations with Canada have been made, without result, since 1866, notably in 1869, 1874, 1892, and 1898–99. The overtures came, I believe, in each instance from Canada. The joint high commission of 1898–99 had made substantial progress toward an agreement on the subject of commercial reciprocity, which was only one of a dozen topics under consideration, when the sessions came to an abrupt termination as the result of a disagreement respecting the settlement of the Alaskan boundary dispute. There is every reason to believe that a satisfactory treaty of reciprocity could have been arranged had the Canadian commissioners been willing to conclude independently of the Alaskan boundary. The responsibility, therefore, for the absence of a reciprocity arrangement between the two countries does not, in my opinion, rest with the United States.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. HALE. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Maine?

Mr. OWEN. I do.

Mr. HALE. I present the conference report on the sundry civil appropriation bill.

The VICE PRESIDENT. The report will be read.

The Secretary 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. 32909) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1912, 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 8, 15, 16, 22, 31, 40, 48, 52, 56, 57, 58, 59, 60, 63, 64, 65, 76, 77, 85, 99, 110, 113, and 117.

That the House recede from its disagreement to the amendments of the Senate numbered 5, 9, 10, 11, 12, 13, 17, 18, 21, 23, 24, 25, 26, 27, 28, 29, 30, 32, 33, 34, 35, 36, 37, 38, 39, 41, 42, 44, 45, 46, 47, 50, 51, 53, 55, 62, 67, 68, 71, 72, 73, 74, 75, 79, 80, 81, 82, 83, 84, 86, 87, 89, 90, 91, 94, 96, 97, 98, 100, 101, 102, 103, 104, 105, 106, 107, 108, 111, 112, 118, and 119, and 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 line 2 of said amendment, after the word "board," insert the words "if established by law"; 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: In lieu of the matter inserted by said amendment insert the following:

"INTERNATIONAL CONFERENCE TO PROMOTE UNIFORM LEGISLATION CONCERNING LETTERS OF EXCHANGE.

"For the participation by the United States in the adjourned meeting at The Hague, in 1911, of the International Congress for the Purpose of Promoting Uniform Legislation Concerning Letters of Exchange, including compensation and actual necessary traveling and subsistence expenses of an expert delegate, $3,000, 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 14, and agree to the same with an amendment as follows: In lieu of the sum proposed insert: "$40,000"; and the Senate agree to the same.

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 line 1 of said amendment, after the word "authorized" insert the words: "Until the close of the fiscal year 1912"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "*Provided*, That the survey of said northern and northwestern lakes be extended so as to include the lakes and other natural navigable waters embraced in the navigation system of the New York canals"; 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 an amendment as follows: In line 1 of said amendment strike out the word "two" and insert in lieu thereof the word "one"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: In lieu of the matter proposed by said amendment insert the following: "To pay for books authorized to be furnished under section 229 of the 'Act to codify, revise, and amend the laws relating to the judiciary,' $64,000: *Pro-*

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vided, That not more than $2 shall be paid per volume for the Federal Reporter and not more than $5 shall be paid per volume for Digests of the Federal Reporter"; 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 an amendment as follows: In lieu of the sum proposed insert "$5,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 88, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$2,950"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment as follows: In line 1 of said amendment, after the word "in," insert the words "Jefferson County"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Toward the construction of a marine biological station on the Gulf of Mexico at a point on the coast of the State of Florida, $25,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,291,750"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,846,850"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment as follows: Omit the matter inserted by said amendment, and, on page 217 of the bill, in line 2, strike out the word "eighty-five" and insert in lieu thereof the word "ninety-five"; and the Senate agree to the same.

The committee of conference have been unable to agree on the amendments of the Senate numbered 1, 2, 3, 6, 19, 20, 49, 69, 78, 92, and 109.

EUGENE HALE,
C. A. CULBERSON,
Managers on the part of the Senate.
JAMES A. TAWNEY,
WALTER I. SMITH,
JOHN J. FITZGERALD,
Managers on the part of the House.

Mr. OWEN. I desire to make an inquiry in regard to item No. 40. I do not locate it in the report. It was the item on page 91 of the bill.

The VICE PRESIDENT. The Secretary will read the action of the conferees on the item referred to.

The SECRETARY. "That the Senate recede from its amendment No. 40."

The VICE PRESIDENT. Is that what the Senator desired to know?

Mr. OWEN. That is what I did not want to find out. I regret exceedingly that the Senate has receded, because that amendment relates to the protection of the Marine-Hospital Service. It had already passed the House of Representatives—that identical item, almost word for word—on the so-called Mann bill, and why the House conferees should require the Senate conferees to withdraw from that item I can not imagine, because, as I have said, the House itself had passed it, and passed it only two or three days ago in the Mann bill, so called. I am exceedingly sorry to learn that the Senate has receded. It has passed the Senate and it has passed the House substantially. I do not think that the conferees could have known that, perhaps. I should be greatly obliged if the chairman would be good enough to say whether that was known to the conference committee.

Mr. HALE. The conferees have done the best they could. They had all the facts in relation to this particular amendment.

Mr. OWEN. This relates to the Marine-Hospital Service.

Mr. HALE. Yes; and the result is as indicated in the report. I can not go into a discussion of every one of these items.

Mr. OWEN. I should not be willing to tax unduly the chairman, of course; but I thought perhaps he might recall whether or not the conferees knew that the House had passed substantially that item a few days ago.

Mr. HALE. Not the item, but another matter; not the same. All of that was brought before the conferees.

It is an immense bill, Mr. President, not only in amount but in bulk—250 pages, nearly—and the largest sundry civil appropriation bill that I have ever had the misfortune to tackle in my service. The conferees have been able, with the exception of six items, to agree. There were six items still in dispute, which will be the subject of further conference by the conferees.

We shall do the best we can, and we shall maintain so far as we can the rights of the Senate, but we can not of course have our way in everything, and in the end the question for the Senate to decide is whether it will accept the final report, whatever it is, or let the bill fail.

Mr. OWEN. I did not hear just what the Senator from Maine said.

Mr. HALE. I say in the end, when the committee comes to another conference, in considering the items now in dispute that we have not been able to agree upon, we will do the best we can. We shall have to give up some of them, and the House will have to give up some of them. I hope we will be able to make a final report, and then it must rest with the Senate whether it will accept it or reject it and leave the whole bill open. All we can do is the best that in us lies. That is all I can say about it.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

Mr. HALE. I move that the Senate further insist upon its amendments, request a further conference with the House on the disagreeing votes, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. HALE, Mr. PERKINS, and Mr. CULBERSON, conferees on the part of the Senate.

APPORTIONMENT OF REPRESENTATIVES.

Mr. HALE. I am directed by the Committee on the Census, to which was referred the bill (H. R. 30566; S. Rept. No. 1280) for an apportionment of Representatives in Congress among the several States under the Thirteenth Decennial Census, to report it.

Mr. McCUMBER. I object to the receipt of that at this time.

Mr. HALE. Before that is done, let me state what the committee reports. This is the House bill fixing the number of Representatives and their distribution among the different States, without any amendment. That is the recommendation of the majority of the committee. I should be very glad to have it passed. That rests with the Senate.

Mr. McCUMBER. Mr. President——

The VICE PRESIDENT. The Senator from North Dakota objects.

Mr. McCUMBER. The matter has never been before the committee. The committee, or members of it, may have been polled. I did not sign either for or against it as a member of the committee. It is a matter that deals with the representation of the States, and in all probability will deal with them for 10 years, although there is provision, which I would object to myself, which allows one of the departments to ascertain and fix the apportionment from time to time. But it has not been considered in the committee.

There can be no loss of rights of any State if it goes over until it can be considered, for this reason: In nearly all of the States the legislatures have adjourned or do adjourn to-day or to-morrow. In most of the States where they have biennial sessions there would not be a session for two years, so that they could not redistrict before that time, and Congress will meet again at least next December, if it does not before, and the matter can then be taken up and considered by the Senate and by the Committee on the Census, to which it has been referred; and as no one can be injured by it, it seems to me proper that it should not be taken up at this time.

Mr. HALE. Mr. President——

The VICE PRESIDENT. The Senator from North Dakota objects to the present reception of the report.

Mr. HALE. What the Senator says is entirely true. The chairman of the committee, the Senator from Wisconsin [Mr. LA FOLLETTE], is, I am sorry to say, ill and not able to be in the Senate or to report the bill, and he asked me, as the next member of the committee, to report it for the action of the Senate.

It was felt that that was due the other branch of Congress. What the Senator says about the action of the committee is entirely true. The Senator from Wisconsin endeavored to get a quorum of the committee together to pass upon it at a meeting. It is one of the infirmities of the present unfortunate situation that we are in that he was not able to secure the attendance of

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a quorum of the committee. I was present with two or three others, and then, with the assent of the Senator from Indiana, who was there, you remember, the clerk of the committee was asked to poll the committee.

Mr. McCUMBER. May I ask the Senator a question? I perhaps misunderstood the Senator. The Senator does not claim that there was a meeting of the committee.

Mr. HALE. There was an attempt at getting a meeting. As I have said, there was no quorum present.

Mr. McCUMBER. The only time, I will say to the Senator, that a meeting has been called was for the other day, and I phoned down before the time and was informed by the clerk that it would be impossible to get a quorum that day, and that the committee would meet some other day.

Mr. HALE. As I have just stated, the chairman was not able then to get a quorum, and under what is quite commonly the practice here, the committee was polled. Perhaps the practice of polling a committee without its actually meeting is carried to excess. I think there are a great many bills reported here that ought not to be reported, and which would not be reported if there was an actual meeting. In this case the course that is going on with other committees and other subjects every day in the Senate was pursued, and several Senators on the committee, when they were requested by the clerk, a very competent, accomplished man, informed him that they could not agree to it. He reported to me that the majority of the committee were in favor of the bill and of passing it without amendment.

I have under these circumstances, in view of the illness of the chairman, made the report, and I consider that my duty has been performed and the whole thing rests with the Senate.

Mr. SHIVELY. Does the——

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

Mr. HALE. I yield to the Senator from Indiana.

The VICE PRESIDENT. All this is by the courtesy of the Senator from Oklahoma.

Mr. OWEN. I yield to the Senator from Indiana.

Mr. SHIVELY. I only want to say that I fully indorse what the Senator from Maine has said as to what occurred on the occasion when we attempted to have a meeting of a Committee on the Census. There was not a quorum present, though an effort was made to have a quorum present. I want to say now that all of the minority members of the Committee on the Census heartily joined in the proceedings to have this bill reported. They wished to have it reported and acted on.

The VICE PRESIDENT. The Senator from North Dakota objects. The report will be returned to the Senator from Maine.

Mr. BAILEY. A parliamentary inquiry.

Mr. HALE. Is it returned, or does it simply go over?

The VICE PRESIDENT. It goes over. It remains on the table. It can not be received in the face of an objection. It remains on the table.

Mr. HALE. That is right.

Mr. BAILEY. Will the Senator from Oklahoma permit me?

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

Mr. OWEN. Yes.

Mr. BAILEY. Mr. President, the meeting to which the Senators from Maine and Indiana refer was called for Tuesday morning, as I remember, and that was the morning which followed the all-night session, after which a recess was taken at about 8 o'clock until 11. I think that explains how it happened that a quorum of the committee did not attend the meeting. I know that explains how it was that I was not present.

I desire to say, although the Senator from Indiana has already stated it, on behalf of the minority members of the committee, that it was our opinion that this bill ought to have been reported and that it ought to pass. I am not able to agree with the view of the House which led it to increase its membership, because I am convinced from my experience there that the larger the House the more necessary it becomes to concentrate power in the hands of those who manage its affairs. That, however, is a matter for the House itself to settle, and I do not believe that the Senate ought to interpose to prevent the judgment of the House from becoming effective unless the apportionment is clearly unfair to some States. With the size of the House, assuming it to be fair as between the States, it seems to me the Senate has no concern, and I am sure that no Senator would assert a right to interfere with that except for its incidental effect upon the electoral college. But, although the Constitution fixes the electoral college to consist of a number equal to the House and to the Senate, I think that indirect effect does not warrant us in insisting that we know better than the House what size it ought to be.

Mr. President, this is a duty enjoined upon us by the Constitution. We are required every 10 years to apportion these Representatives among the States, and it is perfectly obvious that in the regular and orderly course of affairs we will not pass this apportionment within the 10-year period, for unless Congress is convened in extraordinary session—and however much we may believe that event will come to pass, we are not justified in acting upon it without knowing it with greater certainty than we now have before us—it is an absolute certainty that no apportionment bill will pass Congress within the 10-year period as required by the Constitution; and I would rather perform this duty in strict accord with our organic law, even if I felt it were not so wisely performed as a delay might enable us to perform it.

I feel that inasmuch as it is a duty enjoined upon us by the Constitution we could well claim it to be a matter of privilege, and as such we could bring it before the Senate if it were not that another matter is now pending. While I think it would be a fruitless effort, I am so thoroughly convinced that it is a matter of high privilege, and would displace the order of business, that I would insist on that if I did not think it would simply result in another delay. Although it is not safe to repeat these things that float around the Chamber, I am advised that so many Senators are opposed to it that we could not reasonably hope to bring it to a vote.

I see the Senator from New York [Mr. ROOT] is now ready to address the Chair. I am told that he thinks the Senate not only has the power but has the right and with propriety may resist the conclusion of the House in this matter. I would like to see it brought to a test, and if Senators are willing and the Senator from Oklahoma would yield for that purpose, I should like to see it voted on.

Mr. OWEN. I yield to the Senator from New York, Mr. President.

Mr. ROOT. Mr. President, I do not think that we ought to vote on this bill under the present circumstances without time for real consideration and discussion on the part of the Senate, and without the bill having had that consideration and discussion which it would naturally have had if there could have been a meeting of the committee and time to give it attention. I do not doubt that the members of the committee did everything that was within their power, in view of their other manifold and pressing engagements, to accomplish their duty with regard to this bill. But it still remains that for perfectly good reasons they were unable to hold the meeting and give the consideration to the measure which it is the intention of the rules and practice of the Senate and of all similar bodies shall be secured through a reference to a committee and a report upon it. If the measure is of slight importance, it may make little difference if, instead of a committee meeting and considering it, the committee is polled by some member going about and getting assent to a report. But this is not such a measure. It is a measure of very great importance, and, in my judgment, it is a measure with very objectionable characteristics. I do not think we would do our duty either to rely upon that kind of procedure as if it was by the committee or to act on the bill under the present circumstances, which preclude a real consideration of it by the Senate.

Mr. BAILEY. Will the Senator permit me?

Mr. ROOT. Certainly.

Mr. BAILEY. I think I am warranted in saying that if the committee had held an all-day session every day since the bill came to the Senate from the House it would have reached the conclusion expressed in the report as now made, because a majority of that committee felt and feel that this is a matter for the House to settle, and we would have voted for the bill as it came from the House.

The suggestion made by the Senator from North Dakota that most of the legislatures have adjourned is, I think, a mistake. The Senator from New York represents a State whose legislature is still in session and the legislature of the State from which I come is still in session.

Mr. HALE. The Maine Legislature is in session.

Mr. BAILEY. As the Senator from Maine suggests, the legislature of that State is still in session.

Mr. SHIVELY. And the Indiana Legislature.

Mr. STONE. My legislature is in session.

Mr. BACON. The Legislatures of Georgia and Florida will each be in session during the coming summer.

Mr. JONES. The Washington Legislature is in session.

Mr. YOUNG. And the Iowa Legislature is in session.

Mr. McCUMBER. I think you will find that in a majority of the States the legislatures will not be in session after the 4th of March.

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Mr. BAILEY. If two-thirds of them were at adjournment, it would still be worth our while to let the other third perform this duty while they are in session, leaving the two-thirds now at adjournment to reconvene under their constitution or under the governor's call. It is a very serious matter, in my opinion, to require all of the States to incur the expense of extraordinary sessions because we are not willing to vote on this measure.

Mr. BANKHEAD. While the Senator from Texas is on the floor——

Mr. ROOT. I yield.

Mr. BANKHEAD. I will state that the Legislature of Alabama is now in session, and under the constitution of the State its session will expire in 10 or 15 days, and it will not meet again in four years.

Mr. BAILEY. That obviously requires, if Alabama is given an additional Member under the bill——

Mr. BANKHEAD. That is the point I am coming to exactly. She has an additional Member.

Mr. BAILEY. Then he will have to be elected from the State at large.

Mr. BANKHEAD. That is the point I am just coming to. Will it not be necessary, then, for the legislature to provide for an election of a Representative at large in the State?

Mr. BAILEY. I think Congress could do it, but I do not think Congress ought to do it.

Mr. BANKHEAD. I say, could not the Legislature of Alabama, while in session, provide for the election of a Member by the State at large?

Mr. BAILEY. Undoubtedly they might provide for it; but then if the Senator from New York and those who agree with him in opposing this bill have their way, there will be no Member from Alabama to be elected from the State at large.

Mr. BANKHEAD. Then, if we do not elect at large, we may be without one Representative for three years.

Mr. ROOT. Or, unless the bill is so ordered that there is no increase in the number in Alabama.

Mr. BAILEY. Still they might have to redistrict the State, because their population may not have increased in the same proportion in every district. Some districts may have lost and some districts may have gained more than their proportion. A readjustment is essential in almost every State, even if their representation remains the same.

Mr. BANKHEAD. Mr. President, at that point I beg to say that one county in Alabama, according to the last census, so increased in population that that county alone is entitled to a Member of Congress under this apportionment bill.

Mr. BAILEY. That illustrates the inconveniences to which we subject the people. I was once a Member of the House, and consequently I feel some interest in the situation of gentlemen who are still there. If you force the States to elect a Member of Congress from the State at large, then when the State is redistricted he may be set down in the district of some present Member and you will have a contest that otherwise might be avoided.

Mr. STONE. I should like to ask the Senator from New York this question. It is immaterial whether I should ask one or the other, but the Senator from New York having the floor, I will ask him. Where there has been a decrease in the membership of the House—I speak now of a decrease of one Member or more under the bill—what, then, would be the situation? Take my State, for example. If instead of having 16 Members to the ratio of representation all the Members would have to be selected at large, or what would be the situation?

Mr. ROOT. No; Mr. President, until this bill is passed the representation of the State stands exactly as it has stood.

Mr. STONE. But I say if it should be passed, assuming that we should have an extraordinary session or pass it next year, as in the case of Alabama, where the legislature does not meet for four years, would Alabama lose one instead of gaining one?

Mr. ROOT. I would have to refer to the bill, which I have not immediately before me.

Mr. PERKINS. Mr. President, I wish to present a conference report.

Mr. ROOT. I yield for the conference report.

Mr. OWEN. I will yield to the Senator from California.

NAVAL APPROPRIATION BILL.

Mr. PERKINS 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. 32212) making appropriations for the naval service for the fiscal year ending June 30, 1912, 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 7, 10, 11, 20, 32, 33, 44, 45, 46, 48, 49.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 5, 6, 8, 9, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 35, 36, 37, 38, 40, 41, 42, 43, 47, 50, 51, 52, 53, 54, 55, 56, 57, 59, 60, 62, 63, 64, 65, 67; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: Between the words "and" and "accounting" of said amendment, insert the following: "not exceeding 10 clerks to"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: At the end of said amendment add the following: "not exceeding 10 clerks"; 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: Strike out all after line 8 of said amendment and insert a period instead of a colon after the word "Congress"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: Strike out "seven million fifty-two thousand nine hundred and seventy-seven," and insert in lieu thereof "seven million four hundred and thirty-one thousand four hundred and seventy-seven"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: After the word "clerks" add the word "each"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: At the beginning of said amendment strike out "Sec. 2."; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: Restore the following language of said amendment: "But this limitation shall in no case apply to any existing contract"; and the Senate agree to the same.

On the amendments of the Senate numbered 58 and 61, the committee on conference have been unable to agree.

GEORGE C. PERKINS,
EUGENE HALE,
Managers on the part of the Senate.
GEORGE EDMUND FOSS,
H. C. LOUDENSLAGER,
L. P. PADGETT,
Managers on the part of the House.

Mr. PERKINS. I move that the Senate further insist upon its amendments still in disagreement and ask a further conference on the disagreeing votes of the two Houses, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Presiding Officer appointed Mr. PERKINS, Mr. HALE, and Mr. TILLMAN the conferees on the part of the Senate.

APPORTIONMENT OF REPRESENTATIVES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 30566) for an apportionment of Representatives in Congress among the several States under the Thirteenth Decennial Census.

Mr. ROOT. Mr. President, the Senator from Texas [Mr. BAILEY] thinks that he is warranted in saying that if the committee had met and considered this subject, they would have come to the same conclusion. I do not think anyone can say that. As a matter of fact, there are several members of the committee who do not agree with this report, I am told. The chairman of the committee does not agree with it, I am told; and another member of the committee told me that he did not at all agree to it and refused to assent to a report being made by a poll of the committee. No one can say that a real consideration and discussion of the subject in committee would not have led to a different conclusion. The argument inconvenient, of course, is very persuasive; but, sir, the fact that it might be inconvenient for a few States does not relieve us from our duty to really consider this legislation. There will be no election to take place under this bill or any bill that we pass in any form until a year from next fall, and there is abundant time for all of the States to make their new dispositions in accordance with any bill that may be passed, if we have an extraordinary session, at that or, if not, at the next regular session. There is abundance of time for it; so that there is no real pressure arising from having the matter arranged for the States.

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Now, let me say about the merits of the bill, it undertakes to do two things—one is to increase the number of the House and the other is to project itself into the future and to regulate without any further action or concern of Congress the way in which apportionment shall be made, and it puts that power to make it in the hands of the Secretary of Commerce and Labor.

So the Secretary of Commerce and Labor, when the next succeeding census is taken, is, without any reference to Congress whatever, to take a rule which is laid down, take the census figures without those figures having been referred to Congress at all, without anybody but the Secretary himself to determine whether the figures are satisfactory or not, whether they are padded in one State and reduced in another or not, exercising a judgment by which he may give to a State additional Representatives or additional presidential electors.

I say this bill undertakes to vest in the Secretary of Commerce and Labor for all successive apportionments, for all successive censuses hereafter, for all enumerations, that power without any reference to Congress whatever. I submit, Mr. President, that we ought not to formally pass a bill of that kind without consideration and full discussion both by the committee and by the Senate.

Mr. HALE. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Maine?

Mr. ROOT. Yes.

Mr. HALE. Mr. President, in my early service in this body I was chairman of the committee having charge of the apportionment for two decades. Controversies then arose and were finally disposed of upon the theory so well stated by the Senator from Texas [Mr. BAILEY]. As I recollect it—I have not had time to send for the statutes—I do not think there is any more in this bill with reference to the power of the Secretary who has this subject in charge—that is, the administration part of it—than there has been in other bills.

It is not intended, and never has been intended in any bill reported, to give the Secretary any power for a future apportionment that in the least interferes with Congress. If Congress does not take the matter up, and it does not provide for an apportionment, my recollection is that several of the statutes have had the same provision in regard to the conduct and action of the Secretary provided Congress took no step; but this bill does not in any way propose to give to the Secretary any power to assume the conduct and basis of the next apportionment, except in the case of Congress failing to make an apportionment. It then provides that somebody—and in this case it is the Secretary of Commerce and Labor—shall do that. So I do not think there is anything in the suggestion last made by the Senator from New York [Mr. ROOT]. The statement the Senator from Texas has made is very admirable, and I could not add to it.

Mr. ROOT. Mr. President, I do not think the Senator from Maine gives weight to the provisions of this bill which, if Congress performed the same function it is performing now and has for many years past, would require a virtual repeal of this bill before Congress could act. It is not a provision for power in case Congress fails to act, but it is a vesting of power in this officer. No such provision was in the last apportionment bill, and no such provision was in the bill preceding that. Further than that my observation does not go.

Mr. BACON. I want to say to the Senator that I entirely agree with him about the objectionable feature of that section, and I would strike it out if it did not interfere with the balance of the bill.

Mr. ROOT. That shows how important it is that there should be proper and full consideration of such a measure. As to the increase in the size of the House of Representatives, I do not agree, Mr. President, that we are at liberty to surrender our judgment to the House of Representatives. If the Constitution had meant that, it would have provided that the rules of the House of Representatives should determine the size of that House; but by law we are required to act. That means that the Senate shall perform its duty in accordance with its judgment for the public interest. We do quite generally agree that it is not wise that the size of the House should be increased, one reason being the very reason stated by the Senator from Texas. The circumstances under which the House is called upon to act are such as to make it exceptionally difficult to resist the solicitations and the demands of friendship on the part of Members of the House who would be deprived of their districts and perhaps prevented from reelection in case the number should not be increased.

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

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Maine?

Mr. ROOT. Certainly.

Mr. HALE. My impression is that—not as disclosed in the attempted meeting, which did not materialize, but from hearing expressions in committee—the general feeling of the committee was that a mistake would be made as to the matter of public policy by further increasing the membership of the House. I know I felt that very strongly and said so. That being my opinion, I was interested in looking up the record to find that so long ago as when the House consisted of 240 Members, when as a youngster I was a Member of that body, the first speech I made was against increasing the number. I think I was right then.

The House would have been better off if it had been kept at 240; but, as the Senator has said, after every census the temptation is to go on and save the districts, and the membership has been increased. It went up to 280 and then to 300, and now it is proposed to increase it to 400-odd. I think we all felt about the same way; the thing which controlled the majority of the committee was, so far as I could get at it, the consideration that, after all, it was the business of the House. I think the increase will work badly. I have no doubt about it, and never have been in favor of it.

Mr. ROOT. Mr. President, I did not intend to argue this question. I rose merely for the purpose of stating the reasons why my judgment regarding the inexpediency and unwisdom of the attempt to act upon this bill led me to unite with the Senator from North Dakota in the action he was taking. There are other Members of the Senate who I know would wish to be heard upon this very important question; several of them who were here earlier in the evening waiting, in expectation that the bill might come up, and with the intention of arguing the subject at considerable length to the Senate. I do not think the opportunity for discussing a measure of this importance should be prevented.

Mr. HALE. The Senator, of course, understands that while I reported the bill and would be glad to have it passed, I recognize the difficulties in its way, and under the single objection which has been raised by the Senator from Oklahoma the matter goes over and the bill remains on the Vice President's table. It would be useless to attempt to get a vote upon it and useless to further discuss it.

Mr. SHIVELY. Will the Senator from Oklahoma yield to me for a moment?

Mr. OWEN. I yield to the Senator from Indiana.

Mr. SHIVELY. I understand the Senator from New York [Mr. ROOT] observed, while I was absent for a moment, that he understood that the chairman of the committee was opposed to this bill.

Mr. ROOT. I did so understand.

Mr. SHIVELY. While I do not wish to speak with great positiveness for the chairman of the committee, but only within the last two days I had a conversation with him on this question and he left on my mind the impression distinctly to the contrary.

Mr. HALE. I am bound to say that I did not think the chairman of the committee was in favor of the provisions of the bill, but he was in favor of reporting the bill. I think, however, he was not, and is not, in favor of the provisions of the bill.

Mr. McCUMBER. If the Senator will excuse me, I think I noticed that he expressed his dissent in writing on the back of the bill.

Mr. SHIVELY. I think myself that the Senator had a mental reservation in regard to the increased membership of the other House. I think that is as far as it went, but that he thought nevertheless that the bill should be reported to the Senate and acted on.

Mr. HALE Undoubtedly.

Mr. BAILEY. Mr. President, I want simply to say, if the Senator from Oklahoma will indulge me a moment——

Mr. OWEN. Certainly.

Mr. BAILEY. That I think the House of Representatives really expressed its judgment against this constant increase with each decennial census in the provision to which the Senator from New York has alluded, and which he thinks objectionable because it is neither more nor less than a legislative declaration that the House will not be tempted the next time by the opportunities of relatively diminishing populations to increase the membership of the House in order to save the representation of certain States.

Mr. HALE. That the time has come to stop.

Mr. BAILEY. Yes; that the time has come to stop.

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Mr. ROOT. And to stop by surrendering the power into the hands of a person who would not be so weak as to yield, that is to say, the Secretary of Commerce and Labor.

Mr. BAILEY. It is hardly fair to say that, because the House fixes the membership at 430, and then simply directs the Census Bureau to divide the population of the country at large and in the States according to a rule which it has fixed.

Mr. BACON. Does the Senator think that that is in compliance with the provisions of the Constitution?

Mr. BAILEY. I think that it, of course, would not bind anybody, unless this might happen——

Mr. BACON. That was not the question I asked the Senator—not whether it would bind them or not; we know it would not bind them, for the law could be repealed; but is this arrangement in compliance with the provision of the Constitution which directs Congress to make an apportionment?

Mr. BAILEY. I think it is in the strict letter; but I will agree with the Senator from Georgia that it is an evasion, to say the least, because the apportionment has to be made every 10 years, and I do not think that the Sixty-second Congress has the power to bind future Congresses. But this much I would say to the Senator from Georgia, that it might be quite possible that a permanent law of this kind would be wise in the event that the two Houses should disagree or the President should disagree with both of them; and I am not perfectly certain but what it would be both competent and wise for Congress to enact such a law, so that in the event of a disagreement between the Houses there would be a rule.

When the Senator from New York [Mr. ROOT] suggests that if it had been intended by the Constitution to leave this matter entirely with the House, the Constitution would have lodged it exclusively with the House, he overlooks the fact that the apportionment of Representatives is coupled inseparably in the Constitution with the apportionment of direct taxes; and, of course, the framers of the Constitution did not intend the House to apportion taxation without the concurrence of the Senate.

I think perhaps if the men who drew the Constitution had been willing to make one section of it relate to taxes and another to Representatives they probably would have left the membership of the House to be fixed absolutely by the House itself. But these two matters are inseparably coupled. If the Senator will turn to the Constitution he will find that it runs that "Representatives and direct taxes shall be apportioned," and so forth, according to the enumeration which shall be taken once within every 10 years. We could take it oftener; we could take it every two years; we could take it every five years; we could take it as often as we pleased within the 10 years, but we have no right to postpone it beyond the 10 years.

Mr. ROOT. It is not the apportionment that Congress requires to be within 10 years; it is the enumeration.

Mr. BAILEY. But direct taxes and Representatives must be according to enumeration.

Mr. ROOT. The Constitution provides that Representatives and direct taxes shall be apportioned in accordance with the enumeration.

Mr. BAILEY. The enumeration must be every 10 years, and, as Representatives must be apportioned according to the enumeration, it must be done each 10 years.

Mr. ROOT. Yes; but the time within which the apportionment is to be made is a time necessarily reasonable for the performance of the duties following the enumeration. The Constitution does not undertake to fix the limit of that reasonable time for the performance of that duty. It fixes no limit of 10 years upon that. Of course, it is the duty of Congress to proceed with the apportionment in good faith and as speedily as it can perform the duty properly and fully.

Mr. BAILEY. Now, let us test that. Suppose this Congress to-morrow were to levy a direct tax, who doubts that it must be levied according to the last census? Then, if direct taxes must be levied according to the last census, Representatives must be apportioned according to it. I go so far as to say that the Representatives to the next Congress must be elected under the last census, and Congress would have no power to postpone an apportionment beyond that election. I think that is conclusive, because your rule for Representatives is precisely your rule for direct taxation, and as the direct taxes must be apportioned according to the last enumeration, so must your Representatives.

I think it is our plain duty to apportion these Representatives just exactly as we would apportion taxes. We probably could not get the question of representation in the courts, but if this Congress, before it adjourns at 12 o'clock or after it convenes in extraordinary session, were to levy a direct tax and attempt to apportion according to the census of 1900 instead of the census of 1910, I could enjoin the collection of it in any court in the land, and if I could enjoin the collection of the taxes, certainly we are enjoined by the Constitution to apportion the Representatives.

Mr. KEAN. Mr. President——

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

Mr. OWEN. Yes.

Mr. KEAN. I move the Senate take a recess until 6 o'clock.

Mr. BORAH. Will the Senator from Oklahoma yield to me? I want to have a matter laid before the Senate. It will take but a moment.

Mr. OWEN. I yield to the Senator from Idaho.

FOREST LANDS IN IDAHO.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 10791) to eliminate from forest and other reserves certain lands included therein for which the State of Idaho had, prior to the creation of said reserves, made application to the Secretary of the Interior under its grants that such lands be surveyed, which were to strike out all after the enacting clause and insert:

That where any State or Territory owns lands lying within the boundaries of a national forest, or where its right of indemnity selection in respect to school sections within such boundaries has not been fully exercised, said State or Territory is hereby authorized, subject to the approval of the Secretary of Agriculture, to be given at his discretion, to exchange such lands for or make indemnity selections of other national forest lands within such State or Territory of like quantity and value, the same to be selected in reasonably compact bodies, which lands shall thereby be excluded from the national forests for the benefit of said State or Territory.

Amend the title so as to read: "A bill providing for the adjustment of the claims of the States and Territories to lands within national forests."

Mr. BORAH. I move that the Senate concur in the amendments of the House.

Mr. HEYBURN. It seems to me that the Senator from Idaho is undertaking to do what was successfully accomplished a few days since in this body. He is assuming to take charge of a bill in charge of another Senator. I merely suggest that. I was the author of the bill under consideration. I introduced it, and it did not come from a committee of which the Senator is a member. I reported it from the Committee on Public Lands to this body, and while we have no law directing these matters, yet there is an unwritten law in this body that the Senator who has introduced a bill is entitled to have charge of it.

Mr. BORAH. Mr. President——

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. The Senator from Oklahoma can not farm out the time to Senators on another measure.

Mr. OWEN. I do not wish to. I have the floor. The Senator from Idaho——

Mr. HEYBURN. Very well. Then, this matter can not be taken up. We can not take up this bill in the time of the Senator from Oklahoma, so that he may farm out the time. If this bill is to be discussed it will have the right of way. You can not compel the discussion of another measure under the time of another Senator who claims the floor.

Mr. BRANDEGEE. Mr. President, I rise to a question of order.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The Senator from Connecticut rises to a point of order. The Senator will please state it.

Mr. BRANDEGEE. The point of order is that the Senator from New Jersey [Mr. KEAN] moved to take a recess, and withheld the motion for this matter that is now before the Senate. The Senator from Oklahoma is therefore not in control of the time.

Mr. OWEN. That was coupled with the consent that I did retain my place on the floor.

Mr. BRANDEGEE. I ask for the regular order, which is the motion of the Senator from New Jersey.

Mr. OWEN. I will ask the Senator from New Jersey to state his proposal.

Mr. BORAH. Will not the Senator from Connecticut permit me to make a statement in regard to this bill?

Mr. BRANDEGEE. Certainly; with the consent——

Mr. OWEN. I decline to yield——

Mr. BRANDEGEE. With the consent of the Senator from New Jersey——

Mr. OWEN. I have the floor, and I decline to yield except to the Senator from New Jersey for his motion.

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Mr. BRANDEGEE. Then I am compelled to demand the regular order.

The PRESIDING OFFICER. The Senator from Oklahoma yielded to the Senator from New Jersey. The Senator from New Jersey proceeded to make a motion——

RECESS.

Mr. KEAN. I move that the Senate take a recess until 7 o'clock, with the understanding that the Senator from Oklahoma is entitled to the floor.

The PRESIDING OFFICER. The Senator from New Jersey moves that the Senate stand in recess until the hour of 7 o'clock, and supplements the motion by the observation that it be understood that the Senator from Oklahoma continues his right to the floor.

Mr. HEYBURN. Upon what bill?

Mr. OWEN. I should like to have the Chair place that matter before the Senate as it really is. I yielded for that purpose with the understanding as the Senator from New Jersey has stated it.

The PRESIDING OFFICER. The Chair has stated the understanding as stated by the Senator from New Jersey.

Mr. OWEN. If that be the understanding, I am quite content.

Mr. HEYBURN. This bill is not before the Senate.

Mr. OWEN. It is not.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from New Jersey, that the Senate stand in recess until the hour of 7 o'clock.

The motion was agreed to, and (at 4 o'clock and 47 minutes a. m.) the Senate took a recess until Saturday, March 4, 1911, at 7 o'clock a. m.

The Senate reassembled at 7 o'clock a. m., Saturday, March 4.

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:

S. 10591. An act to grant certain lands to the city of Trinidad, Colo.;

S. 10756. An act granting public lands to the town of Omak, State of Washington, for public park purposes; and

S. 2045. An act for the relief of John B. Lord, owner of lot 86, square 723, Washington, D. C., with regard to assessment and payment of damages on account of changes of grade due to construction of the Union Station, District of Columbia.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

H. R. 10605. An act for the relief of Aaron Wakefield;

H. R. 31172. 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. 31724. 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. 32078. 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. 32435. 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. 32674. 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. 32675. 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.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 31539) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1912, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and has appointed Mr. WEEKS, Mr. GARDNER of New Jersey, and Mr. MOON of Tennessee 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 joint resolution (H. J. Res. 290) authorizing the President to appoint a competent person to investigate the manufacture of white phosphorus matches and report to the next session of Congress, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. DALZELL, Mr. HILL, and Mr. BRANTLEY managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 32957) making appropriations to supply deficiencies in appropriations for the fiscal year 1911 and for prior years, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. TAWNEY, Mr. DAWSON, and Mr. LIVINGSTON managers at the conference on the part of the House.

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. 6104. An act providing for the promotion of Civil Engineer Robert E. Peary, United States Navy, and tendering to him the thanks of Congress;

S. 10638. An act to authorize the Secretary of War to sell certain lands owned by the United States and situated on Dauphin Island, in Mobile County, Ala.;

H. R. 10605. An act for the relief of Aaron Wakefield;

H. R. 11421. An act for the relief of R. J. Warren;

H. R. 12814. An act for the relief of John J. Adams;

H. R. 15566. An act for the relief of H. M. Dickson, William T. Mason, the Dickson-Mason Lumber Co., and D. L. Boyd;

H. R. 24885. An act to amend section 3836 of the Revised Statutes of the United States, relating to the weighing of silver coins;

H. R. 25192. An act to amend section 11, act of May 28, 1896;

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. R. 27298. An act relating to homestead entries in the former Siletz Indian Reservation, in the State of Oregon;

H. R. 30281. An act to provide for the entry under bond of exhibits of arts, sciences, and industries;

H. R. 30969. An act for the relief of William Porter White;

H. R. 31652. An act to authorize the Central Vermont Railway Co. to construct a bridge across the arm of Lake Champlain between the towns of Alburg and Swanton, Vt.;

H. R. 31724. 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. 31728. An act to authorize the Manhattan City & Interurban Railway Co. to construct and operate an electric railway line on the Fort Riley Military Reservation, and for other purposes;

H. R. 32047. An act for the relief of Eli Helton;

H. R. 32078. 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. 32128. 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. 32213. An act to authorize the city of Portsmouth, N. H., to construct a bridge across the Piscataqua River;

H. R. 32264. An act for the relief of Frances Coburn, Charles Coburn, and the heirs of Mary Morrisette, deceased;

H. R. 32435. 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. 32675. 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. 32822. 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. 32842. An act to authorize the Controller Railway & Navigation Co. to construct two bridges across the Bering River, in the District of Alaska, and for other purposes; and

H. R. 32865. 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.

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NEW MEXICO AND ARIZONA.

Mr. OWEN addressed the Senate. After having spoken for 10 minutes he yielded to Mr. CHAMBERLAIN.

LANDS IN OREGON.

Mr. CHAMBERLAIN. From the Committee on Public Lands I report back favorably the bill (H. R. 30280) authorizing the Secretary of the Interior to exchange certain desert lands for lands within national forests in Oregon and I ask unanimous consent for its present consideration. It is a very short bill.

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

The Secretary read the bill; and there being no obection, 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.

POST OFFICE 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. 31539) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1912, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CARTER. I move that the Senate agree to the conference requested by the House of Representatives and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to, and the Vice President appointed Mr. PENROSE, Mr. CARTER, and Mr. BANKHEAD conferees on the part of the Senate.

JOHN LEE, ALIAS JAMES RILEY.

Mr. WARNER, from the Committee on Military Affairs, to which was referred the bill (H. R. 30160) for the relief of John Lee, alias James Riley, asked to be discharged from its further consideration, and that it be referred to the Committee on Naval Affairs; which was agreed to.

Subsequently,

Mr. CLAPP. From the Committee on Naval Affairs I report back favorably without amendment the bill (H. R. 30160) for the relief of John Lee, alias James Riley, 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 a third reading, read the third time, and passed.

LOUIS DURST.

Mr. BRIGGS. I ask unanimous consent for the present consideration of the bill (H. R. 15616) for the relief of Louis Durst.

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 Military Affairs with an amendment, on page 1, line 9, after the word "sixty-five" to add the following proviso:

Provided, That no pay or bounty shall become due by virtue of this act, and no pension shall accrue prior to the approval thereof.

So as to make the bill read:

That in the administration of the pension laws, Louis Durst, who served under the name of Lewis Durst as a private of Company K, Sixth United States Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on the 16th day of October, 1865: *Provided*, That no pay or bounty shall become due by virtue of this act, and no pension shall accrue prior to the approval thereof.

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.

EFFICIENCY OF NAVAL MILITIA.

Mr. DICK. For the senior Senator from Pennsylvania [Mr. PENROSE], who is absent on a conference, I wish to invite the attention of the Chair to the bill (H. R. 29706) to promote the efficiency of the Naval Militia, which came to the Senate from the House last night. The bill is identical with Senate bill 10379. The Chair referred the House bill to the Committee on Naval Affairs, from which the identical bill was reported February 27. I ask that the bill may be immediately considered.

Mr. CULBERSON. I ask the Senator from Ohio if that is what is known as the National Guard bill.

Mr. DICK. No, sir; this is the Naval Militia bill, not the National Guard bill.

Mr. SMOOT. I ask the Senator if that is the bill a number of Senators are very much opposed to.

Mr. DICK. No; this is a bill all Senators are in favor of. The bill the Senator refers to is the Hay bill for the National Guard.

Mr. SMOOT. Will the Senator in a few words just state the purport of the bill?

Mr. DICK. The bill simply recognizes and reorganizes the Naval Militia on the same basis as the National Guard forces. So far as I know, there is no opposition to it of any sort.

Mr. SMOOT. Is this the bill that Representative WEEKS was so deeply interested in?

Mr. DICK. It is. It passed the House of Representatives by a unanimous vote, and is asked for by the Navy Department.

Mr. SMOOT. If the Senator does not insist upon it, I should like to have it go over, because I have heard several Senators say that they wanted to discuss the matter.

Mr. BRANDEGEE. I hope the Senator from Utah will not insist that the bill shall go over. I understand that this is a bill simply creating a reserve in the Navy as they have in the Army. I have a great many letters and telegrams in favor of the bill, and I hope that it may be allowed to come up. If it can not come up now, the matter is dead for a long time. It is rarely that you can get the two branches of the Congress to agree on a bill of this kind. I hope the Senator from Utah will not object.

Mr. OWEN. What is the bill?

Mr. DICK. It is the bill for the organization of the reserve forces—the Naval Militia bill.

The VICE PRESIDENT. The Chair suggests that the Secretary read the bill for the information of the Senate.

Mr. OWEN. I should like to hear it.

Mr. DICK. I think it would be better yet if the Secretary would read the brief report of the House committee, which is very concise and yet gives a very complete explanation of the measure.

The VICE PRESIDENT. The bill must be read anyhow.

Mr. DICK. That is true.

Mr. OWEN. I should like to hear the bill.

Mr. DICK. In connection with the bill I think the brief report, which is very concise and gives a complete history, should be read.

The VICE PRESIDENT. The bill will be read.

The Secretary proceeded to read the bill (H. R. 29706) to promote the efficiency of the Naval Militia, and for other purposes.

Mr. OWEN. I notice there in referring to the members of courts-martial the bill provides that the members of the court may be of the regular service or both. Would that indicate that a court-martial can not be organized of members of the Naval Reserve?

Mr. DICK. Oh, no; it may be composed of either or both.

Mr. OWEN. It does not say "either or both."

Mr. DICK. I know the point the Senator has in mind.

Mr. OWEN. I should like to have that provision again read.

Mr. DICK. Very well.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

Provided further, That when in the service of the United States, officers of the Naval Militia may serve on courts-martial for the trial of officers and men of the regular or Naval Militia service, but in the cases of courts-martial convened for the trial of officers and men of the regular service, the majority of the members shall be officers of the regular service; and officers and men of the Naval Militia may be tried by courts-martial the members of which are officers of the regular or Naval Militia service, or both.

The Secretary resumed the reading of the bill.

Mr. OVERMAN. Mr. President, I inquire of the Senator from Ohio whether an estimate has been made as to how much this bill will cost.

Mr. DICK. The Government now appropriates annually $125,000 for the Naval Militia. This bill carries $200,000 annually, and it is for equipment entirely, and not for the pay of officers or men.

Mr. OVERMAN. I hate to object to the Senator's bill, but it looks——

The VICE PRESIDENT. The bill is being read subject to objection.

Mr. OVERMAN. I understand that, but at this late day—however, I will hear the bill through.

The Secretary resumed the reading of the bill.

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Mr. HALE. Mr. President, the Secretary need not consume any more time in reading the bill. I can not consent to the bill being passed. I object to its consideration.

The VICE PRESIDENT. Objection is made.

OSAGE INDIAN ALLOTMENTS.

Mr. CLAPP. Mr. President, I ask the Senator from Oklahoma to yield to me.

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Minnesota?

Mr. OWEN. Yes; but I think it is in vain, for the Senator from Maine objected to the bill.

Mr. CLAPP. The objection of the Senator from Maine went to the Naval Militia bill, as I understood.

Mr. HALE. That was all. That bill goes over.

Mr. CLAPP. From the Committee on Indian Affairs I report back favorably, with amendments, the bill (H. R. 32348) supplementary to and amendatory of an act entitled "An act for the division of the lands and funds of the Osage Nation of Indians of Oklahoma," approved June 28, 1906, and for other purposes. The amendment reported is to strike out all of the House bill. It will be unnecessary, I take it, for the Secretary to read the House bill. Let the amendment be read. I ask unanimous consent for the present consideration of the bill.

The Secretary proceeded to read the bill.

Mr. HALE. Mr. President——

The VICE PRESIDENT. Does the Senator from Minnesota yield to the Senator from Maine?

Mr. CLAPP. I do.

DEFICIENCY APPROPRIATION BILL.

Mr. HALE. I present a conference report.

The VICE PRESIDENT. The report will be read.

The Secretary read the report, 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. 32957) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1911, and for prior years, 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 8, 9, 15, 16, 17, 19, 21, 22, 27, 69, 101, 102, 103, and 105.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 11, 12, 13, 14, 18, 20, 23, 25, 26, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 104, 106, and 107, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: Strike out all of said amendment after the word "Congress" in line 10; and the Senate agree to the same.

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 sum named in said amendment insert "$7,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"To pay W. H. Topping for extra services rendered during the Sixty-first Congress, $500."

And the Senate agree to the same.

On amendment numbered 108 the conference committee have been unable to agree.

EUGENE HALE,
J. H. GALLINGER,
THOMAS MARTIN,
Managers on the part of the Senate.

JAMES A. TAWNEY,
A. F. DAWSON,
L. F. LIVINGSTON,
Managers on the part of the House.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. STONE. Mr. President, I desire to ask the Senator from Maine, so that it may be in the RECORD, whether the conferees of the two Houses have agreed upon the provision in the House bill with reference to a bond bureau.

Mr. HALE. Mr. President, on this item there were six very obstinate men in conference, three of them Members of the Senate and three of them Members of the House. Neither would yield. I felt about it that it was a piece of pure legislation, and at this stage of the session nobody could examine it. I did not have time to do so. I used to be a pretty good lawyer myself, but I do not know what the effect of the amendment might be. So the Senate conferees took the ground that we could not now be driven to accept on an appropriation bill a matter which is in no degree a deficiency, but is simon-pure important and extensive legislation, sought to be incorportaed in the bill. We declined to yield, and it is so noted in the report.

Mr. STONE. I desire to say, Mr. President, that I for one approve entirely of the course taken by the Senate conferees, and if it is the wish of others here or elsewhere to defeat this appropriation bill, this is a very easy way to do it, for the conference report will not go through the Senate with that provision in it.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

Mr. HALE. I move that the Senate further insist on its amendments disagreed to by the House of Representatives, ask for a further conference on the disagreeing votes of the two Houses thereon, the Chair to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. HALE, Mr. GALLINGER, and Mr. MARTIN conferees on the part of the Senate.

OSAGE INDIAN ALLOTMENTS.

The PRESIDING OFFICER (Mr. KEAN in the chair). The Secretary will continue the reading of the bill reported by the Senator from Minnesota [Mr. CLAPP]. That bill has not yet been disposed of.

The Secretary resumed and concluded the reading of the bill.

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

Mr. PAGE. Mr. President, I believe this is one of the most important bills which we have before us. It has been discussed for a long time before the Committee on Indian Affairs, and before I vote for it I should like to have the chairman of the committee state that this is the identical bill that we have passed upon favorably in the committee.

Mr. OWEN. It is. I beg pardon; I did not see the chairman of the committee present.

Mr. CLAPP. It is the same bill.

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

Mr. CURTIS. I want to know if the amendment has been read. Has the amendment to section 4 been read?

The PRESIDING OFFICER. It is all an amendment—the whole bill.

Mr. CLAPP. This was read in place of that.

Mr. CURTIS. It was the understanding that section 4 of the original bill was to be stricken out and a provision reserving the interest of the tribe in oil and gas was to be substituted therefor.

Mr. CLAPP. You may read it.

The PRESIDING OFFICER. Section 4 has been read.

Mr. PAGE. I do not like to object——

The PRESIDING OFFICER. Does the Senator object?

Mr. PAGE. No; I do not, but I wish to say that it seems to me it is a very important bill to attempt to pass at this stage of the session, and I wish the Senator would not press it at this time. But I will not object.

The PRESIDING OFFICER. The Senator from Minnesota asks unanimous consent for the present consideration of the bill. Is there objection?

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

The PRESIDING OFFICER. The question is on the amendment which has been read.

Mr. CURTIS. Section 4 of the bill has been stricken out. I want that amendment to be voted on.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. CURTIS. The amendment has never been submitted to the Senate.

The PRESIDING OFFICER. The Chair understands the whole bill is an amendment.

Mr. CURTIS. Oh, I did not understand that the Senate bill was to be substituted for the House bill. The Senate bill as reported is all right. It was amended as recommended by the Secretary of the Interior.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

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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. CLAPP. I move that the bill (S. 10606) supplementary to and amendatory of the act entitled "An act for the division of the lands and funds of the Osage Nation of Indians, in Oklahoma," approved June 28, 1906, and for other purposes, being calendar No. 1098, be indefinitely postponed.

The motion was agreed to.

ELMER P. KERR.

Mr. OLIVER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Pennsylvania?

Mr. FLETCHER. I ask the Senator to yield to me.

Mr. OLIVER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Pennsylvania?

Mr. OWEN. Certainly.

Mr. OLIVER. I ask unanimous consent for the present consideration of the bill (H. R. 20136) for the relief of Elmer P. Kerr.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of War, in his discretion, to cause the enlistment in the Army of Elmer P. Kerr, late a private of Troop H, Eighth Regiment United States Cavalry.

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

NEW MEXICO AND ARIZONA.

Mr. PAYNTER. Mr. President——

Mr. HALE. Mr. President——

The PRESIDING OFFICER. The Senator from Maine.

Mr. OWEN. I had agreed to yield to the Senator from Kentucky. He has been waiting a good long while, and I hope that will be agreeable to the Senator from Maine.

Mr. HALE. As the Senator understands, I have to move an adjournment in accordance with the order.

Mr. OWEN. I understand that.

Mr. HALE. Before 8 o'clock.

Mr. OWEN. The request of the Senator from Kentucky will take but a moment.

Mr. HEYBURN. I should like to know the status under which the Senator from Oklahoma seems to be dealing out the time, yielding. I make a parliamentary inquiry—what order of business is under consideration?

The PRESIDING OFFICER. The joint resolution approving the constitution formed by the constitutional convention of the Territory of New Mexico. The Senator from Oklahoma——

Mr. HEYBURN. If that is the order under consideration, I shall object to the Senator from Oklahoma yielding, except for appropriation bills or such matters.

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Maine?

Mr. HALE. Simply to move an adjournment.

Mr. OWEN. I yield to the Senator for that purpose.

Mr. HALE. It is not to take up anything else. I move that the Senate adjourn.

The motion was agreed to; and (at 7 o'clock and 52 minutes a. m., Saturday, March 4, 1911) the Senate adjourned until Saturday, March 4, 1911, at 8 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate March 3, 1911.

COLLECTOR OF INTERNAL REVENUE.

Cyrus Durey, of New York, to be collector of internal revenue for the fourteenth district of New York, in place of John G. Ward, resigned.

REGISTER OF THE TREASURY.

James C. Napier, of Tennessee, to be Register of the Treasury, in place of William T. Vernon, resigned.

UNITED STATES MARSHAL.

Charles S. Henderson, of Montana, to be United States marshal, district of Montana, vice Arthur W. Merrifield, whose term expired December 18, 1910.

UNITED STATES ATTORNEY.

Andrew B. Dunsmore, of Pennsylvania, to be United States attorney for the middle district of Pennsylvania, vice Charles B. Witmer, appointed United States district judge.

PENSION AGENT.

Charles Bent, of Illinois, to be pension agent at Chicago, his term having expired. (Reappointment.)

PROMOTIONS IN THE ARMY.

CORPS OF ENGINEERS.

Lieut. Col. John Biddle, Corps of Engineers, to be colonel from February 27, 1911, to fill an original vacancy.

Maj. Charles S. Riché, Corps of Engineers, to be lieutenant colonel from February 27, 1911, vice Lieut. Col. John Biddle, promoted.

Maj. Thomas H. Rees, Corps of Engineers, to be lieutenant colonel from February 27, 1911, to fill an original vacancy.

Maj. Charles L. Potter, Corps of Engineers, to be lieutenant colonel from February 27, 1911, to fill an original vacancy.

Capt. Sherwood A. Cheney, Corps of Engineers, to be major from February 27, 1911, vice Maj. Charles S. Riché, promoted.

Capt. Frederick W. Altstaetter, Corps of Engineers, to be major from February 27, 1911, vice Maj. Thomas H. Rees, promoted.

First Lieut. James F. Bell, Corps of Engineers, to be captain from February 27, 1911, vice Capt. Sherwood A. Cheney, promoted.

First Lieut. Douglas MacArthur, Corps of Engineers, to be captain from February 27, 1911, vice Capt. Frederick W. Altstaetter, promoted.

Second Lieut. James A. O'Connor, Corps of Engineers, to be first lieutenant from February 27, 1911, vice First Lieut. James F. Bell, promoted.

Second Lieut. Lewis H. Watkins, Corps of Engineers, to be first lieutenant from February 27, 1911, vice First Lieut. Douglas MacArthur, promoted.

PROMOTIONS IN THE NAVY.

Ensign Douglas L. Howard to be a lieutenant (junior grade) in the Navy from the 13th day of February, 1911, upon the completion of three years' service as an ensign.

Midshipman Ralph M. Jaeger to be an ensign in the Navy from the 6th day of June, 1910, to fill a vacancy existing in that grade on that date.

Second Lieut. Henry M. Butler to be a first lieutenant in the United States Marine Corps from the 5th day of February, 1911, vice First Lieut. Frederic Kensel, retired.

Lieut. John S. Graham to be a lieutenant commander in the Navy from the 7th day of January, 1911, to fill a vacancy.

Lieut. (Junior Grade) Ross S. Culp to be a lieutenant in the Navy from the 7th day of January, 1911, to fill a vacancy.

Ensign Hamilton F. Glover to be a lieutenant (junior grade) in the Navy from the 13th day of February, 1911, upon the completion of three years' service as an ensign.

Second Lieut. Littleton W. T. Waller, jr., to be a first lieutenant in the United States Marine Corps from the 11th day of October, 1910, to fill a vacancy.

Second Lieut. John Dixon to be a first lieutenant in the United States Marine Corps from the 3d day of February, 1911, to fill a vacancy.

Ensign Arthur L. Bristol, jr., to be a lieutenant (junior grade) in the Navy from the 13th day of February, 1911, upon the completion of three years' service as an ensign.

Ensign Reuben L. Walker to be a lieutenant (junior grade) in the Navy from the 13th day of February, 1911, upon the completion of three years' service as an ensign.

Boatswain Walter J. Wortman to be a chief boatswain in the Navy from the 4th day of February, 1911, upon the completion of six years' service as a boatswain.

Gunner Henry Rieck to be a chief gunner in the Navy from the 4th day of February, 1911, upon the completion of six years' service as a gunner.

POSTMASTERS.

CALIFORNIA.

M. J. Cheatham to be postmaster at Red Bluff, Cal., in place of Frank E. Cushing. Incumbent's commission expired December 10, 1910.

Fred M. Kelly to be postmaster at Needles, Cal., in place of Fred M. Kelly. Incumbent's commission expired March 2, 1911.

Samuel M. Storer to be postmaster at San Pedro, Cal., in place of Edward H. Bautzer. Incumbent's commission expired January 15, 1910.

CONNECTICUT.

Thomas F. Higgins to be postmaster at Terryville, Conn., in place of Thomas F. Higgins. Incumbent's commission expired January 23, 1911.

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GEORGIA.

Annie I. Burkhalter to be postmaster at Warrenton, Ga., in place of Annie I. Burkhalter. Incumbent's commission expired January 22, 1910.

HAWAII.

Frank Crawford to be postmaster at Lihue, Hawaii, in place of Frank Crawford. Incumbent's commission expired February 21, 1911.

IDAHO.

Burt Venable to be postmaster at Payette, Idaho, in place of Burt Venable. Incumbent's commission expired February 28, 1911.

ILLINOIS.

Edward S. Baker to be postmaster at Robinson, Ill., in place of Edward S. Baker. Incumbent's commission expired February 20, 1911.

Alvin P. Bickenbach to be postmaster at Illiopolis, Ill. Office became presidential January 1, 1911.

Minnie E. Henry to be postmaster at Carpentersville, Ill., in place of Anson J. Buck. Incumbent's commission expired January 10, 1911.

Joseph Suprenant to be postmaster at Bradley, Ill., in place of Lester B. Knickerbocker. Incumbent's commission expired February 28, 1911.

INDIANA.

Francis I. Stults to be postmaster at Huntington, Ind., in place of John S. Glenn. Incumbent's commission expired January 23, 1911.

KANSAS.

Alice Murdock to be postmaster at Eldorado, Kans., in place of William H. Ellet. Incumbent's commission expired June 28, 1910.

Thomas A. Sawhill to be postmaster at Concordia, Kans., in place of Thomas A. Sawhill. Incumbent's commission expired May 4, 1910.

KENTUCKY.

James M. Blakely to be postmaster at Williamsburg, Ky., in place of Edwin S. Moss. Incumbent's commission expired March 7, 1910.

William M. Catron to be postmaster at Somerset, Ky., in place of William M. Catron. Incumbent's commission expired January 31, 1911.

George M. Crider to be postmaster at Marion, Ky., in place of George M. Crider. Incumbent's commission expired May 9, 1910.

George C. Davis to be postmaster at Pineville, Ky., in place of William B. King, deceased.

Philip A. Taylor to be postmaster at Hodgenville, Ky., in place of Thomas B. Kirkpatrick. Incumbent's commission expired March 2, 1908.

Jesse D. Tuggle to be postmaster at Barbourville, Ky., in place of Jesse D. Tuggle. Incumbent's commission expired February 7, 1911.

MAINE.

George H. Donham to be postmaster at Island Falls, Me., in place of George H. Donham. Incumbent's commission expired January 31, 1911.

William T. Smart to be postmaster at Lewiston, Me., in place of William T. Smart. Incumbent's commission expired February 13, 1911.

MINNESOTA.

L. O. Haugen to be postmaster at Harmony, Minn., in place of Samuel Aaberg. Incumbent's commission expired February 28, 1911.

MISSOURI.

Laurin C. Goodman to be postmaster at Advance, Mo. Office became presidential January 1, 1911.

NEBRASKA.

Frank McCartney to be postmaster at Nebraska City, Nebr., in place of Frank McCartney. Incumbent's commission expired December 13, 1910.

Donald McLeod to be postmaster at Schuyler, Nebr., in place of Donald McLeod. Incumbent's commission expired March 1, 1911.

B. W. Reynolds to be postmaster at Fremont, Nebr., in place of Daniel Swanson. Incumbent's commission expired January 31, 1911.

NEW JERSEY.

Howard I. Campbell to be postmaster at Metuchen, N. J., in place of Truman T. Pierson, removed.

Erving Van Houten to be postmaster at Park Ridge, N. J., in place of George C. Reed. Incumbent's commission expired April 19, 1910.

NEW YORK.

George M. Deyoe to be postmaster at Johnstown, N. Y., in place of George M. Deyoe. Incumbent's commission expired February 28, 1911.

Henry L. Emmons to be postmaster at Spencer, N. Y., in place of Alfred S. Emmons. Incumbent's commission expired February 4, 1911.

Samuel H. Palmer to be postmaster at Ogdensburg, N. Y., in place of Samuel H. Palmer. Incumbent's commission expired February 2, 1911.

George M. Wedderspoon to be postmaster at Cooperstown, N. Y., in place of Albert S. Potts. Incumbent's commission expired January 31, 1911.

NORTH CAROLINA.

Lucullus C. Cooper to be postmaster at Nashville, N. C. Office became presidential January 1, 1910.

William P. King to be postmaster at Windsor, N. C., in place of William P. King. Incumbent's commission expired February 1, 1908.

Hugh Paul to be postmaster at Washington, N. C., in place of Hugh Paul. Incumbent's commission expired June 7, 1910.

James H. Ramsay to be postmaster at Salisbury, N. C., in place of James H. Ramsay. Incumbent's commission expired May 29, 1910.

C. G. Rosemond to be postmaster at Hillsboro, N. C., in place of C. G. Rosemond. Incumbent's commission expired December 15, 1909.

Jacob M. Stancill to be postmaster at Kenly, N. C. Office became presidential January 1, 1911.

Joseph G. Walser to be postmaster at Lexington, N. C., in place of Joseph G. Walser. Incumbent's commission expired May 9, 1910.

NORTH DAKOTA.

Otis Beardsley to be postmaster at Underwood, N. Dak., in place of Otis Beardsley. Incumbent's commission expired January 31, 1911.

F. E. Holden to be postmaster at Balfour, N. Dak., in place of Ole Helseth. Incumbent's commission expired December 19, 1909.

Gustave B. Metzger to be postmaster at Williston, N. Dak., in place of Gustave B. Metzger. Incumbent's commission expired February 28, 1911.

E. H. Reese to be postmaster at Max, N. Dak. Office became presidential January 1, 1911.

Frank Sims to be postmaster at Willow City, N. Dak., in place of Frank Sims. Incumbent's commission expired March 2, 1911.

OHIO.

John C. McManus to be postmaster at Jewett, Ohio, in place of John C. McManus. Incumbent's commission expired December 12, 1909.

OKLAHOMA.

Charles J. Brown to be postmaster at Wagoner, Okla., in place of John C. Byrd, removed.

Wilburn M. McCoy to be postmaster at Guthrie, Okla., in place of Wilburn M. McCoy. Incumbent's commission expired June 28, 1910.

M. G. Norvell to be postmaster at Marietta, Okla., in place of Alfred E. Martin. Incumbent's commission expired January 12, 1911.

John R. Casey to be postmaster at Ashland, Oreg., in place of John R. Casey. Incumbent's commission expired February 28, 1911.

James L. Page to be postmaster at Eugene, Oreg., in place of James L. Page. Incumbent's commission expired February 18, 1911.

Thomas P. Randall to be postmaster at Oregon City, Oreg., in place of Thomas P. Randall. Incumbent's commission expired March 2, 1911.

PENNSYLVANIA.

Thomas H. Harter to be postmaster at Bellefonte, Pa., in place of Thomas H. Harter. Incumbent's commission expired February 28, 1911.

David McCormick to be postmaster at Lehighton, Pa., in place of William W. Reber. Incumbent's commission expired February 28, 1911.

Walter R. Zeigler to be postmaster at Harmony, Pa. Office became presidential October 1, 1910.

SOUTH CAROLINA.

John A. Chase to be postmaster at Florence, S. C., in place of Joshua E. Wilson. Incumbent's commission expired January 19, 1908.

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marck Germany adopted the American protective-tariff system. For a long time Bismarck was a free trader; but a wider observation than nearly any other statesman of the last half century made, and a profound study of the question, converted Bismarck to the policy of protection. I think he said that the American tariff experiment was the largest factor in changing his views.

So Germany adopted the American protective-tariff policy, and for awhile it worked well. It developed German industry; it broadened German trade. But with the growth of her industry and commerce, Germany found that while she should still adhere to a protective tariff she must change the methods of enacting such a tariff into law. And so Germany devised the great but simple plan of having the facts on which a tariff should be builded ascertained for the Reichstag by men specially equipped for that work.

That was a part of that wonderful German method which placed all of her legislation on a scientific basis. It is this German method, applied by Germany's business men to their business affairs, and applied by her public men to her laws, that has caused Germany's astounding commercial and industrial progress. For Germany, with a limited territory, with poor soil, with comparatively small resources, and with only a window on the sea, is outstripping every other nation in commerce, industry, and all the beneficent activities of peace.

Germany's lead has been followed by other progressive nations. And now, as Germany took our protective system from us and improved upon it, so we will take that improvement and make still further improvement upon it. That is the true American spirit. We boast that we lead the world. We should not boast at all. But surely, if we do we should do those things that might give some excuse and justification for it. In enacting this measure we are doing more to make ourselves in realtiy an advanced nation in handling this great fiscal problem than anything else we have done on the subject.

But the important and far-reaching effect of the law we are about to pass is not confined to the tariff. It is one section of a great constructive movement to make all of our legislative methods scientific, progressive, and sound. Every business man, every student of our business problems, knows that while we have developed our industrial and commercial affairs our business legislation has not kept pace in its methods with the methods of our business itself.

In passing this bill we are taking the first fundamental step to make American business legislation as systematic in method as American business itself is systematic in method. This movement will cover the whole range of our legislative methods applied to laws that affect the whole people. Next will follow the systematization of our financial chaos. Our financial legislation, up to the present time, has been as wanting in method as our tariff legislation has been wanting in method.

And so, Mr. President, when we cast our votes we may know that they are historic votes, for they register the first great step in this period of constructive reform—the first step in an historic progressive movement for the reconstruction of American legislative methods.

But should this measure by any device of its enemies fail to become a law, we may thoroughly understand that the demand of the people will only grow the stronger, more determined, and more militant until Congress obeys the people's will.

The VICE PRESIDENT. The hour of 8.30 o'clock having arrived, the question is on the engrossment of the amendment and the third reading of House bill 32010, to create a tariff board.

Mr. GORE. I desire to say, Mr. President——

The VICE PRESIDENT. No debate is in order.

Mr. GORE. I have no intention to debate the bill.

The VICE PRESIDENT. No debate is in order. Anything said is debate.

Mr. GORE. Mr. President——

The VICE PRESIDENT. The question is on the engrossment of the amendments and the third reading of the bill.

Mr. GORE. Mr. President——

The VICE PRESIDENT. As many as are in favor will say "aye"——

Mr. STONE. A parliamentary inquiry, Mr. President.

The VICE PRESIDENT. The Senator from Missouri will state his parliamentary inquiry.

Mr. STONE. The parliamentary inquiry is—I have no idea of debate or delay—whether, aside from unanimous consent, a bill before the third reading has been ordered is not amendable.

The VICE PRESIDENT. Is not what?

Mr. STONE. Is not amendable.

The VICE PRESIDENT. Before the third reading, yes; after the third reading, it is not.

Mr. STONE. We are now proposing, as I understand, to order the engrossment of the amendments and the third reading of the bill.

The VICE PRESIDENT. That is right. The question is on the engrossment of the amendments and the third reading of the bill. [Putting the question.] The ayes have it.

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

The bill was read the third time.

Mr. GORE. Mr. President, I sent to the desk last night an amendment——

The VICE PRESIDENT. Debate is not in order. The question is on the passage of the bill. As many as are in favor of the passage of the bill will say "aye," opposed "no"——

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

The VICE PRESIDENT. The ayes appear to have it——

Mr. CULBERSON. Yeas and nays, Mr. President.

Mr. BEVERIDGE. Yeas and nays.

Mr. GORE. Mr. President, I rise to a question of personal privilege.

Mr. CULBERSON. I rise to a question of order.

The VICE PRESIDENT. The Senator will state it.

Mr. CULBERSON. The Senator from Oklahoma [Mr. GORE] desires to offer an amendment. He was proceeding to state to the Chair that the amendment was on the Secretary's desk——

The VICE PRESIDENT. But no debate was in order, as the Chair stated to the Senator from Oklahoma.

Mr. CULBERSON. The Senator from Oklahoma does not desire to debate the question, but simply desires to offer an amendment to the pending bill without debate.

The VICE PRESIDENT. The Chair has put the question. As many as favor the passage of the bill——

Mr. GORE. I rise to a question of personal privilege.

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

The VICE PRESIDENT. Will say "aye"——

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

The VICE PRESIDENT. The yeas and nays are asked for.

Mr. GORE. Mr. President——

The VICE PRESIDENT. The yeas and nays are asked for. Is there a second? In the opinion of the Chair, a sufficient number have seconded the demand, and the yeas and nays are ordered.

Mr. GORE. Mr. President, a question of personal privilege.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the names of Mr. ALDRICH and Mr. BACON.

Mr. GORE. Mr. President, a question of personal privilege.

The VICE PRESIDENT. The Senator can not interrupt a roll call.

Mr. GORE. I trust the Chair——

The VICE PRESIDENT. The Chair is sure the Senator does not wish to violate the unanimous-consent agreement made by the Senate.

Mr. GORE. I do not——

The VICE PRESIDENT. The Secretary will continue to call the roll.

Mr. GORE. I do not wish the Chair to disregard the rules of the Senate.

The VICE PRESIDENT. The Senator is not in order.

Mr. GORE. I have a right as a Member of this body——

The VICE PRESIDENT. The Secretary will continue the calling of the roll.

The Secretary called the name of Mr. BAILEY.

Mr. BAILEY. I decline to vote under a roll call ordered in that manner.

Mr. GORE. I have a right to speak on a question of personal privilege——

The Secretary called the name of Mr. BANKHEAD.

Mr. GORE. I addressed the Chair before the roll call began, and I do not intend to be taken from the floor in this manner until other recourses are had.

The VICE PRESIDENT. The Secretary will continue the calling of the roll.

Mr. GORE. Mr. President——

The Secretary called the names of Mr. BEVERIDGE and Mr. BORAH.

Mr. GORE. I wish to say that I did not know that the President of this body was possessed of the——

The VICE PRESIDENT. The Senator is not in order.

Mr. GORE (continuing). Spirit which he is exhibiting, and I merely wish to apologize for having offered an amendment after the ruling of the Chair last night, an amendment which I had intended to offer at an earlier day.

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The VICE PRESIDENT. The Secretary will continue the calling of the roll.

The Secretary called the name of Mr. BOURNE.

Mr. GORE. I regret to resort to this extremity in the protection of my rights as a Senator.

The VICE PRESIDENT. The Secretary will continue calling the roll.

The Secretary resumed the calling of the roll.

Mr. THORNTON (when Mr. FOSTER's name was called). I am authorized by my colleague [Mr. FOSTER] to say that on account of illness he is not able to be present in the Chamber this morning. If he were present, he would vote "nay."

Mr. McCUMBER (when his name was called). I am paired with the senior Senator from Louisiana [Mr. FOSTER]. I transfer that pair to the senior Senator from New York [Mr. DEPEW] and vote. I vote "yea."

Mr. CULBERSON (when Mr. TERRELL's name was called). The Senator from Georgia [Mr. TERRELL] is absent by reason of sickness. He has a pair with the Senator from Rhode Island [Mr. ALDRICH]. If the Senator from Georgia were present, he would vote "nay."

The roll call was concluded.

Mr. CULBERSON. The Senator from Georgia [Mr. BACON] is necessarily absent. He is paired with the Senator from Maine [Mr. FRYE]. If the Senator from Georgia were present, he would vote "nay."

Mr. BAILEY. I desire to know if this vote is on the final passage of the bill.

The VICE PRESIDENT. It is on the passage of the bill.

Mr. BAILEY. I desire the RECORD to show that I declined to vote because I believed the roll call was improperly ordered; but that if I had voted, I would have voted "nay."

Mr. GALLINGER. I am requested to announce that on this vote the Senator from Wisconsin [Mr. STEPHENSON] stands paired with the Senator from Indiana [Mr. SHIVELY].

The result was announced—yeas 56, nays 23, as follows:

YEAS—56.

Beveridge	Clark, Wyo.	Guggenheim	Penrose
Borah	Clarke, Ark.	Hale	Perkins
Bourne	Crane	Jones	Piles
Bradley	Crawford	Kean	Richardson
Brandegee	Cullom	La Follette	Root
Briggs	Cummins	Lodge	Scott
Bristow	Curtis	Lorimer	Smith, Mich.
Brown	Dick	McCumber	Smoot
Burkett	Dillingham	Nelson	Sutherland
Burnham	du Pont	Newlands	Thornton
Burton	Flint	Nixon	Warner
Carter	Gallinger	Oliver	Warren
Chamberlain	Gamble	Owen	Wetmore
Clapp	Gronna	Page	Young

NAYS—23.

Bankhead	Heyburn	Percy	Swanson
Bulkeley	Johnston	Rayner	Taliaferro
Culberson	Martin	Simmons	Taylor
Davis	Money	Smith, Md.	Tillman
Fletcher	Overman	Smith, S. C.	Watson
Frazier	Paynter	Stone	

NOT VOTING—12.

Aldrich	Burrows	Foster	Shively
Bacon	Depew	Frye	Stephenson
Bailey	Dixon	Gore	Terrell

So the bill was passed.

Mr. BURROWS subsequently said: I desire to say that I was necessarily detained this morning when the vote was taken on the tariff-board bill. Had I been present, I would have voted "yea."

Mr. DIXON subsequently said: I merely wish to state that, having been detained, I did not reach the Chamber until just after the vote on the tariff-board bill had been announced. Had I been present I should have voted for the bill.

Mr. CARTER. Mr. President——

Mr. STONE. Mr. President——

The VICE PRESIDENT. The Senator from Montana.

Mr. CARTER. From the committee——

Mr. STONE. Mr. President, I desire to make a motion to reconsider. I can not be cut off from that.

The VICE PRESIDENT. The Chair will recognize the Senator from Missouri for that purpose.

Mr. STONE. That was my purpose in rising. I move to reconsider the vote by which the bill was passed.

The VICE PRESIDENT. The Senator from Missouri moves to reconsider the vote by which the bill was passed.

Mr. LODGE. I move to lay that motion on the table.

The VICE PRESIDENT. The Senator from Massachusetts moves to lay the motion on the table.

Mr. STONE. On that I demand the yeas and nays.

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

Mr. CULBERSON (when Mr. BACON's name was called). I again announce that the Senator from Georgia [Mr. BACON] is unavoidably absent. He is paired with the junior Senator from Maine [Mr. FRYE]. If the Senator from Georgia were present, he would vote "nay."

Mr. McCUMBER (when his name was called). I again announce my pair with the senior Senator from Louisiana [Mr. FOSTER], and transfer the pair to the senior Senator from New York [Mr. DEPEW], and will vote. I vote "yea."

Mr. CULBERSON (when Mr. TERRELL's name was called). I again announce the pair of the junior Senator from Georgia with the senior Senator from Rhode Island [Mr. ALDRICH]. If the Senator from Georgia were present, he would vote "nay."

Mr. GALLINGER (when Mr. STEPHENSON's name was called). I again announce a pair between the Senator from Wisconsin [Mr. STEPHENSON] and the Senator from Indiana [Mr. SHIVELY].

The roll call having been concluded, the result was announced—yeas 56, nays 22, as follows:

YEAS—56.

Beveridge	Clapp	Gamble	Page
Borah	Clark, Wyo.	Gronna	Penrose
Bourne	Clarke, Ark.	Guggenheim	Perkins
Bradley	Crane	Jones	Piles
Brandegee	Crawford	Kean	Richardson
Briggs	Cullom	La Follette	Root
Bristow	Cummins	Lodge	Scott
Brown	Curtis	Lorimer	Smith, Mich.
Bulkeley	Dick	McCumber	Smoot
Burkett	Dillingham	Nelson	Sutherland
Burnham	Dixon	Newlands	Warner
Burton	du Pont	Nixon	Warren
Carter	Flint	Oliver	Wetmore
Chamberlain	Gallinger	Owen	Young

NAYS—22.

Bailey	Johnston	Rayner	Taliaferro
Bankhead	Martin	Simmons	Taylor
Culberson	Money	Smith, Md.	Tillman
Fletcher	Overman	Smith, S. C.	Watson
Frazier	Paynter	Stone	
Heyburn	Percy	Swanson	

NOT VOTING—13.

Aldrich	Depew	Hale	Thornton
Bacon	Foster	Shively	
Burrows	Frye	Stephenson	
Davis	Gore	Terrell	

So Mr. STONE's motion to reconsider was laid on the table.

Mr. GORE. Mr. President, I rise to a question of personal privilege. I feel that I owe this explanation to myself and to the Senate.

I sent to the desk last night an amendment which I stated I would propose to the tariff-board bill this morning. The amendment embraced the Canadian reciprocity agreement. The Chair indicated at the time that the amendment would not be admissible under the unanimous-consent agreement. I had intended to offer this amendment, or this substitute, before any time had been fixed for taking a vote upon this measure, but, as Senators will remember, the request for the unanimous-consent agreement to vote came up under rather peculiar circumstances. I could not then offer the amendment without either defeating or delaying that agreement. I was not willing to assume that responsibility, in view of the protracted debate which had been indulged in on the tariff-board bill.

When I sent this amendment to the desk last evening the Chair indicated that it would be contrary to the rules of the Senate and contrary to the agreement entered into. I merely wish to say this morning that if the amendment were in order under the rules of the Senate, if it should be deemed to violate the spirit of the unanimous-consent agreement, I should not offer it even under those circumstances. I desired to make that statement before the roll call began. I now apologize to the Senate for any rudeness of which I may have been guilty; but of course I feel constrained, by whatever means may be required, to defend my rights and privileges as a Senator. I regret that the incident occurred.

Mr. STONE. Mr. President, just a word for the RECORD, which has not yet been brought to the desks of Senators, of our proceedings of night before last. I intended, when the RECORD came, to ask for some corrections, if corrections were proper where I thought they ought to be made.

Now, in the absence of it I desire to make this statement, so that it may go into the RECORD: Among other innocent inaccuracies, as I deem it, into which the Chair fell during that rather amiable interchange between the Chair and myself on that evening, was a statement made by the Chair that this bill had passed beyond the stage of amendment. That we on

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this side did not think was correct, but there was no particular occasion for challenging it very pointedly then.

Afterwards, as this unanimous-consent order shows, and as the action of the Senate this morning shows, the motion pending and to be first acted upon by the Senate was the ordering of the bill to engrossment and third reading, and that I might have the judgment of the Chair, I asked the question this morning if the bill was not amendable until it had been ordered to a third reading, and the Chair said it was, in which opinion I concur.

In view of this statement I desire to call attention to the fact and have the RECORD show that the Chair was in error in the statement made the other night that the bill had passed beyond the point of amendment.

REPORT OF THE COMMITTEE ON IRRIGATION.

Mr. CARTER. From the Committee on Irrigation and Reclamation of Arid Lands I present to the Senate the report of an investigation by that committee in pursuance of a resolution of the Senate.

The VICE PRESIDENT. The Senator from Montana submits a report from the Committee on Irrigation presenting to the Senate the result of investigations by that committee in pursuance of the resolution of the Senate. Without objection, out of order, the report will be received.

Mr. NEWLANDS. I wish to state, in connection with this report, that some time ago the Committee on Irrigation was called together with reference to a report which had been tentatively prepared by the chairman, the Senator from Montana [Mr. CARTER], for submission to the committee. The report being read, there was a great deal of difference of opinion in the committee. I thereupon wrote a suggestion of a report to be substituted for the report presented by the Senator from Montana, which was sent out to the various members of the committee. Our understanding was that later on there should be a committee meeting at which these matters of difference should be thrashed out. Owing probably to the pressure of public business the chairman was unable to get the committee together, and last night I learned that this report was being signed by the members of the committee. Upon inquiry of certain members of the committee, who had expressed agreement with the views which I entertain upon matters of difference between the chairman and myself, and who had signed the report now submitted, I was told that assurance had been given that the report had been modified in these particulars. So far as I am individually concerned I have had no opportunity to look over this report as modified, and I therefore request the privilege of submitting, on my own behalf and on behalf of others who may concur with me, my views regarding this subject, such views to be printed with the report presented by the chairman, the Senator from Montana.

The VICE PRESIDENT. Is there objection to the request?

Mr. CARTER. I would be delighted to have the views expressed and printed in the report; but I think a time should be fixed in which the views should be submitted, so as not to indefinitely postpone the printing of the report. I suggest that by March 15 the views of the minority be filed, and thus enable the printer to go forward with the work.

The VICE PRESIDENT. Is there objection to the request as thus modified? The Chair hears none.

Mr. CHAMBERLAIN. I desire to unite with the Senator from Nevada in the request for leave to print our views with the report of the committee.

I desire to state in this connection that it is barely possible I may not differ from the chairman, but inasmuch as the report was not presented to me as finally prepared until 1.30 o'clock this morning, I have not had time to examine it at all, and I thought it best to preserve my right to unite with the Senator from Nevada in making a report.

The VICE PRESIDENT. The request of the Senator from Nevada covered those who desire to unite with him, the Chair understood.

Mr. NEWLANDS. I will state in this connection that the report was signed by several members who did not have time to look it over.

RECESS.

Mr. HALE. I move that the Senate take a recess until 10 o'clock. I hope by that time we may be able to present the conference reports.

The motion was agreed to; and the Senate (at 9 o'clock) took a recess until 10 o'clock a. m., March 4, 1911.

The Senate reassembled at 10 o'clock a. m.

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 reports of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the following bills:

H. R. 31539. An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1912, and for other purposes; and

H. R. 32909. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1912, and for other purposes.

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. 32957) making appropriations to supply deficiences in appropriations for the fiscal year 1911 and for prior years, and for other purposes, further insists upon its disagreement to the amendment of the Senate No. 108 to the bill, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and has appointed Mr. TAWNEY, Mr. DAWSON, and Mr. LIVINGSTON managers at the conference on the part of the House.

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

H. R. 13384. An act placing M. H. Plunkett, assistant engineer, United States Navy, on the retired list with an advanced rank;

H. R. 24256. An act to authorize commissions to issue in the cases of officers retired or advanced on the retired list with increased rank; and

H. R. 32980. An act to remove the charge of desertion against David R. Lane.

The message also announced that the House had passed without amendment the joint resolution (S. J. Res. 147) providing for a commission to investigate cost of transporting and handling second-class matter.

M. H. PLUNKETT.

The VICE PRESIDENT laid before the Senate the bill (H. R. 13384) placing M. H. Plunkett, assistant engineer, United States Navy, on the retired list with an advanced rank.

Mr. SMITH of Maryland. I ask unanimous consent for the present consideration of the bill just laid before the Senate.

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.

NEW MEXICO AND ARIZONA.

Mr. KEAN. I demand the regular order, which is the unfinished business.

The VICE PRESIDENT. The regular order is the unfinished business. The Chair lays before the Senate the unfinished business.

Mr. KEAN. Let the unfinished business be stated.

Mr. OWEN. Mr. President——

The VICE PRESIDENT. The Secretary will state the regular order.

The SECRETARY. A joint resolution (H. J. Res. 295) approving the constitution formed by the constitutional convention of the Territory of New Mexico.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. HALE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 32909) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1912, 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 19, 20, 49, 78, and 92.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, and 109, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$225,000"; 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 matter inserted by said amendment insert the following: "including salaries of commissioners and salaries of clerks appointed by the commissioners on the part of the United States with the approval

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solely of the Secretary of State"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$10,000"; and the Senate agree to the same.

EUGENE HALE,
C. A. CULBERSON,
Managers on the part of the Senate.
JAMES A. TAWNEY,
W. I. SMITH,
JOHN J. FITZGERALD,
Managers on the part of the House.

Mr. OWEN. Mr. President——

The VICE PRESIDENT. The Senator from Oklahoma rises for what purpose?

Mr. OWEN. I rise for the purpose of discussing the conference report if it has precedence over me. I do not wish to have the conference report submitted just now.

The VICE PRESIDENT. Does the Senator object to its present consideration?

Mr. OWEN. I do object to its present consideration.

The VICE PRESIDENT. The question, then, is on considering the conference report. Will the Senate now consider the conference report?

Mr. OWEN. I wish to discuss the conference report.

The VICE PRESIDENT. It is not debatable at this time. The question is, Will the Senate proceed to the consideration of the conference report?

Mr. OWEN. I do not understand that. What is the rule?

The VICE PRESIDENT. That motion is not debatable. The motion was that the Senate proceed to the consideration of the conference report, which is not debatable.

Mr. OWEN. I understand that.

The VICE PRESIDENT. The question is on agreeing to the conference report. [Putting the question.] The ayes have it. The conference report will now be considered.

Mr. HALE. I move the adoption of this report.

The VICE PRESIDENT. The Senator from Oklahoma desires to speak upon that question.

NEW MEXICO AND ARIZONA.

Mr. YOUNG. Mr. President, I have no desire to displace the Senator from Oklahoma.

I want to make a final appeal to him to allow New Mexico to become a State. New Mexico has been a Territory 60 years. I believe every State west of the Mississippi has been organized and become a State since New Mexico became a Territory. Patriotism, pride, every other consideration, should indicate that our noble Senator from the young State of Oklahoma should surrender his position and allow New Mexico to come into the Union.

This is the only Government in the world builded by the voluntary coming in of States, the highest evidence of a triumphant government by the people, for which every Senator stands. In the name of the men who followed Roosevelt, who followed men from Oklahoma in the late Spanish-American War, I appeal to our friend, the distinguished Senator from Oklahoma, one of our newest States, not to withhold statehood from this great Territory, large enough to make several countries in Europe.

Mr. KEAN. Let us have the regular order.

The VICE PRESIDENT. The regular order is demanded, which is the speech of the Senator from Oklahoma.

Mr. OWEN. Mr. President, in answer to the appeal of the Senator from Iowa [Mr. YOUNG] that I should yield to allow the present admission of New Mexico, I respond that I have long desired the admission of New Mexico, and I have long desired the admission of Arizona.

There is a great contest in this country. It is a contest between the special interests and the people. New Mexico stands on one side and Arizona on the other. Arizona has the most progressive constitution in the United States. It has the initiative and the referendum. It has direct legislation. It has the power in the hands of its own people to pass the laws that they do want and to veto laws that they do not want. It has a great and splendid privilege of liberty.

I am not willing to have Arizona rebuked before the people of the United States for having a progressive constitution. I will ask gentlemen who are so anxious to introduce to the Union New Mexico whether they are willing to admit Arizona with her constitution? If he were present I should ask the Senator from Texas [Mr. BAILEY] whether he would be willing to admit Arizona with her constitution. I would ask the Senator from Idaho [Mr. HEYBURN] if he would be willing to admit Arizona with the constitution written by her people and approved by 80 per cent of her voters. He would answer "no," if he were here. He would answer that he regards that constitution as insane.

Mr. YOUNG. Mr. President——

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

Mr. OWEN. I yield.

Mr. YOUNG. Why should not we admit New Mexico to-day and Arizona at any other time?

Mr. OWEN. Mr. President, I am somewhat familiar with the course of human affairs, and I like to see my friends come in at the same time with those who are perhaps not quite so close.

Mr. YOUNG. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma further yield?

Mr. KEAN. Let us have the regular order.

The VICE PRESIDENT. The regular order is demanded.

Mr. OWEN. I have no objection to yielding.

The VICE PRESIDENT. The Senator will proceed.

Mr. OWEN. It is all very well to say let New Mexico in to-day and we will let Arizona in to-morrow. What guaranty have we that Arizona will be admitted to-morrow? On the contrary, I have good and sufficient reason to believe that to-morrow Arizona would be denied and humiliated in the presence of this country and be compelled to go back home and rewrite her constitution, although she would amend it the next day. The Attorney General of the United States has in his hands now the constitution of Arizona, as I am informed by a telegram from the White House, signed by Mr. Charles D. Norton, which I read into the RECORD this morning.

Mr. JONES. Will the Senator yield to me?

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Washington?

Mr. OWEN. I have no objection.

Mr. JONES. I received a telegraphic resolution this morning from the legislature of my State.

Mr. KEAN. Mr. President, let us have the regular order.

The VICE PRESIDENT. The regular order is demanded. The Senator from Oklahoma will proceed.

Mr. OWEN. My time is very short and I greatly prefer the regular order. Unless Senators really desire seriously to ask me to yield the floor, I hope they will not ask me to do so.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, Executive clerk, announced that the President had approved and signed the following acts and joint resolution:

On March 3, 1911:

S. 7031. An act to codify, revise, and amend the laws relating to the judiciary;

S. 3501. An act providing for the taking over by the United States Government of the Confederate cemetery at Springfield, Mo.;

S. 5843. An act to authorize the extension of Van Buren Street NW.;

S. 6059. An act to remove cloud from the title of the southeast quarter of the northeast quarter of section 23, township 47, range 23 west of the fifth principal meridian, except 10 acres off of the north side thereof, in Pettis County, Mo., and to release the title of the United States therein to George R. Shelley, his heirs and assigns;

S. 7574. An act for the relief of John M. Bonine;

S. 7648. An act for the relief of Charles J. Smith;

S. 9271. An act for the relief of William H. Walsh;

S. 10476. An act for the relief of Passed Asst. Paymaster Edwin M. Hacker;

S. 10559. An act to designate St. Andrews, Fla., as a subport of entry;

S. 10792. An act to promote the erection of a memorial in conjunction with Perry's victory centennial celebration on Put-in-Bay Island during the year 1913, in commemoration of the one hundredth anniversary of the Battle of Lake Erie and the northwestern campaign of Gen. William Henry Harrison in the War of 1812;

S. 10822. An act to extend the time for the completion of a bridge across the Missouri River at or near Yankton, S. Dak., by the Winnipeg, Yankton & Gulf Railroad Co.;

S. 10883. An act authorizing the Erie Railroad Co. to construct a canal connecting the Hackensack River and Berrys Creek, Bergen County, N. J., as an aid to navigation, and for other purposes;

S. 10177. An act to authorize additional aids to navigation in the Lighthouse Establishment, and for other purposes;

S. 10761. An act to amend section 3 of the act of Congress of May 1, 1888, and extend the provisions of section 2301 of the Revised Statutes of the United States to certain lands in the

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State of Montana embraced within the provisions of said act, and for other purposes;

S. 8774. An act to change the name of Messmore Place to Mozart Place;

S. 6639. An act for the relief of Margaretha Weideman, Clarence C. Weideman, and Auguerite E. Weideman, owners of lots Nos. 1, 2, and 3, square No. 434, in the city of Washington, D. C.; and

S. 8306. An act to authorize the extension of Seventeenth Street NE.

On March 4, 1911:

S. 1031. An act for the relief of Jaji Bin Ydris;

S. 2045. An act for the relief of John B. Lord, owner of lot 86, square 723, Washington, D. C., with regard to assessment and payment of damages on account of changes of grade due to construction of the Union Station, District of Columbia;

S. 3662. An act for the erection of a monument over the grave of President John Tyler;

S. 4023. An act for the relief of Arthur G. Fisk;

S. 4196. An act to place David Robertson on the retired list of the United States Army;

S. 5269. An act to provide for allotments to certain members of the Hoh, Quileute, and Ozette Tribes of Indians in the State of Washington;

S. 6104. An act providing for the promotion of Civil Engineer Robert E. Peary, United States Navy, and tendering to him the thanks of Congress;

S. 9094. An act to authorize the Secretary of War to sell to the Nahant & Lynn Street Railway Co. a portion of the United States coast defense military reservation, at Nahant, Mass.;

S. 9270. An act for the relief of Frank W. Hutchins;

S. 9351. An act to amend an act entitled "An act providing for the retirement of certain medical officers of the Army," approved June 22, 1910;

S. 9529. An act for the relief of Alexander Wilkie;

S. 9874. An act to refund to the Gate of Heaven Church, South Boston, Mass., duty collected on stained-glass windows;

S. 9954. An act for the relief of Lincoln C. Andrews;

S. 10274. An act to authorize construction of the Broadway Bridge across the Willamette River at Portland, Oreg.;

S. 10357. An act authorizing the Secretary of the Interior to issue patent to David Eddington covering homestead entry;

S. 10536. An act directing the Secretary of War to convey the outstanding legal title of the United States to lot No. 20, square No. 253, in the city of Washington, D. C.;

S. 10591. An act to grant certain lands to the city of Trinidad, Colo.;

S. 10638. An act to authorize the Secretary of War to sell certain lands owned by the United States and situated on Dauphin Island, in Mobile County, Ala.;

S. 10756. An act granting public lands to the town of Omak, State of Washington, for public-park purposes;

S. 10823. An act to extend the time for the completion of a bridge across the Missouri River at Yankton, S. Dak., by the Yankton, Norfolk, and Southern Railway Co.;

S. 10863. An act to give the consent of Congress to the building of a bridge by the City of Northport, Wash., over the Columbia River at Northport;

S. 10878. An act to authorize the Canyon Snake River Wagon Bridge Commission to construct a bridge across the Snake River at or near the town of Payette, Idaho; and

S. J. Res. 147. Joint resolution providing for commission to investigate cost of transporting and handling second-class mail.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. 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. 32957) making appropriations to supply deficiencies in the appropriations for the fiscal year 1911 and for prior years, and for other purposes.

The message also announced that the Speaker of the House had appointed a committee of three Members to join a similar committee appointed by the Senate to wait upon the President of the United States and to inform him that the two Houses, having completed the business of the present session, are ready to adjourn unless he has some other communication to make to them, and that the Speaker announced the appointment of Mr. TAWNEY and Mr. BURLESON as members of the committee on the part of the House.

ENROLLED BILLS SIGNED.

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

S. 2045. An act for the relief of John B. Lord, owner of lot 86, square 723, Washington, D. C., with regard to assessment and payment of damages on account of changes of grade due to construction of the Union Station, District of Columbia;

S. 10591. An act to grant certain lands to the city of Trinidad, Colo.;

S. 10756. An act granting public lands to the town of Omak, State of Washington, for public-park purposes;

S. 10823. An act to extend the time for the completion of a bridge across the Missouri River at Yankton, S. Dak., by the Yankton, Norfolk & Southern Railway Co.;

S. 10863. An act to give the consent of Congress to the building of a bridge by the city of Northport, Wash., over the Columbia River at Northport;

S. 10878. An act to authorize the Canyon Snake River Wagon Bridge Commission to construct a bridge across the Snake River at or near the town of Payette, Idaho;

H. R. 3982. An act for the relief of David F. Wallace;

H. R. 6043. An act for the relief of registers of the United States land offices;

H. R. 7549. An act of a joint monument to the memory of Gen. James Screven and Gen. Daniel Stewart, two distinguished officers of the American Army;

H. R. 8185. An act for the relief of Valentine Fraker;

H. R. 9137. An act to authorize the expenditure of the sum of $25,000 as part contribution toward the erection of a monument at Germantown, Pa., in commemoration of the founding of the first German settlement in America;

H. R. 9624. An act for the relief of Hansell Hatfield, of McMinn County, Tenn.;

H. R. 13384. An act placing M. H. Plunkett, assistant engineer, United States Navy, on the retired list with an advanced rank;

H. R. 17493. An act for the relief of the Baltimore & Ohio Railroad Co.;

H. R. 19010. An act authorizing proper accounting officers of the Treasury Department to reopen pay accounts of certain officers of the Navy;

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. 20136. An act for the relief of Elmer P. Kerr;

H. R. 21225. An act for the relief of certain persons having supplied labor and materials for the prosecution of the work of making the main canal of the Belle Fourche irrigation project;

H. R. 22270. An act for the relief of Amos M. Barbin;

H. R. 22747. An act for the relief of Edward Swainor;

H. R. 24145. An act for the establishment of marine schools, and for other purposes;

H. R. 24256. An act to authorize commissions to issue in the cases of officers retired or advanced on the retired list with increased pay;

H. R. 24886. An act to amend sections 3548 and 3549 of the Revised Statutes of the United States, relative to the standards for coinage;

H. R. 25503. An act to provide punishment for the falsification of accounts and the making of false reports by persons in the employ of the United States;

H. R. 26121. An act for the relief of Edward F. Kerns;

H. R. 30160. An act for the relief of John Lee, alias James Riley;

H. R. 30280. An act authorizing the Secretary of the Interior to exchange certain desert lands within national forests in Oregon;

H. R. 31539. An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1912, and for other purposes;

H. R. 32170. An act for the protection of game in the Territory of Alaska;

H. R. 32212. An act making appropriations for the naval service for the fiscal year ending June 30, 1912, and for other purposes;

H. R. 32531. An act authorizing the Secretary of the Interior to permit the Missouri, Kansas & Texas Coal Co. and the Eastern Coal & Mining Co. to exchange certain lands embraced within their existing coal leases within the Choctaw and Chickasaw Nation for other lands within said nation;

H. R. 32674. An act granting pensions and increase of pensions to certain soldiers of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

H. R. 32909. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1912, and for other purposes;

H. R. 32957. An act making appropriations to supply deficiencies in appropriations for the fiscal year 1911 and for prior years, and for other purposes;

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H. R. 32980. An act to remove the charge of desertion against David R. Lane;

H. J. Res. 286. Joint resolution authorizing the printing of 100,000 copies of the Special Report on the Diseases of the Horse; and

H. J. Res. 287. Joint resolution authorizing the printing of 100,000 copies of the Special Report on the Diseases of Cattle.

VETO MESSAGE—COMMODORE VEEDER.

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying paper, referred to the Committee on Naval Affairs (S. Doc. No. 865):

To the Senate:

I return herewith, without approval, Senate bill No. 10172, entitled "A bill for the relief of Ten Eyck De Witt Veeder, commodore on the retired list of the United States Navy."

In accordance with the provisions of the personnel act of March 3, 1899, Capt. Veeder was placed upon the retired list with the rank of commodore, being one of the officers deemed by the board of five rear admirals less efficient than the remaining captains on the active list.

The finding of this board was approved by me, acting upon the recommendation of the Navy Department, and I see no reason why that action should be reversed. The board was composed of well-known officers, and I believe that their recommendation was, in accordance with their oaths, based upon the relative standing and special fitness of the officer concerned as well as the efficiency of the naval service.

If this bill for the relief of Commodore Veeder is approved it will probably be followed by others of a similar nature for the return of all officers who have been placed on the retired list in accordance with the provisions of the personnel act, and it is my opinion that the enacting of this measure into a law will have a most injurious effect upon the naval service.

WM. H. TAFT.

THE WHITE HOUSE, *March 4, 1911.*

MEMBERS OF MONETARY COMMISSION.

The VICE PRESIDENT appointed the Senator from California [Mr. FLINT] and the Senator from Florida [Mr. TALIAFERRO] members of the Monetary Commission created under the act of May 30, 1908, to fill vacancies.

ALASKAN COMMITTEE.

The VICE PRESIDENT appointed Mr. NELSON, Mr. SMOOT, Mr. NIXON, Mr. SIMMONS, and Mr. BANKHEAD members of the Alaskan Committee.

NEW MEXICO AND ARIZONA.

[Mr. OWEN resumed his speech on the joint resolution (H. J. Res. 295) approving the constitution formed by the constitutional convention of the Territory of New Mexico, which is printed below.]

Mr. OWEN. Mr. President, I should be glad to see both New Mexico and Arizona admitted, although I do not approve the constitution of New Mexico, which unduly favors corporation control of that State. The constitution of Arizona, or at least a certified copy of it, was transmitted to the Senate of the United States and to the House of Representatives on the 30th of January by Hon. R. A. Ballinger, Secretary of the Interior. This letter is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, January 30, 1911.

There is inclosed a copy of the constitution adopted by the constitutional convention of Arizona which the secretary of the Territory has asked this department to distribute to the Members of the Senate and House of Representatives in compliance with the resolution of the constitutional convention.

Very respectfully, R. A. BALLINGER, *Secretary.*

To the MEMBERS OF THE SENATE AND HOUSE OF REPRESENTATIVES.

It was printed as a Senate document, No. 798, Sixty-first Congress, third session, and referred to the Committee on Territories. The copy I have in my hand has the committee's stamp on the face of it. There can be no reasonable doubt that every Member of the Senate and every Member of the House of Representatives had abundant opportunity to know what the constitution of Arizona was. There is no doubt about the accuracy of the copy which was transmitted to the Senate of the United States and printed as a Senate document. It was signed by George W. P. Hunt, president of the constitutional convention; A. W. Cole, secretary of the constitutional convention; and was transmitted under the safeguards of the usual rules to the Secretary of the Interior.

[At this point Mr. OWEN yielded to Mr. CHAMBERLAIN.]

Mr. OWEN. Mr. President, I had intended, if I had had an opportunity conveniently, to introduce an amendment to this proposed joint resolution, admitting Arizona with its progressive constitution, but I call the attention of the Senate of the United States to the fact that the constitution of New Mexico has never been before a meeting of a committee of this body. It is a very important thing to introduce a State into the Union. It is certainly worth while to have at least one committee meeting in regard to it, where it might be read and discussed, but there has been no committee meeting on New Mexico. The committee was polled and I refused to sign the poll for the reasons which I shall presently disclose. Why was not this joint resolution written so as to admit Arizona as well as New Mexico? For 30 days a copy of that constitution, transmitted by the Secretary of the Interior, was before the committee. On January 21, 1911, the people of New Mexico adopted their constitution. On February 7, a month ago, the people of Arizona adopted their constitution. Now, it seems that we have not had time enough to get that constitution.

Mr. DILLINGHAM. Mr. President, will the Senator from Oklahoma allow me to ask him a question?

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

Mr. OWEN. I do.

Mr. DILLINGHAM. Does the Senator from Oklahoma state that the Arizona constitution has been transmitted to Congress by the President so as to come regularly before any committee of this body?

Mr. OWEN. Mr. President, I am complaining that it has not been transmitted as ought to have been done, and I have a just ground of complaint, too, because the Territory of Arizona is in the control of the President of the United States and the Secretary of the Interior. They can command the governor there, they can command the officers there, to transmit these papers. I do not know why it has not been done. The Secretary certainly has shown reasonable diligence in transmitting a copy of the Arizona constitution a month ago, and had it printed here by order of the Senate for the use of Senators and Members of the House of Representatives.

Mr. DILLINGHAM. I understood the Senator to state in a previous debate this morning that he had had information that the Arizona constitution only reached the President yesterday afternoon——

Mr. OWEN. I had a telegram——

Mr. DILLINGHAM. And that it had been referred to the Attorney General. Am I right?

Mr. OWEN. Substantially; but I am complaining of that very matter; that it was not long since transmitted, as it ought to have been in justice to Arizona.

Mr. BEVERIDGE. Mr. President——

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

Mr. OWEN. I yield to the Senator from Indiana.

Mr. BEVERIDGE. I apprehend that the reason for not transmitting the constitution was because——

Mr. KEAN. Let us have the regular order, Mr. President.

The VICE PRESIDENT. The regular order is demanded. The Senator from Oklahoma will proceed.

Mr. BEVERIDGE (continuing). It was not ratified.

Mr. OWEN. I understand it was ratified. I was advised that it was ratified on February 9, nearly a month ago, and I say that since these Territories are in the control of the administration that that constitution ought to have been here, it ought to have been passed upon, it ought to have been submitted to Congress and a report made upon it, pointing out in what particulars this constitution was offensive, if it were so, to the administration; but, no, Arizona's constitution comes at the last minute—to sustain the flimsy pretext of being too late. Is this frank, open, and fair treatment of a new State or of the Senate and Congress?

Now, I will point out what are supposed to be the objectionable portions of the Arizona constitution. I had intended to offer this amendment if I had had a convenient opportunity, but I have been on this floor since about midnight of yesterday (legislative day, calendar day of March 4), trying to discuss this matter and yielding one moment after another, and so the hours have gone by and I have had no sufficient opportunity. I now think it proper to use the opportunity I have to present my views with regard to this matter. I had intended to offer the following as an amendment to House joint resolution No. 295.

At the end of the resolution add a new paragraph, as follows:

2. That the constitution formed by the constitutional convention of the Territory of Arizona, elected in accordance with the terms of the act of Congress entitled "An act 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, etc.," approved June 20, A. D. 1910, which said constitutional convention met at Phoenix, Ariz., on the 10th day of October, A. D. 1910, and adjourned December 9, A. D. 1910, and which constitution was subse-

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quently ratified and adopted by the duly qualified electors of the Territory of Arizona, at an election held according to law, on the 7th day of February, A. D. 1911, being republican in form, and not repugnant to the Constitution of the United States and the principles of the Declaration of Independence, and complying with the terms of said enabling act, be, and the same is hereby, approved.

Amend the title so as to read: "Joint resolution approving the constitutions severally formed by the constitutional conventions of the Territories of New Mexico and Arizona, respectively."

Mr. President, the alleged offensive portions of the constitution of Arizona will be found in article 4, entitled "Legislative department—Initiative and referendum:"

ARTICLE IV.—LEGISLATIVE DEPARTMENT.

1. INITIATIVE AND REFERENDUM.

SEC. 1. (1) The legislative authority of the State shall be vested in a legislature, consisting of a senate and a house of representatives, but the people reserve the power to propose laws and amendments to the constitution and to enact or reject such laws and amendments at the polls, independently of the legislature, and they also reserve, for use at their own option, the power to approve or reject at the polls any act, or item, section, or part of any act, of the legislature.

So the people in Arizona, from whom all power flows, from whom comes all power, reserve to themselves this right of direct legislation. The constitution makes it plain what these powers are:

(2) The first of these reserved powers is the initiative. Under this power 10 per cent of the qualified electors shall have the right to propose any measure, and 15 per cent shall have the right to propose any amendment to the constitution.

Now we are told that Arizona may be admitted a little later on with this provision, but I call attention to the experience which we in Oklahoma had. We put this provision in our constitution, and our present National Chief Executive made an address in our State advising our people to vote down that constitution. One of his objections to it was that he regarded this provision as unwise. I know of no reason to believe that he has changed his mind with regard to it, although that is entirely possible. I deeply trust he may do so, but I greatly fear the reactionaries in the Senate will not vote to admit a progressive State, and I do not wish to leave the matter open.

(3) The second of these reserved powers is the referendum. Under this power the legislature, or 5 per cent of the qualified electors, may order the submission to the people at the polls of any measure, or item, section, or part of any measure, enacted by the legislature, except laws immediately necessary for the preservation of the public peace, health, or safety, or for the support and maintenance of the departments of the State government and State institutions; but to allow opportunity for referendum petitions, no act passed by the legislature shall be operative for 90 days after the close of the session of the legislature enacting such measure, except such as require earlier operation to preserve the public peace, health, or safety, or to provide appropriations for the support and maintenance of the departments of State and of State institutions; provided, that no such emergency measure shall be considered passed by the legislature unless it shall state in a separate section why it is necessary that it shall become immediately operative, and shall be approved by the affirmative votes of two-thirds of the members elected to each house of the legislature, taken by roll call of ayes and nays, and also approved by the governor; and should such measure be vetoed by the governor, it shall not become a law unless it shall be approved by the votes of three-fourths of the members elected to each house of the legislature, taken by roll call of ayes and nays.

(4) All petitions submitted under the power of the initiative shall be known as initiative petitions, and shall be filed with the secretary of state not less than four months preceding the date of the election at which the measures so proposed are to be voted upon. All petitions submitted under the power of the referendum shall be known as referendum petitions, and shall be filed with the secretary of state not more than 90 days after the final adjournment of the session of the legislature which shall have passed the measure to which the referendum is applied. The filing of a referendum petition against any item, section, or part of any measure shall not prevent the remainder of such measure from becoming operative.

(5) Any measure of amendment to the constitution proposed under the initiative, and any measure to which the referendum is applied, shall be referred to a vote of the qualified electors, and shall become law when approved by a majority of the votes cast thereon and upon proclamation of the governor, and not otherwise.

(6) The veto power of the governor shall not extend to initiative or referendum measures approved by a majority of the qualified electors.

(7) The whole number of votes cast for all candidates for governor at the general election last preceding the filing of any initiative or referendum petition on a State or county measure shall be the basis on which the number of qualified electors required to sign such petition shall be computed.

(8) The powers of the initiative and the referendum are hereby further reserved to the qualified electors of every incorporated city, town, and county as to all local, city, town, or county matters on which such incorporated cities, towns, and counties are or shall be empowered by general laws to legislate. Such incorporated cities, towns, and counties may prescribe the manner of exercising said power within the restrictions of general laws. Under the power of the initiative 15 per cent of the qualified electors may propose measures on such local, city, town, or county matters, and 10 per cent of the electors may propose the referendum on legislation enacted within and by such city, town, or county. Until provided by general law, said cities and towns may prescribe the basis on which said percentages shall be computed.

(9) Every initiative or referendum petition shall be addressed to the secretary of state in the case of petitions for or on State measures, and to the clerk of the board of supervisors, city clerk, or corresponding officer in the case of petitions for or on county, city, or town measures; and shall contain the declaration of each petitioner, for himself, that he is a qualified elector of the State (and in the case of petitions for or on city, town, or county measures, of the city, town, or county affected), his post-office address, the street and number, if any, of his residence, and the date on which he signed such petition. Each sheet containing petitioners' signatures shall be attached to a full and correct copy of the title and text of the measure so proposed to be initiated or referred to the people, and every sheet of every such petition containing signatures shall be verified by the affidavit of the person who circulated said sheet or petition, setting forth that each of the names on said sheet was signed in the presence of the affiant, and that in the belief of the affiant each signer was a qualified elector of the State, or in the case of a city, town, or county measure, of the city, town, or county affected by the measure so proposed to be initiated or referred to the people.

(10) When any initiative or referendum petition or any measure referred to the people by the legislature shall be filed, in accordance with this section, with the secretary of state, he shall cause to be printed on the official ballot of the next regular general election the title and number of said measure, together with the words "Yes" and "No" in such manner that the electors may express at the polls their approval or disapproval of the measure.

(11) The text of all measures to be submitted shall be published as proposed amendments to the constitution are published, and in submitting such measures and proposed amendments the secretary of state and all other officers shall be guided by the general law until legislation shall be especially provided therefor.

(12) If two or more conflicting measures or amendments to the constitution shall be approved by the people at the same election, the measure or amendment receiving the greatest number of affirmative votes shall prevail in all particulars as to which there is conflict.

(13) It shall be the duty of the secretary of state, in the presence of the governor and the chief justice of the supreme court, to canvass the votes for and against each such measure or proposed amendment to the constitution within 30 days after the election, and upon the completion of the canvass the governor shall forthwith issue a proclamation giving the whole number of votes cast for and against each measure or proposed amendment, and declaring such measures or amendments as are approved by a majority of those voting thereon to be law.

(14) This section shall not be construed to deprive the legislature of the right to enact any measure.

(15) This section of the constitution shall be, in all respects, self-executing.

SEC. 2. The legislature shall provide a penalty for any willful violation of any of the provisions of the preceding section.

* * * * * * *

ARTICLE VIII.—REMOVAL FROM OFFICE.

1. RECALL OF PUBLIC OFFICERS.

SECTION 1. Every public officer in the State of Arizona holding an elective office, either by election or appointment, is subject to recall from such office by the qualified electors of the electoral district from which candidates are elected to such office. Such electoral district may include the whole State. Such number of said electors as shall equal 25 per cent of the number of votes cast at the last preceding general election for all of the candidates for the office held by such officer may by petition, which shall be known as a recall petition, demand his recall.

SEC. 2. Every recall petition must contain a general statement in not more than 200 words of the grounds of such demand, and must be filed in the office in which petitions for nominations to the office held by the incumbent are required to be filed. The signatures to such recall petition need not all be on one sheet of paper, but each signer must add to his signature the date of his signing said petition and his place of residence, giving his street and number, if any, should he reside in a town or city. One of the signers of each sheet of such petition, or the person circulating such sheet, must make and subscribe an oath on said sheet that the signatures thereon are genuine.

SEC. 3. If said officer shall offer his resignation, it shall be accepted, and the vacancy shall be filled as may be provided by law. If he shall not resign within five days after a recall petition is filed, a special election shall be ordered to be held, not less than 20 nor more than 30 days after such order, to determine whether such officer shall be recalled. On the ballots at said election shall be printed the reasons, as set forth in the petition, for demanding his recall, and, in not more than 200 words, the officer's justification of his course in office. He shall continue to perform the duties of his office until the result of said election shall have been officially declared.

SEC. 4. Unless he otherwise request, in writing, his name shall be placed as a candidate on the official ballot without nomination. Other candidates for the office may be nominated to be voted for at said election. The candidate who shall receive the highest number of votes shall be declared elected for the remainder of the term. Unless the incumbent receive the highest number of votes, he shall be deemed to be removed from office, upon qualification of his successor. In the event that his successor shall not qualify within five days after the result of said election shall have been declared, the said office shall be vacant, and may be filled as provided by law.

SEC. 5. No recall petition shall be circulated against any officer until he shall have held his office for a period of six months, except that it may be filed against a member of the legislature at any time after five days from the beginning of the first session after his election. After one recall petition and election no further recall petition shall be filed against the same officer during the term for which he was elected, unless petitioners signing such petition shall first pay into the public treasury which has paid such election expenses all expenses of the preceding election.

SEC. 6. The general election laws shall apply to recall elections in so far as applicable. Laws necessary to facilitate the operation of the provisions of this article shall be enacted, including provision for payment by the public treasury of the reasonable special election campaign expenses of such officer.

Mr. President, these provisions are matters of vital importance; this is a matter which goes to the fundamentals of government; this is a method by which the people themselves have retained the power over their legislatures, so that their legislatures can not dare to try to be the masters or to assume the airs of arrogance, disregarding the people who sent them there, as has been so often the case in this country. Under this constitution the people will be the masters of their legislatures and of their representatives, not only in the legislatures, but in the administrative offices as well.

Oklahoma has this provision in her constitution, and I am not willing to have Arizona affronted before the whole world and before this Republic because she has dared to write the initiative and referendum in her constitution. I do not think

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that right, and I am not going to submit to it. Why should Arizona and the people of Arizona be denied the right to write the organic law under which they live? There is no sound reason for it. Seventy-six per cent of the people of Arizona have voted in favor of this constitution. It is all very well to say, "Let us have New Mexico admitted now and Arizona hereafter," but I do not believe the reactionaries or retrogressives intend to do anything of the kind if they can help it.

It is well known to everybody that the President is going to call an extra session. It will not be pretended that I am bringing about an extra session. Nobody can pretend that, because it is not true. The only thing which I am doing here is to emphasize this matter of the contest between delegated government and a government by popular sovereignty. That is the issue here, and I want to emphasize it as strongly as I can. It is the issue which is sweeping this Nation; it is an issue which carried California in the last election, carried Washington, and which has controlled Oregon and has controlled Montana; which has become a part of the constitution of South Dakota; which is indorsed by both parties in North Dakota; which is written into the law of Nevada; which has been established as a principle in Arizona; which has been adopted by Colorado and Oklahoma and Missouri and Arkansas, and is about to be written into the laws of Nebraska. It is the issue in Michigan. It is an issue in Minnesota. It is the issue in Wisconsin, and is now about to be written on the face of the constitution of Wisconsin. It carried Illinois in the last election by 4 to 1, and carried Gov. Foss into the governor's chair in Massachusetts; and I think this notion of this being an "insane" doctrine is merely an evidence of the astonishing ignorance of some Senators of the United States of what is going on in this Republic.

Even the old State of Maine adopted it by a vote of 2 to 1 two years ago and wrote the initiative and referendum in her constitution.

Mr. CLARKE of Arkansas. Mr. President——

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

Mr. OWEN. I yield to the Senator.

Mr. CLARKE of Arkansas. The Senator is predicating his present address to the Senate upon the idea that it is necessary to defeat the adoption of the joint resolution proposing to admit New Mexico at this time because he thinks that thereby the prospect of the early admission of Arizona will be promoted. Is he not aware of the fact that in the event this Congress shall fail to adopt the joint resolution admitting New Mexico, the President of the United States may do so, and that he has accomplished nothing in the interest of Arizona by the contest which he is making at this time? Is the Senator familiar with the provisions of sections 4 and 5 of the enabling act by which——

Mr. OWEN. I will immediately call the attention of the Senate to them. Section 4 is as follows; I have it in my hand:

That when said constitution and such provisions thereof as have been separately submitted shall have been duly ratified by the people of New Mexico as aforesaid a certified copy of the same shall be submitted to the President of the United States and to Congress for approval, together with the statement of the votes cast thereon and upon any provisions thereof which were separately submitted to and voted upon by the people. And if Congress and the President approve said constitution and the said separate provisions thereof, or, if the President approves the same and Congress fails to disapprove the same during the next regular session thereof, then and in that event the President shall certify said facts to the governor of New Mexico, who shall, within 30 days after the receipt of said notification from the President of the United States, issue his proclamation for the election of the State and county officers—

I will insert sections 4 and 5 in my remarks, without objection.

The PRESIDING OFFICER (Mr. SMOOT in the chair). Is there objection? The Chair hears none.

The sections are as follows:

SEC. 4. That when said constitution and such provisions thereof as have been separately submitted shall have been duly ratified by the people of New Mexico as aforesaid a certified copy of the same shall be submitted to the President of the United States and to Congress for approval, together with the statement of the votes cast thereon and upon any provisions thereof which were separately submitted to and voted upon by the people. And if Congress and the President approve said constitution and the said separate provisions thereof, or if the President approves the same and Congress fails to disapprove the same during the next regular session thereof, then and in that event the President shall certify said facts to the governor of New Mexico, who shall, within 30 days after the receipt of said notification from the President of the United States, issue his proclamation for the election of the State and county officers, the members of the State legislature and Representatives in Congress, and all other officers provided for in said constitution, all as hereinafter provided; said election to take place not earlier than 60 days nor later than 90 days after said proclamation by the governor of New Mexico ordering the same.

SEC. 5. That said constitutional convention shall, by ordinance, provide that in case of the ratification of said constitution by the people, and in case the President of the United States and Congress approve the same, or in case the President approves the same and Congress fails to act in its next regular session, all as hereinbefore provided, an election shall be held at the time named in the proclamation of the governor of New Mexico, provided for in the preceding section, at which election officers for a full State government, including a governor, members of the legislature, two Representatives in Congress, to be elected at large from said State, and such other officers as such constitutional convention shall prescribe, shall be chosen by the people. Such election shall be held, the returns thereof made, canvassed, and certified to by the secretary of said Territory in the same manner as in this act prescribed for the making of the returns, the canvassing and certification of the same of the election for the ratification or rejection of said constitution, as hereinbefore provided, and the qualifications of voters at said election for all State officers, members of the legislature, county officers, and Representatives in Congress, and other officers prescribed by said constitution shall be made the same as the qualification of voters at the election for the ratification or rejection of said constitution as hereinbefore provided. When said election of said State and county officers, members of the legislature, and Representatives in Congress, and other officers above provided for shall be held and the returns thereof made, canvassed, and certified as hereinbefore provided, the governor of the Territory of New Mexico shall certify the result of said election, as canvassed and certified as herein provided, to the President of the United States, who thereupon shall immediately issue his proclamation announcing the result of said election so ascertained, and upon the issuance of said proclamation by the President of the United States the proposed State of New Mexico shall be deemed admitted by Congress into the Union, by virtue of this act, on an equal footing with the other States. Until the issuance of said proclamation by the President of the United States, and until the said State is so admitted into the Union and said officers are elected and qualified under the provisions of the Constitution, the county and territorial officers of said Territory, including the Delegate in Congress thereof elected at the general election in 1908, shall continue to discharge the duties of their respective offices in and for said Territory: *Provided*, That no session of the territorial legislative assembly shall be held in 1911.

Mr. OWEN. Now, it is true, as the Senator from Arkansas so forcibly points out, that if Congress at its next regular session does not act (sec. 5) or fails to disapprove (sec. 4), the President can and the President will admit. Why, then, this appeal to me to save New Mexico? Look at the astonishing constitution of New Mexico, with corporate control and machine politics written all over it, an ignorant electorate put in power and perpetuated so that an intelligence qualification is impossible.

Mr. YOUNG. Mr. President——

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

Mr. OWEN. I yield to the Senator from Iowa.

Mr. YOUNG. On later information the appeal is withdrawn.

Mr. CLARKE of Arkansas. I think I ought to say that I did not intend to have it understood that I called the Senator's attention to the provisions out of any tender regard for the welfare of New Mexico, but I thought the inevitable effect of his present efforts would be to impose upon a large number of his colleagues the necessity for attending a special session of this Congress, which they desire very greatly for public and private reasons not to be forced to do, and there is no question of practical remedy for New Mexico pending before Congress. The only effect of an attempt at this time to present the reasons why New Mexico should not be admitted here and now will be to produce a result that I feel satisfied the Senator from Oklahoma does not want to bring about, and will impose burdens upon some of us that we do not care at this time to undertake, in the interest of the public service—delay and obstruction, by the necessity which the Senator from Oklahoma feels himself to rest under to Arizona's case at this time.

New Mexico's interest is not involved in anything that can take place here, because the President of the United States has the amplest power within one hour after the adjournment of this body to issue his proclamation admitting the State of New Mexico.

Mr. OWEN. As I have said heretofore, I do not think that the present Congress has any moral or ethical right to write the great appropriation bills, to pass ship-subsidy bills, or to perform other legislative functions belonging to the American people after the people of the United States have appointed by their suffrage other legislative agents who are available and who are already called in extra session as far as the written document is concerned, because it is an open secret that the proclamation calling an extra session has been prepared and will be immediately promulgated, as I have been personally assured on the floor of the Senate during this discussion. I am in favor of an extra session and believe the Democrats should rejoice in seizing the first opportunity to give the people some relief by the prompt exercise of the power the people have intrusted to them.

Only the assurance that it will not be pretended that any discussion of free government, of popular government against delegated government on this floor, is causing the extra session. The extra session is being called because the President of the United States being deeply desirous of closer relations with Canada has been disappointed in his expectations at the hands of his friends. Of his fixed purpose to call this extra session I have been assured positively since I took the floor, and I cordially approve his purpose, for I approve reciprocity with Canada. The President offered free trade to Canada, and he did a wise act. It

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has been free trade between the States of this Union which has been the basis of our glorious commercial growth. Imagine a tariff wall at the border line of every State and having your baggage go through 14 customhouses between Boston and San Francisco. Obstruction to trade does not help commerce. Our great northern neighbor ought to be bound close to our side by every reciprocal commercial, social, and financial attachment for her sake and for ours. God bless Canada and the United States.

Mr. CARTER. Mr. President——

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

Mr. OWEN. Yes.

Mr. CARTER. I inquire of the Senator if he has prepared an amendment to this pending joint resolution proposing the concurrent admission of the Territories of New Mexico and Arizona?

Mr. OWEN. I have read it into the RECORD already, Mr. President.

Mr. CARTER. I desire to know if the amendment is available at any point where it can be inspected.

Mr. OWEN. It has been sent to the Clerk's desk, I believe.

Mr. CARTER. I will endeavor to procure it from the files.

Mr. OWEN. I have a duplicate copy here.

It is the failure of the reciprocity bill that has called this extra session, and everybody knows it. The President could not possibly have anticipated my discussion of popular government here on this joint resolution that was brought up in this peculiar way. I say "peculiar," because I have the authority of the Senator from Maine [Mr. HALE], the Republican leader of the Senate, and of the Democratic leader of the Senate [Mr. MONEY] for saying that when the Finance Committee appointed the Senator from Massachusetts to present a measure to this body, as in the case of the tariff board, it is not in good order, nor in accordance with the customs or practice of the Senate for some other Senator to take charge of the bill; and I think the Senator from Maine and the Senator from Mississippi [Mr. MONEY] and the Senator from Missouri [Mr. STONE] are entirely correct in that observation. But we see here in this case the exact parallel and violation of this unbroken custom. There has been a speedy following of that solitary bad example.

In the case of the joint resolution (H. J. Res. 295) admitting New Mexico, reported by the Senator from New Hampshire [Mr. DILLINGHAM] for the Committee on Territories, the honorable Senator from Texas [Mr. BAILEY], who is not a member of the Committee on Territories, took charge of the joint resolution and offered it to the Senate, taking it away from the control of the chosen representative of the Committee on Territories. I do not think that to ignore the members of the committee in this fashion or to invade the duty imposed on the Committee on Territories by the Senate is good practice. I do not think it good legislative doctrine to have a measure of this consequence passed upon by a committee which never has met and never has considered it; who simply signed their names on the back of it with an O. K. I do not think that is a wise method of legislating on an important measure of this kind; but still the bill should be presented and cared for primarily by the members of the Committee on Territories, and having been charged with the duty of representing the Democrats of the Senate on that committee, I shall try to do my duty as I see it in defending the Democratic interest, notwithstanding the views or the conduct of the distinguished Senator from Texas.

Now, admitting Arizona and New Mexico together, it seems to me, might be a wise and proper method of proceeding if New Mexico had a decent constitution, but to admit New Mexico with a corporation constitution and allow the people of New Mexico to send two standpat Republican Senators to this floor, and deny the people of Arizona, with a people's rule constitution, the privilege of sending two Democratic Senators to this floor I do not think a very good doctrine from a mere party standpoint, and I can not consent to follow the leadership of the honored Senator from Texas in this proposal and demand, regardless of the merits of either constitution, for it will do the Republicans great service in the control of the next Senate and next presidential campaign, giving them four presidential electors, and will do the Democrats great harm by denying them two Democratic Senators and three presidential electors.

I do not like the direction of such Democratic leadership, and I can not consent to follow it.

Mr. CARTER. Mr. President——

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

Mr. OWEN. Yes.

Mr. CARTER. The Senator from Oklahoma presented to the Senate an amendment to the joint resolution. The amendment, in substance, provides for the admission of the Territory of Arizona; and if the joint resolution as thus amended should pass, it would provide for the admission of New Mexico and Arizona by and through the same instrument.

I now, with the permission of the Senate and of the Senator from Oklahoma, will ask unanimous consent that a vote be now taken on the amendment proposed by the Senator from Oklahoma [Mr. OWEN], proposing the admission of Arizona, with the further understanding that if that motion is lost the Senator from Oklahoma may resume the floor as though no interruption had occurred.

The VICE PRESIDENT. Is there objection to the request of the Senator from Montana?

Mr. OWEN. I should like to make this observation: If there can be given any assurance that Arizona will be now admitted—that this will pass the Senate now and go to the House and be acted upon there—I will be content, and I will make no further objection.

Mr. CARTER. It will require but a few moments to take the vote proposed, and the request for unanimous consent embraces the idea of the Senator retaining the floor as though no intermission had occurred and no business had been transacted.

Mr. OWEN. I agree to that proposal.

Mr. CARTER. Then, Mr. President——

The VICE PRESIDENT. Is there objection?

Mr. HEYBURN. I should like to hear the question stated.

The VICE PRESIDENT. The Senator from Montana asks unanimous consent that a vote be at once taken upon the amendment offered by the Senator from Oklahoma to House joint resolution 295, and that after that vote is taken, should the vote be in the negative, the Senator from Oklahoma shall be understood to occupy the floor as if he had not been disturbed. Is there objection?

Mr. OWEN. I do not think the Chair stated that quite as I understand it.

The VICE PRESIDENT. The Chair certainly intended to.

Mr. OWEN. Surely; of course; there is no doubt about that. I have the greatest confidence in the sincerity and the accuracy of the Chair. But what I want to have understood is that this joint resolution pass the Senate and be agreed to by the House before the sundry civil appropriation bill passes this body. That is what I want agreed to.

Mr. HEYBURN. I will bring that to a short close. I object.

Mr. CARTER. I hope the Senator from Idaho will withhold his objection for the moment.

Mr. HEYBURN. No.

The VICE PRESIDENT. The Senator from Idaho objects. The Senate will please be in order.

Mr. CARTER. Will the Senator from Idaho withhold his objection for the moment?

Mr. HEYBURN. I withhold the objection for the time being.

The VICE PRESIDENT. The Senator from Idaho withholds his objection for the present, until there can be further discussion of the proposition.

Mr. CARTER. The Senator from Oklahoma mentions the sundry civil appropriation bill as the one to be attached as a condition precedent to this unanimous-consent agreement. I wish to submit to the Senator this state of facts:

The sundry civil appropriation bill is the largest of all the bills. The enrollment of the bill will occupy practically every moment from now until the hour of 12 o'clock—the expiration of this Congress. The Senator may interpose an objection as to some other appropriation bill which can be enrolled more expeditiously. Should this joint resolution pass the House and the Senate, it is quite obvious that the purpose of the Senator from Oklahoma would be served, and there would be no object in defeating any appropriation bill.

I think, therefore, that the Senator may well reserve the right to interpose objection to some other appropriation bill, but to permit the sundry civil bill to pass, the conference report to be acted upon immediately after this vote is taken.

Mr. OWEN. Mr. President, I would like to suggest that under the legends of the Senate the clock of the Senate is not always absolutely accurate, and it might be turned back a little without violating the precedents.

Mr. HALE. I call for the regular order.

The VICE PRESIDENT. The regular order is demanded, which is equivalent to an objection. The Senator from Oklahoma will proceed.

Mr. OWEN. Mr. President, I have expressed my willingness to go just as far as I can toward the admission of Arizona and New Mexico. I am perfectly willing to agree to any plan that will bring that about, and the reason why I was temporarily occupying the floor was in the hope that I might be able to arrive at some plan by which those two great communities should be given the right to which they are justly entitled.

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Mr. CARTER. Mr. President, if the Senator will permit me——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Montana?

Mr. OWEN. I do.

Mr. CARTER. In my judgment, the Senate will approve the joint resolution with the amendment proposed by the Senator from Oklahoma. By virtue of that approval the Senator will have achieved the victory he seeks in the forum to which we all belong. It is well known that this joint resolution has many friends; indeed, I think a pronounced majority in the House of Representatives, whether applied to New Mexico singly or to New Mexico and Arizona jointly. So it seems to me that with a clearance here and a majority there and ample time for action the Senator is taking no special risk in doing what he can and what all can do to further the purposes of the amendment offered.

I hope, Mr. President, the Senator without qualification will consent to the proposal I made, because within a few minutes——

Mr. HALE. I call for the regular order. I insist upon it.

The VICE PRESIDENT. The Senator from Oklahoma has the floor. The regular order is the conference report.

Mr. OWEN. Mr. President, the proposal of the Senator from Montana, of course, would leave the President with the power to disapprove this bill, I suppose, and drop Arizona and New Mexico out together if either fail. I would be willing to take that chance. All that I want to do is to get these States admitted if possible.

I want to call the attention of the country to the real reason why Arizona is being kept out. As I understand the matter, it is that Arizona has a progressive constitution, with the initiative and referendum; that is, with the power of direct legislation, the direct primary, and the right of recall. New Mexico, on the other hand, has not. Arizona is Democratic and progressive; New Mexico is Republican and retrogressive. They practically approved their constitutions at approximately the same time. There is no reason why they should not come in here together.

Mr. MONEY. Mr. President, if the Senator from Oklahoma will permit me a moment——

Mr. OWEN. I yield to the Senator.

Mr. HALE. Mr. President, I must call for the regular order.

The VICE PRESIDENT. The Senator from Maine objects and demands the regular order. The Senator from Oklahoma will proceed.

Mr. MONEY. Mr. President——

The VICE PRESIDENT. The Senator from Oklahoma can not yield the floor in the face of an objection, and objection is made.

Mr. MONEY. I have not asked the Senator to yield the floor, but to answer a question, which he has a right to do in his own time.

The VICE PRESIDENT. Oh, certainly, the Senator has a right to yield for a question and to answer.

Mr. KEAN. Only by unanimous consent.

The VICE PRESIDENT. He can yield for a question.

Mr. MONEY. With the kindest feeling in the world for the Senator, which he fully understands, I ask him, in the name of this side of the House, if he will not allow the bill to be taken from conference and acted upon, and hold the floor after it is out of the way. It is now within an hour of final adjournment, and it is exceedingly necessary that these supply bills should pass. I know the Senator from Oklahoma will appreciate that fact. I ask him now to do the favor to this side of the House to permit these bills to come to a conclusion. I hope the Senator will yield to that. It is unnecessary for me to say to him that in the closing of this Congress, when some of us will never be here again, we ought to part in good humor and friendship. I want to appeal to him in the name of the Democratic Party to yield.

Mr. OWEN. Mr. President, I have already agreed as to all of these bills except the sundry civil bill, and I would be perfectly willing to leave the sundry civil bill awaiting the signature of the President of the Senate subject to the passing by the House of a bill admitting these two States. That can be easily done. The President of the Senate can withhold his signature until this House joint resolution 295 is acted on. It will not delay at all.

I will be glad to do that. I think the Senator from Maine [Mr. HALE] might agree to that. All I want to do is to take care of these two States and see to it that two Democrats come here at the same time two Republicans do. I think that is fair; I think that is right. I do not think I ought to be asked by my Democratic colleagues that I should quit. Why should I agree to have two Republicans come here and not have two Democrats to accompany them? As far as the sundry civil bill is concerned, the President has already determined to call Congress together. Why could not the newly chosen Representatives immediately write a sundry civil appropriation bill? It is only one bill. They will have plenty of time. The fiscal year does not expire until June 30.

Why this extraordinary urgency? There is no good political reason why I should yield my point. On the contrary, I do not agree with my colleague from Mississippi [Mr. MONEY] on that matter. He knows that I not only have the greatest possible respect for him, but that I have and have had the warmest possible affection for him through a long period of years, which never has been marred by the slightest difference in over 20 years of friendship.

Mr. BACON. Will the Senator permit me to make a suggestion?

Mr. HALE. Mr. President, I insist on the regular order.

Mr. BACON. I am asking the Senator a question. I have a right to do that.

Mr. HALE. I do not object; but under the general rule that is a very narrow privilege.

The VICE PRESIDENT. The Chair holds he can not yield the floor, but a Senator may yield for a question. Beyond that he can not yield.

Mr. OWEN. I yield for a question.

Mr. BACON. The question I desire to ask the Senator from Oklahoma is this: If the proposition submitted by the Senator from Montana [Mr. CARTER] were acted upon and both States were voted upon at the same time, would it not be true that there would either be four Senators from the two States or none from either State?

Mr. OWEN. Yes, sir.

Mr. BACON. Why not let us pursue that plan?

Mr. OWEN. That is exactly what I now propose.

Mr. BACON. I understood the Senator from Montana to offer that and the Senator objected.

Mr. OWEN. No; I agree to it. I think that we ought not as Democrats, if we are going to look at this matter from a partisan standpoint, refuse any opportunity to bring in two Democratic Senators when two Republican Senators are brought in. I do not think we ought to be asked to do that.

Mr. CLARKE of Arkansas. How is the Senator going to prevent that very thing from being done by his present stand? New Mexico will be admitted to-morrow by Executive proclamation. Then what have you accomplished except to give an excuse for an extra session that will impose onerous conditions upon the membership here and disturb the business of the country? Let those who stand behind it take the responsibility, and do not impose a party responsibility upon the Democratic Party. If there was any practical good to come out of the extra session I would be willing to have it. I was a member of the Committee on Territories and refused to sign that report. The matter should be disposed of upon a footing of absolute equality, so far as any national control is concerned. The joint resolution was brought in here last night by a vote much against my judgment and, I believe, against the judgment of the Committee on Territories.

Mr. HALE. Regular order!

The VICE PRESIDENT. The Senator from Maine objects. The Senator can not further yield in the face of an objection.

Mr. OWEN. Now, perhaps the most obnoxious feature about the Arizona constitution to my distinguished opponents is the recall, and particularly as the recall applies to judges on the bench. It is true that the language of the constitution does not mention a judge on the bench. It only says this, in Article VIII:

SECTION 1. Every public officer in the State of Arizona holding a elective office, either by election or appointment, is subject to recall from such office by the qualified electors of the electoral district from which candidates are elected to such office. Such electoral district may include the whole State. Such number of said electors as shall equal 25 per cent of the number of votes cast at the last preceding general election for all of the candidates for the office held by such officer may by petition, which shall be known as a recall petition, demand his recall.

They say this will apply to a judge. So it does, and why should it not, if the Arizona people want it? If a judge on the bench proves to be corrupt, proves to be unworthy and dishonest, or a brutal tyrant on the bench, imposing upon his fellow citizens by virtue of the power in his hands, why should he not be recalled by the Arizona people if they wish to have the law so? It is an easier method of dealing with him than by impeachment. The impeachment of a judge is done under circumstances most painful to the man who is impeached. Is not impeachment the right of recall? Impeachment puts a stigma upon him, however. It disgraces him to such an extent that men dislike to associate with him thereafter, whereas the right of recall is simply a matter of advising a man that he is not an acceptable public servant. The man who is defeated in a recall goes from his office without any necessary disgrace

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and without any deep stigma. It is simply a question of his being an unacceptable public servant. It has never been applied except for dishonesty. It has only been used three times, I believe, on the Pacific coast—once in Los Angeles, where the mayor and an alderman were believed to be corrupt. They simply nominated his successor and elected him and the former mayor went out of office without any particular stigma except that of being a defeated candidate who was replaced by another man.

I want to quote from very high authority, our honorable ex-President, who has written upon this matter. In the Washington Post of March 4, 1911, this very morning, I find this item by our distinguished ex-President Theodore Roosevelt, headed "Intelligent criticism of judges an absolute necessity:"

INTELLIGENT CRITICISM OF THE JUDGES AN ABSOLUTE NECESSITY.

(Theodore Roosevelt, in the Outlook.)

In the first place, it is absolutely necessary that there should be discrimination between, and therefore intelligent criticism of, the judges who by their power of interpretation are the final arbiters in deciding what shall be the law of the land. Men ought not to be classed together for praise or blame because they occupy one kind of public office. The bonds that knit them in popular esteem or popular disfavor should be based not upon the offices they hold, but upon the way in which they fill these offices. Chief Justice Taney was, I doubt not, in private life as honorable a man as Chief Justice Marshall; but during his long term of service as chief justice his position on certain vital questions represented a resolute effort to undo the work of his mighty predecessor. If, on these positions, one of these two great justices was right, then the other was wrong; if one is entitled to praise, then the other must be blamed. Buchanan and Lincoln do not stand together in the popular eye because both were Presidents; on the contrary, they represent antipodal schools of thought. Andrew Johnson and Grant were as far asunder as Washington and Jefferson. There is no more ground for demanding that we refrain from differentiation between, and therefore from criticism of, chief justices than for adopting the same attitude as regards Presidents.

We must bear in mind the office; but we must also bear in mind the man who fills the office. This is a government of law, but it is also, as every government always has been and always must be, a government of men; for the worth of a law depends as much upon the men who interpret and administer it as upon the men who have enacted it.

And Mr. Roosevelt in his recent Chicago speech asserted his belief that Arizona should not be denied the right to put the recall in her constitution as Massachusetts did in 1780.

It is not necessary to insist on the wisdom of the recall of judges, but I do insist that the people of Arizona have the right to establish their own organic law, if it be not in violation of the Constitution of the United States and of the principles of the Declaration of Independence.

Mr. President, I feel that it is our duty to promote the welfare of human beings, to promote liberty and justice, to promote human happiness, and not to permit these great essentials of human progress to be obstructed, defeated, or denied by organized greed. It is our duty to work for the honor, stability, and happiness of the Republic, and in that manner to promote the welfare of men and the glory of God. The beautiful words of Richard L. Metcalf in "A New Year thought," of January 1, 1911, Lincoln, Nebr., come to mind:

THE KINGDOM, THE POWER, AND THE GLORY.

"For Thine is the kingdom and the power and the glory"—but as he said it he took from willing, working men the necessaries of life, that he might gather gold, and the glory he knew was greed; another took usury from the poor, and the glory he knew was cunning; another surrendered his conscience to his party, and the glory he knew was folly.

"For Thine is the kingdom"—it came in life-full notes, for I read its meaning in the campfires lighted by those who have broken the shackles of party pride; I felt its strength in the business methods of unpretending men who take their toil and give to every man his due.

"For Thine is the kingdom"—and it was a new, sweet song, for I saw it spring to life in the love light of the mother's eyes, in the laughter of the little child, in faithful friendships, in generous deeds.

Then I threw open my own dear memory doors and saw go trooping through—some with tears in their eyes, but all with laughter in their hearts—those who had brought happiness to me. What a line of loving, living men and women and children they are! Some are in the now; others are in the forever; but all are frequent visitors to this hall, and never do they come but they bring and leave something of good.

I knew then that the song I had heard was, in truth, a psalm of life, and as the last echo of the footfall of those I love had died away my listening heart received this New Year thought:

"Thine is the kingdom and the power and the glory," for all that is Thine is mine, and mine is the kingdom of good, where the power of love brings the glory of God.

I agree with Metcalf, and I want to do what I can to promote the doctrine of righteousness. I submit, Mr. President, as an exhibit to my remarks, an address which I heretofore had the honor to make before the Society for Ethical Culture, at Carnegie Hall, on March 20, 1910, upon the initiative and referendum in its relation to the political and physical health of the Nation (Exhibit A), and the initiative and referendum as an effective ally of representative government, by Lewis Jerome Johnson, professor of Harvard University (Exhibit B); the English corrupt practices act (Exhibit C); the popular selection of Presidents amendment adopted by Oregon (Exhibit D), with an improved method of the direct primary system (Exhibit E); and the ballot form illustrating preferential voting (Exhibit F).

I favor the initiative and referendum because it has proven to be the most powerful weapon for the overthrow of the organized selfishness which has been exploiting our great Republic and in so many States substantially nullified the chief purposes of our Government.

Through corrupt practices the public moneys, the public lands, the public properties, have been invaded for private benefit. The Oregon system provides a thoroughgoing remedy for this abuse. It has put the political boss and the political machine out of business; it has ended private graft in public affairs; it has terminated corrupt practices, the buying of votes, the coercing of votes, the hiring of voters for election day, hauling voters to the polls, soliciting voters on election day; it has abated blackmail, legislative incompetency, neglect or treachery. It has made legislative and administrative officers responsive to the public will. It has made speedy and satisfactory the civil and criminal court procedure; it has established the rule of the people and enthroned the intelligence and conscience of the State in the governing business.

I believe in the rule of the people, Mr. President, and the initiative and referendum has been the most useful agency in bringing this about.

On May 5, 1910, the Hon. JONATHAN BOURNE, Jr., of Oregon, delivered in the United States Senate an address on "Popular versus delegated government, and its effect on legislation." Over 2,700,000 of these speeches have been called for by the people. It explains the simple, honest method by which the people govern that great State, and no answer has been made to the arguments presented by him, and, in my judgment, none can be made. He showed absolutely that this method of government is conservative, sane, and safe; that the people have not made a single mistake; that the petty and gross corruption prevalent in other States has been substantially terminated by this system.

SUMMARY.

Mr. President, permit me to briefly summarize the reasons which have impelled me to hold the floor of the Senate for the last few hours in opposition to the admission of New Mexico and the exclusion of Arizona. I should have been willing to have them admitted together, notwithstanding the egregious corporation-written constitution of New Mexico, in which an educational qualification is not only prevented for the present, but made impossible for the future by the constitution itself.

I have refused acquiescence in the motion of my distinguished colleague from Texas [Mr. BAILEY] that New Mexico should be summarily admitted, and Arizona denied, because when we admit New Mexico we admit two stand-pat Republican Members of the Senate, two stand-pat Republican Members of the House of Representatives, and four stand-pat Republican presidential electors for 1912, which may hazard the next presidential election.

When we deny Arizona we deny two progressive Democratic Senators, a Democratic Member of the House of Representatives, and three progressive Democratic electors in the presidential campaign of 1912. I can not, Mr. President, follow my distinguished colleague in this proposal for these obvious reasons.

Nor do I think my honored colleague is justified in taking the lead in this matter for the reason that he is violating the unbroken custom of the Senate in assuming a leadership and taking charge of House joint resolution 295, admitting New Mexico, which comes from the Committee on Territories, of which he is not a member. Within two days the leader of the Republican Senators, the Senator from Maine [Mr. HALE], and the chosen leader of the Democratic Senators, the distinguished Senator from Mississippi [Mr. MONEY], and the distinguished Senator from Missouri [Mr. STONE] severely rebuked a violation of this fixed practice of the Senate on the open floor of the Senate.

The Democratic Senators trusted me with representing them on the Committee on Territories, and I feel it my bounden duty to point out to the Senate that the proposal of my distinguished colleague from Texas [Mr. BAILEY] would immediately result in very important Republican partisan advantages and very important Democratic disadvantages.

And for these reasons, Mr. President, and because my distinguished colleague has no commission to lead his party in this matter, and because he is leading in the wrong direction, I have felt compelled to resist his efforts to admit New Mexico without the admission of Arizona.

THE REAL ISSUE.

These partisan considerations, Mr. President, are not, however, the chief controlling motive with me. The purposes I have in demanding the rights of Arizona are far more important than these. My distinguished colleague is not willing to admit Arizona with the initiative, referendum, and recall, and

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I am not willing to permit Arizona to be denied and thus rebuked before the Nation on any such ground.

The initiative and referendum and recall, in my opinion, are devices by which the rule of the people can be promoted and corrupt practices abated throughout the country.

The special interests have captured New Mexico and have written a so-called conservative constitution, promotive of machine politics, so drawn that the special interests can easily retain the control they have demonstrated they possess, while Arizona, with the initiative and referendum and recall, is in the hands of the people of Arizona and will remain under the government of the people through the initiative and referendum and recall.

The real issue in this contest between Arizona and New Mexico is whether we shall permit a State controlled by the special interests to be admitted and deny the admission of a State whose government is controlled by the people.

THE PRETEXT AGAINST ARIZONA.

I waive aside the petty pretext that the constitution of Arizona is not officially before the Senate. A copy of this constitution, vouched for by the Secretary of the Interior, was placed in the hands of the Committee on Territories of the United States Senate on January 31, 1911—over a month ago—was printed as a Senate document and made available for the use of every Senator. The President and Secretary of the Interior, Mr. Ballinger, can control the functionaries of Arizona, from the governor down, and the original of this constitution, properly vouched for, could have been here at any time since February 15, for the constitution was ratified on February 9. It could have been placed before Congress just as easily as the constitution of New Mexico. I do not approve this quibbling and trifling with the rights of a great State, nor am I willing that the Senate of the United States should give its sanction to petty political pettifogging in denying a great State its right of admission.

ARIZONA SHALL NOT BE AFFRONTED.

Mr. President, I shall not permit Arizona to be officially affronted and rebuked in the presence of the American people because it has adopted the initiative and referendum and recall in its constitution. Seventy-six per cent of the people of Arizona voted in favor of this constitution. They acted wisely; they acted conservatively; they acted sanely; they acted with more judgment, with more discretion, with more common sense than those who antagonize these conservative measures by mere shallow epithet. I am amazed at those who denounce the great and vital doctrine of the initiative and referendum as a "populistic theory" or as a vagary, when they have offered no reasonable argument against the sound reasons which have been presented to justify the adoption of these necessary processes of government.

THE NEED FOR DIRECT LEGISLATION.

The need for the initiative and referendum is imperative because the government of the States, especially the government of the Eastern, Northern, and Western States, have been slowly drifting toward a condition of corruption in both the legislative and administrative branches.

The initiative and referendum is almost the only means available for putting a speedy end to corruption in government, as I shall immediately show.

The great corporations of this country—the railway systems, the gigantic commercial combinations, the so-called Protective Tariff League, and other commercial conspiracies—having discovered the value of the governing business from a money standpoint, have not hesitated to secretly engage in political activities in Nation, State, and municipalities. They have controlled cities and towns for the purpose of making money out of street railways, telephone and telegraph companies, electric-light companies, water companies, municipal activities, street paving, building sewerage systems, and so forth. They have undertaken the control of larger municipalities, of cities from New York, Pittsburg, St. Louis, and Denver, to San Francisco, and with what results?

The hideous exposures of crime, of graft, of municipal knavery, of vice, and the other results of such government have become an appalling national calamity.

THE SHAME OF OUR CITIES.

I beg you to look at the disclosures in San Francisco, for example, brought about by Francis I. Heney and Rudolph Spreckles. I invite your attention to the shocking criminal conduct of the municipal management of the city of Denver, set forth by Ben Lindsay in The Beast and the Jungle.

I invite your consideration of the wholesale corruption and municipal graft of St. Louis, exposed during the determined campaign of the incorruptible and gallant and able Joseph W. Folk, of Missouri.

I call your attention to the bipartisan system of wholesale corruption in the city of Pittsburg, unearthed not by officers of the Government, but by the activities of private, patriotic citizens, who would not endure any longer the unspeakable corruption of that wonderful municipality. Do you recall that 116 men, members of the city council, leading bankers, and prominent business men of Pittsburg were indicted at one time for wholesale thieving of public property under cover of law?

Has the Senate forgotten the graft disclosed in the construction and furnishing of the capitol of Pennsylvania at Harrisburg?

Shall we close our eyes to the bipartisan system of corruption exposed in Albany, the capital of the greatest State in the Union?

Mr. President, it has been only a few years since public sentiment demanded the cessation of petty bribery of citizens by the railroads of this country through the issuance of hundreds of thousands of private passes.

The infamous conduct of machine politics in buying votes has been illustrated recently in Adams County, Ohio, where nearly 2,000 citizens confessed to having sold their votes, and in like manner in Danville, Ill., similar disclosures are now in progress.

THE SIGNIFICANCE OF CORRUPT PRACTICES.

The significance of these disclosures is not in the frailty of humble citizens who have been led to sell their votes. The bribery was bipartisan, and common men saw no hope of good government under this system of bipartisan purchase, and this may be an extenuation of their bad conduct. The significance of these disclosures is this: That some great sinister force, some mighty commercial power, with enormous wealth, has gone into the wholesale system of corrupting the citizens as well as the municipal officers, until graft is penetrating this country from the highest to the lowest, from the gigantic captains of finance, who control the power to expand the credits of the Nation or to contract the credits of the country and who make hundreds of millions at one operation, down to the cooks in our households, who make secret arrangements with the grocer and get their commissions, a petty graft in humble imitation of the larger grafter who deals on a giant scale. The time has come to end the corruption and dishonesty of American life, and the initiative and referendum is the only practicable means by which it can be speedily done.

HOW TO END CORRUPT PRACTICES.

Mr. President, how shall we be able, in the States which require it, to pass a thorough-going corrupt-practices act which the scheming, corrupt politician and his corrupt commercial allies can not evade? Can we pass it through a legislature whose members are the beneficiaries of corrupt practices and who themselves are elected by bribery and by machine politics?

Will they destroy the incubator out of which they themselves have been hatched?

Will they pass an act which will terminate their own political preferment?

Mr. President, it is obviously impossible to pass a thorough-going corrupt-practices act through a legislature elected by corrupt practices. The only available way, under such circumstances, to obtain honest government is for the people to go over the head of a legislature elected by such methods to the people themselves with the initiative and referendum. In this way the people can directly initiate a thorough-going corrupt-practices act and an honest election machinery by the initiative petition and bring it to a vote of all the people; and when they do the people never have failed, and they never will fail, to pass a properly drawn act for the purpose of putting an end to corrupt practices.

Of equal practical importance is it that the corrupt politician dare not fight the initiative and referendum openly, and when it is demanded, as in Illinois, where jack-pot legislation flourishes, the people voted for it by over 4 to 1 in the last election.

THE PEOPLE'S RULE CONSERVATIVE, PROTECTING PROPERTY.

In 64 proposals under the initiative and referendum in Oregon not a single one has assailed private or corporate property. Even in England, recently, the Tories themselves appealed to the people against the Radical proposals of the representatives of the people in Parliament by a referendum against the proposed tax laws.

It has been highly interesting to observe that on questions of government the most ignorant elements voluntarily eliminate themselves by not voting on statutes submitted by the initiative and referendum. In the slum districts this is conspicuously the case. It might be anticipated, because the more ignorant man does not feel competent to pass upon the wisdom of a statute, nor does he feel a lively interest in such topics. He votes for the governor and the Senator, but does not vote on the statute.

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It follows, therefore, that in actual practice the exercise of the legislative power by the people, under the initiative and referendum, is exercised by the more intelligent classes of citizens, by the property-holding class, which accounts for the conservative character of the statutes passed by the people under the initiative and referendum.

The professors of the University of Oregon were found by actual inquiry to have voted on 32 proposals identically with the vote of the people, except in one instance, where the professors voted in favor of woman's suffrage and the people voted against it by a small majority.

Under these circumstances the voter, being a property holder and belonging to the more intelligent class of citizens and being guided by his own proper and just self-interest, will vote for his self-interest and therefore for the interest of the body of the people, uninfluenced by any private graft or any unworthy motive. Such a vote, of necessity, must be "stable, conservative, safe, and sane."

The self-interest of the people, Mr. President, will lead them along conservative, sensible lines and protect them from mistake. This has been abundantly demonstrated in Oregon, Oklahoma, Switzerland, and elsewhere. They are conservatively progressive. They can be fully trusted, as so well explained by the Senator from Oregon [JONATHAN BOURNE] in his great speech of May 5, 1910, in the Senate on the Oregon system of government. They will only pass wise laws, and when these acts are passed by the initiative they can not be repealed by the legislature nor made nugatory or ineffective by the legislature, because, with the referendum, the people can prevent such treachery on the part of a legislature.

It will not do to say, Mr. President, that you can promptly pass a thorough-going corrupt-practices act without the initiative and referendum, because the history of the United States offers an emphatic negative to this fallacious suggestion in so many of the States. In the Southern States of the Union, States made poor by the terrible war of 1861, controlled, as they have been, by patriotic men, corruption has not made such serious inroads, although it is in sufficient evidence to excite the apprehension of thoughtful men.

The Southern States apparently have not felt the need for the initiative and referendum for this reason, and but little consideration appears to have been given to it, although in two years it will be an issue in every Southern State.

REPRESENTATIVE GOVERNMENT MADE SURE.

I, of course, have frequently heard the thoughtless argument that the initiative and referendum would do away with representative government and undermine the foundations of the temple. The truth is that the initiative and referendum makes representative government secure. It puts an end to the undermining of the foundations of the temple by the thieves that are undermining the temple by honeycombing these foundations with gross corruption, bribery, and graft.

The initiative and referendum not only does not destroy representative government, it makes representative government really representative.

It is representative government we want, Mr. President.

It is representative government we earnestly desire, Mr. President.

It is representative government that we are resolutely determined to have.

Mr. President, we will not be denied in this demand by sophistry or by evasion.

The initiative and referendum will compel the representatives in the legislature to write the laws necessary for honest government under penalty of having the laws written over the heads of the representatives if they fail to perform their duty. The initiative enables the people to make good any omission, as the referendum enables them to make good any sins of commission; for, with the referendum, if the representative pass an act containing graft or fraud, if the representative pass an act giving away a franchise of enormous value to a corrupt corporation without consideration, the referendum can veto it and will veto it; but, what is more important, the representative, knowing that his action can be vetoed, is prevented by that fact from exposing himself to public condemnation. The corporation will not buy from a man or legislature which can not deliver. It prevents the legislator from passing acts containing graft for fear of the people, and the representative, in like manner, is led to pass the acts which the people desire because he knows that if he fails to do it the people will pass the acts they want in spite of him by the initiative. It will enforce a great canon of the Lord's prayer. It will lead the representative not into temptation and will deliver him from evil.

Therefore the representative is made truly a representative by this system, which makes him responsive to the will of the people, which makes him write the laws the people want, and prevents him writing laws the people do not want; and if he fails, then the people, by the initiative, can write the laws they do want, and by the referendum they can veto the laws they do not want—and in this simple, common-sense way the people can rule.

DIRECT LEGISLATION WILL END CORRUPT PRACTICES.

It is by this process that the people of the various States of the Union can establish honest government in spite of the corrupt machine, and they can not do it in any other way. The corrupt machine is the agency through which corrupt special interests have obtained control of government in the United States, and have gone into the governing business for private profit.

The people of Arizona understand this perfectly well, and they are determined to protect their government against the corrupt processes that have scandalized and now dominate so many States of the Union, and which so strongly influence Congress itself. I could name many of these States, Mr. President, if the invidious distinction of mentioning them by name should not seem, perhaps, a stigma; but they are well known—certainly within their own borders—and need no direct mention. It is true that some of the States have honest government and do not need the agency of the initiative and referendum for this purpose, but most of the States do need it, and all of the States are going to have it for the reason that this method comprises the most stable and conservative form of government. If the corruption of government could go on unabated and uncorrected, it would lead inevitably to a revolution, to an overthrow of property rights, and would render the Government unstable and the tenure of property insecure, just as it did in Rome where it overthrew the greatest government the world had known up to that time.

It would have overthrown Great Britain utterly, except that that wonderful race of Anglo-Saxons discovered the danger to the stability of property and made haste to end corruption by a thorough-going corrupt-practices act that is a model for the world, and which I submit as an exhibit to my remarks—Exhibit C—and without objection will have it printed as a Senate document.

I have been amazed to hear the Senator from Idaho refer to the initiative and referendum as "insane," although it will be remembered that the honorable Senator denounced his own legislature as insane on the question of voting favorably for submitting a constitutional amendment for the election of Senators by the direct vote of the people.

I have been painfully surprised at the honored Senator from Texas [Mr. BAILEY] expressing hostility to this doctrine of fundamental democracy, for the initiative and referendum is, in concrete form, the embodiment of government of the people, by the people, and for the people.

INITIATIVE AND REFERENDUM IS SWEEPING THE COUNTRY.

It will not do, Mr. President, merely to denounce this doctrine without investigation, examination, or knowledge. Arizona is not alone in favoring this doctrine. She has distinguished company—one of the greatest and the best of all the States in the Union has the initiative and referendum—the glorious State of Oklahoma. Oklahoma declared for this doctrine before she was admitted to the Union, and was admitted to the Union with the initiative and referendum in her constitution. President Roosevelt and his Cabinet holding it was republican in form and duly entitled to admission, notwithstanding this provision. Democratic Missouri also has adopted it, and so have the Democratic States of Arkansas, Colorado, and Nevada. Are all these States insane? And are they so offensive, because of the initiative and referendum, that the Senator from Texas would read them out of the Union?

But Republican Montana, Oregon, South Dakota, Maine, Wyoming, and California have adopted the initiative and referendum. Would the Senator from Idaho [Mr. HEYBURN] say that these great Republican States are insane and unworthy to remain in the Union?

Mr. President, Illinois, conscious of the necessity of controlling the jack-pot legislation system which had insinuated itself into the legislature of that noble and splendid Commonwealth, voted in favor of the initiative and referendum by a vote of over 4 to 1 at the recent election. The Democratic Party of Ohio has declared for this doctrine. William Jennings Bryan, the noblest Roman of them all, advocates it. Theodore Roosevelt—whose conservative and sound statesmanship I trust the Senator from Idaho [Mr. HEYBURN] will not dispute—has approved the trial of this system by the States who care to try the plan. The governor of Michigan, Hon. Chase S. Osborn, recommended it to the Michigan Legislature. The Democratic candidate for governor of Minnesota made his canvass on this issue. Wisconsin will undoubtedly write it immediately in her constitution. Both parties in North Dakota are committed to

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it. South Dakota has adopted it. Both parties in Nebraska declared for it. Both parties in Kansas declared for it. Gov. Carey in Wyoming made his race upon it and won, and the legislature has adopted it. Both parties in Idaho, I am informed, were committed to it in previous platforms, although quiescent there now. MILES POINDEXTER, in the State of Washington, made his race upon it, and was nominated by over 30,000 plurality as a Republican Senator.

In California both parties declared in favor of it, and Gov. Johnson, being more aggressively its champion, was elected on the slogan of the initiative and referendum and its corollary, that "the Southern Pacific had to go out of the governing business in California," and the legislature has adopted it by almost a unanimous vote. In Utah the people voted in favor of it 10 years ago, and the legislative machine has obstructed it. It will not do, Mr. President, to say that all the people are insane or unsound or incapable of intellectual discrimination on this great question of public policy. Nowhere that this issue has been submitted has it been defeated by the people. It means more power to the people, and the people favor it.

The Senate of the United States can not refuse to admit Arizona on the ground that its constitution contains the initiative and referendum without insulting over 20 States that are fully committed to this doctrine, including Maine, Wisconsin, Montana, Illinois, California, Oklahoma, Colorado, Wyoming, Nevada, Oregon, Missouri, Arkansas, Nebraska, Wisconsin, South Dakota, and so forth, and even Massachusetts, for be it remembered, Mr. President, that Gov. Eugene N. Foss made his canvass on the initiative and referendum in Massachusetts and was elected governor of that glorious Commonwealth by a great majority.

THE RIGHT OF RECALL.

Oh, but it is said that the Arizona constitution gives the people the right of recall of judges, and this is a dangerous innovation.

The constitution of Arizona does not particularly mention the judges as subject to recall, but it does provide "that every public officer in the State of Arizona holding elective office, either by election or appointment, is subject to recall from such office by the qualified electors of the electoral district from which candidates are elected to such office," and this would include judges.

When electors equal to 25 per cent of the number of votes cast at the last election demand his recall, they nominate his successor, and an election by all the people can elect by a majority vote his successor or reelect the officer whose recall is demanded.

Suppose it does apply to a judge. What of that? If a judge on the bench becomes corrupt, grossly inefficient, or outrageously tyrannical—and judges are men after all—why should the people not recall them from public service? Is it not an easier method than impeachment? Impeachment disgraces the officer forever. It puts an everlasting stigma upon him, but under the system of recall it merely nominates and elects his successor, with the least possible stigma on the official. It is a better and milder method than impeachment.

Mr. President, impeachment is merely the right of recall, limited in its nature to cases where the conduct of the judge is so outrageous as to deserve eternal humiliation and disgrace.

The recall is a milder system. It operates benignly and removes judges and other officials who prove inefficient, without attaching any stain or painful consequences. You might as well contend that a corporation could not remove one of its officers. The annual election of a governor in Massachusetts is due merely to the automatic recall of a short tenure of office that expires annually.

The fact is, Mr. President, that the railroads and special interests of this country make themselves extremely busy about appointing judges on the bench, and they will be found unanimously opposed to the right of recall being exercised by the people, and every kind of ingenious argument will be offered against the doctrine of recall.

The chief value of the recall is this: It serves as an admonition to the public functionary that he is a public servant and not a public boss; that if he proves to be crooked, inefficient, or tyrannical the people have a convenient way in the use of the recall of employing a public servant who will be free from such vices, but the people never have really invoked it except to remove a dishonest man.

Mr. President, over a hundred great municipalities in the last two years have adopted the commission form of municipal government, the chief features of which are the initiative and referendum and recall. I respectfully call the attention of the honored Senator from Texas to the fact that the city of Galveston and of Houston and of many other cities in his State have adopted the recall, as well as the initiative and the referendum. Los Angeles has only invoked the recall twice—once against a mayor who betrayed the interests of the people and once against an alderman who violated his municipal pledge. One other instance occurred in Seattle, where the mayor was recalled for compounding with vice in that city.

We need not be afraid of the recall in Arizona. No conscientious judge will ever be recalled there, even if his opinion be not thought wise by the people. The people are very conservative and very slow to anger. They are patient with their public servants when their servants are faithful.

Mr. President, even granting, for argument sake, that the question of recall is a debatable matter, nevertheless, Arizona should be allowed the right to have its own way in the matter of its own organic law.

THE RECALL NO NOVELTY.

The recall is not a novelty. It appears in the constitution of Massachusetts of 1780 and of to-day. The State of Massachusetts, moreover, elects its governor and other State officers only for one year, recalling them at the end of a year by a short tenure of office without reproach or reproof. If they are quite satisfactory, they are reelected; if they are not quite satisfactory, they are automatically recalled by the short tenure.

If a governor were guilty of high crimes, they might impeach, which would be a recall in the form of a trial.

I can readily understand how an argumentative objection might be argued to the recall of judges on the ground that it would interfere with the independence of the judiciary. But it must be remembered that a judge on the bench, being only a human being after all, may, under temptation, become corrupt, and corrupt in such a fashion that proof of his corruption is impossible, so that impeachment is impossible, while the recall, nominating his successor, is available.

Again, a judge upon the bench, being only a human being after all, might become grossly intemperate, not sufficient to justify impeachment, but sufficient to justify recall.

Again, a judge upon the bench, being only a human being after all, might become utterly tyrannical, overbearing, dictatorial, and offensive to the people over whom he has been trusted to discharge this function; not sufficient, perhaps, to justify impeachment, but yet sufficient to justify recall.

Moreover, a judge upon the bench interpreting the law may so interpret the law as to become a lawmaker instead of a law interpreter; may exercise, under the color of judicial power, legislative power. Not sufficient to justify impeachment, perhaps, but yet sufficient to justify recall.

Moreover, judges on the bench, being merely human beings after all, are themselves controlled by their environment, by their professional education, by social, political, and business influences. They may lead a judge to a point of view extremely injurious to the common welfare. Not sufficient, perhaps, to justify impeachment, but yet sufficient to justify recall.

And, Mr. President, even Boston, the "Hub of the Universe," around which revolves all intellectual, moral, and ethical worth, two years ago adopted the doctrine of the recall in relation to the mayor and members of the municipal council.

Ex-Senator Blair, of New Hampshire, advises me—

that the power of removal of the judiciary by address of the two houses of the legislature existed, and perhaps still exists, in the State of New Hampshire, while the entire judiciary has been changed frequently by act of the legislature whenever the public good seemed to require it, and the courts, since I can remember, about four times.

On the other hand, the reasonable independence of the judiciary is a matter of importance, but Arizona thinks it reasonable to retain power over all her public servants, even of judges. It seems sufficient to say that the people of Arizona, having by a vote of 76 per cent declared in favor of trying this method for their own convenience and for their own self-government, and being able under their constitution easily to change this rule if they find it expedient, ought not to be denied the right of self-government because of this proposal which they have seen fit to approve. It would not do to say that Arizona has been guilty of a grave departure from the canons of good government; that it has indulged in a radical, populistic theory in this matter, because the adjacent Republican State of California has, through its legislature, just adopted by an overwhelming vote the initiative and referendum and the recall, voting in favor of the initiative and referendum by 35 to 1 against in the senate and 75 to none in the house, and for the recall, in the senate by 36 in favor to 4 against. This is a Republican State of great dignity, of great power, of great intellectual and moral worth. Oregon, likewise, has adopted this by an overwhelming vote, and it is working excellently well. Let us beware before we thoughtlessly condemn the great sovereign Commonwealths of the Nation who have considered this matter, and let us not precipitously deny the value of the doctrine of which we ourselves may be perhaps quite uninformed.

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Ex-President Theodore Roosevelt is quoted as making the following statement in Chicago:

I saw it stated in the press that certain good people in Washington were against the admission of Arizona as a State because it had adopted in its constitution the recall. In 1780 the State of Massachusetts put into its constitution precisely that provision for the recall. Now, understand me, I am not arguing for or against the recall. I am merely showing that, if the people of Arizona, or any other community, wish to try it, or if they do not wish to try it, it is their affair.

At all events Arizona should have the right of self-government; should have the right to exercise the same right of self-government as California, as Oregon, and the other States in the Union which have adopted the initiative and referendum and recall.

ARIZONA SHALL NOT BE OFFICIALLY REBUKED FOR BEING PROGRESSIVE.

Mr. President, it is maintained by those who would deny the admission of Arizona that she is unworthy to be admitted because she has adopted the initiative and referendum and recall. I will not permit Arizona to be rebuked in the presence of the United States on this issue. This issue is an overwhelming issue throughout the United States. If it had not been for the control of the governing powers of the States and of the Nation by the corrupt selfishness of organized greed in preceding years, we would have long since accomplished many happy results.

If we had had the people's rule, we would long since have corrected the gross abuses of the tariff.

If we had had popular government, we would long since have controlled the extortion of the trusts, which, by conspiracy, have been robbing the American people through the market place.

If we had had the initiative and referendum, we would long since have controlled the transportation problem. We would long since have established a reasonable equality of opportunity for the young men and young women of this country, and we would have long since admitted Arizona and New Mexico.

But, Mr. President, what has all this got to do with the admission of Arizona?

ARIZONA HAS THE RIGHT TO ADOPT HER OWN ORGANIC LAW.

Has not Arizona the right to write her own organic law if Arizona is to be admitted on an equal footing with the other States, as required by the Constitution of the United States? If Arizona should be forced to expunge the initiative and referendum and recall from her constitution and was then admitted, could she not write those provisions into her constitution immediately afterwards? Can you forestall it or prevent it? Or will you drive out of the Union the States of Oregon, Montana, South Dakota, Maine, Arkansas, Oklahoma, Colorado, California, Wyoming, and Nevada, who have already adopted this provision?

The question answers itself.

The truth is self-evident. The initiative and referendum and the recall are not contrary to the Constitution of the United States. The Constitution of the United States was adopted by a practical referendum of delegates pledged by the people.

And the recall of the President of the United States is provided by impeachment proceedings, and the principle of recall by impeachment is recognized in the Constitution of the United States and of every State in the Union, as well as in the hundred municipalities who have recently directly adopted it.

Mr. President, I give notice to the Members of this Senate, and to public men wherever they are, that if they dare to openly oppose the initiative and referendum they will be held to strict account by the people of the United States, who are determined to overthrow the political activities of the commercial oligarchy that has been controlling and corrupting this country.

The people of Arizona have adopted a constitution which is intended to restore to the people of that State all of the powers of government and to put it out of the power of special interests to invade or control the governing function of Arizona. Neither this Congress nor the President of the United States will be able to prevent Arizona adopting this organic law and entering the Union with this constitution.

THE PROGRESSIVE V. THE RETROGRESSIVE.

The progressive movement in the United States, Mr. President, is not confined to parties. The progressive Republicans believe in the initiative and referendum, the recall, and a thoroughgoing corrupt-practices act. They believe in the sovereignty of the people. They believe in the Oregon system of government. Of all the acts proposed by initiative petition in Oregon or passed on by referendum—64 in number—not a single one has proposed to attack either private or corporate property. The progressive Republicans believe in the people's-rule system of government, and the national platform of the Democratic Party at Denver declared the people's rule the overwhelming issue, to which all other issues were subordinate.

For these reasons, Mr. President, and because this is the great issue before the American people—whether the control of government shall be by the special interests or whether the control of government shall be by the people—I have determined that the Senate of the United States should not be put in the attitude of deciding against Arizona unless it decided likewise against New Mexico. I greatly desire the admission of them both, because, as a Democrat, I believe New Mexico has a right to write her constitution as she pleases, within the limitations of constitutional law and the principles of our Government, and I believe Arizona has the same right.

THE VICIOUS FEATURES OF THE NEW MEXICO CONSTITUTION.

Mr. President, the constitution of New Mexico, submitted to the State, has been so drawn as to enthrone the corporations in that State, and I can not believe it is accidental. I do believe it was the intention to so draw that constitution as to give the corporations control of that State.

EDUCATIONAL QUALIFICATION PREVENTED.

First, article 7, on elective franchises, thoroughly safeguards the perpetuation of the grossly ignorant vote and makes it impossible to impose an educational qualification by the provision (art. 7, sec. 3) that the right of any citizen of this State to vote, hold office, or sit upon juries shall never be restricted, abridged, or impaired on account of inability to read or write.

Moreover, Mr. President, it provides that this low standard of electorate shall not be corrected by the vote of the people of that State "except upon a vote of the people of this State in an election at which at least three-fourths of the electors voting in the whole State, and at least two-thirds of those voting in each county of the State, shall vote for such amendment." So that a single county having over one-third of an ignorant vote can veto an intelligence qualification on the franchise. And this is so important to the corporations that propose to run New Mexico that they have made a further provision (art. 19, sec. 1) that no amendment shall apply to or affect the provisions of section 3, article 7, on the elective franchise, "unless it be proposed by a vote of three-fourths of the members elected to each house."

Moreover, under article 11, on corporations, it is provided that the corporation commission may disregard the reasonable safeguards controlling the action of the commission "by charging such rates as the commission may describe as just and equitable" in cases of general epidemics, pestilence, and calamitous fatalities "and other exigencies"—"other exigencies" being broad enough to cover any ingenious argument the corporations might assert.

IMPOSSIBLE TO AMEND.

And in order to retain this control through an ignorant electorate, a purchasable vote, subject to the purchase of the corporations and their agents, article 19 has practically made it impossible for the intelligent citizenship of this State to amend this constitution except under the most extraordinary and well-nigh impossible conditions. Article 19, section 1, provides:

An amendment can only be proposed at a regular session, and if two-thirds of each of the two houses, voting separately, shall vote in favor thereof, it may be entered on the journal or any amendment may be proposed at the first regular session of the legislature held after the expiration of two years from the time the constitution goes into effect, or at the regular session of the legislature convening each eighth year thereafter, and if a majority of all the members elected in each of the two houses, voting separately, shall favor it, the secretary of state may submit the same to the electors of the State for their approval or rejection. If the same be ratified by a majority of the electors voting thereon by an affirmative vote equal to forty per centum of all the votes cast at said election in the State and in at least one-half of the counties thereof, then and not otherwise, such amendment or amendments shall become part of this constitution.

In other words, even under these difficult conditions, a majority of the people of the State will not control it if one-half of the counties be not also carried in favor, and if the affirmative vote be not also equal to 40 per cent of all the votes cast at the said election, it being well known that thousands of voters who vote for officials do not vote on constitutional amendments, being ignorant of the meaning of such amendments. In other words, it gives the corporations the benefit of the ignorant or unintelligent vote.

But there follow still other safeguards for this corporation-written document, to wit, that no more than three amendments shall be submitted at one election, and this would always permit unimportant amendments to be thrust in front of an important amendment and thus prevent important reforms.

But this is not all. The franchise provision preventing any intelligence qualification can not be amended even under these difficult conditions unless it be first proposed by a vote of three-fourths of all the members elected to each house.

And, Mr. President, the corporations have not been content with this. In section 2 they have taken great pains to prevent a constitutional convention being called by the provision that during 25 years after the adoption of this constitution a three-

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fourths vote of the members of the legislature or after the expiration of 25 years a two-thirds vote of the members thereof shall be required to make a call for such a convention. And then the call must be confirmed by a majority of all the electors of the State, and, in addition, of a majority of all the electors in at least one-half of the counties of the State.

And this is the constitution which the stand-pat Republicans would rush through, while they would deny admission to Arizona, with its constitution so framed that the people of the State can easily amend it in case they find it inexpedient or unwise for any reason.

The issue is between government by corporations and by special interests and government by the people. Listen to the terms of the Arizona constitution. Article 21, section 1, provides that any amendment may be proposed in either house of the legislature or by initiative petition of 15 per cent of the voters, whereupon, either upon such petition or by a majority vote of the two houses, the proposal is submitted to the qualified electors with appropriate publicity provided, and a majority of the electors can immediately amend their constitution in this manner. Here is a government of men, by men, and for men, who are not tied up by crafty artifices under constitutional forms so as to make self-government well-nigh impossible.

It is not a new subject, Mr. President. It is an old contest, a contest between greed and avarice, on the one side, and human rights on the other side. It is the contest between progress and retrogression.

CORRUPTION PROMOTED BY DENIAL OF SECRET BALLOT.

Mr. President, I call your attention also to the fact that section 8, article 2, provides that "all elections shall be free and open, and no power, civil or military, shall at any time interfere to prevent the right of suffrage."

This constitutional joker "open," so unostentatiously placed in the bill of rights, would be interpreted in a corporation-controlled State as a denial of the secret ballot, of the Australian ballot, and when so interpreted by a corporation-elected court, it would be impossible to correct this evil by a constitutional amendment, because the constitution can not be amended.

The Australian ballot, Mr. President, has been found absolutely essential to honest government, absolutely essential to prevent the intimidation of the voter.

This constitution, so drawn as to make the Australian ballot impossible, is drawn in the interest of fraud, of graft, of corruption, and ought not to be endured. The constitution of New Mexico as it has been written does not deserve to be received or approved, because it obviously is controlled by the sinister commercial influences who propose to dominate that State in defiance of justice and equity. In my judgment, New Mexico ought to be speedily admitted, but she ought to be required to so frame her organic law that the people of that State can have a secret ballot and can amend the constitution in case it be found defective, so that they can have self-government in fact and not self-government merely in form; so that they can have a republican form of government, which is republican in its essence as well as in form; so that they shall have government in fact of the people, by the people, and for the people.

CONSTITUTION NOT RATIFIED BY HONEST VOTE.

I call your attention, Mr. President, to the fact that the Hon. Henry W. Blair presented evidence before the committee of the House of Representatives and also before the Senate committee, alleging that this election was obtained by fraud and was not fairly representative of the will of the people of New Mexico, and in effect, he, on behalf of the citizens of New Mexico, has been demanding an investigation of this very matter. They deny that this constitution has been ratified by the vote of the people of New Mexico and demand a congressional inquiry, and it is in the presence of this evidence and these recorded, printed facts before the two Committees on Territories that this bill is rushed forward at 1 o'clock in the morning of the last calendar day of the Sixty-first Congress when it is impossible for Senators to examine this record or be apprised of the facts.

It is denied that there is any constitution from New Mexico here at all, what purports to be such being vitiated by fraud, and those who make this charge demand a hearing, and ought not to be denied.

The difference between the constitutions of New Mexico and Arizona can no longer be described as the difference between Republican and Democrat. The difference is between the reactionary and retrogressive and the progressive. It is the difference between the Tory and the Liberal, as I understand it. The difference between the progressive and the retrogressive. At all events, it is the difference between a constitution drawn to promote corporate power and greed and a constitution drawn to promote the rights of men, of human liberty, and of human happiness.

I would have admitted New Mexico 30 years ago if I could have controlled the matter, and I desire the admission of New Mexico now, but I do not appreciate the demand for the admission of New Mexico, with two Republican Senators, and the denial of Arizona, with two Democratic Senators.

I do not think this is fair to the Democratic Party, separate and apart from the rights of Arizona or New Mexico. The Democratic Party has a great work to perform, for it is about to come into the control of the Government of the United States, and for one, Mr. President, I wish to say that when the Democracy does come into power I expect it to pursue a course so moderate and wise and just, both to the people and to the great commercial enterprises of the country, that it will commend itself to all of the forces of the Republic who believe in honest and faithful and efficient government. We need the two votes of Arizona in the Senate, and until they are admitted I shall not willingly agree to admit New Mexico, nor in any contingency shall I be content until New Mexico has amended her constitution, to permit her own people to amend that constitution easily.

Mr. President, some of my excellent colleagues, for whom I have the greatest possible respect, have not believed in the initiative and referendum and have not seen any need or occasion for it. With them I sympathize, because I did not see any need for the initiative and referendum until within recent years, nor until after giving a careful and thorough study to the evils from which our country was suffering and the possible remedies. I had not seen or realized the importance of the initiative and referendum as an instrumentality for restoring the sovereignty of the people and establishing the people's rule. The real issue is to establish the people's rule against the corrupt rule of the special interests. The initiative and referendum is an agency of great efficiency in bringing this about. In a State where the people do actually rule as a matter of fact and not merely as a matter of theory the urgent importance of the initiative and referendum is not so obvious, although, if I had time and occasion, it would be easy to demonstrate the wisdom of this governmental device on any grounds. First, that it will enable the people to raise special issues and settle them one by one without the confusion of many issues embraced in one party platform and confusedly antagonized in another party platform. It would enable the people with authority to make good any error of omission or commission by a legislature whose integrity was above dispute and beyond doubt. The underlying reason which justifies the initiative and referendum, even in States that are honest, is that all of the people know more than some of the people, and outside of the legislature will be found men of splendid abilities to initiate important improvements of government, men who are superior in intellectual power to members who happen to run for position in legislative assemblies.

The time will come, as it ought to come, when the people, by a short ballot, will place the legislative power of the State in the hands of a smaller number of expert legislators, and we will have an abatement of cumbersome legislatures of immature legislators who pass thousands of ill-digested bills until the State statutes, and our national statutes as well, have grown to be of such mammoth size and complexity that no citizen can know what the laws are he is expected to observe.

The initiative and referendum is not a national issue, but it is a State issue in a large number of States, having a national aspect, because of its relation to the termination of corruption and its relation to the character of representatives who appear in Congress and in the Senate. It has this relation—that it will prevent the representatives of special interests coming into the House of Representatives or the Senate, because the special interests can not control the States where the States have the initiative and referendum.

A number of States do send thoroughly trustworthy representatives to the Senate and to the House without the initiative and referendum, and long may they continue to do so, although they will safeguard their future if they speedily adopt this great doctrine, which makes assurance doubly sure of the integrity of government and its freedom from corruption.

An important additional advantage of the initiative and referendum is:

First. That it raises the level of intelligence of the electors who, being charged with the duty of direct legislation, direct nomination, and direct power in the governing business, consider these questions personally as a part of the duty of citizenship; and,

Second. It is of great value to the representative of the people in the legislature, for the sound reason that he is stimulated to more intelligent, conscientious performance of duty.

A third and highly gratifying result of this system is that the representative is no longer under suspicion of being influenced by special interests, because his act is subject to review by the people, and he acts as a representative subject to the approval of his master—the people—and no man has a

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right to impugn his integrity or his wisdom when his action is not criticized in the open by the referendum petition demanding a veto on his conduct, it thus promotes the confidence of the people in the integrity of their Government, stimulates love of country, and promotes the patriotism of the people.

Mr. President, I have been keenly sensible of the demands made upon me by the leaders of the Senate on both sides, Republicans and Democrats, and especially by my colleagues, that I should yield the floor and give up this contest. I have been unwilling to do so, because I regard the issue of the Arizona constitution as of fundamental and vital importance to the people of the United States. I regard it my duty to the people of this Republic to emphasize the importance of this doctrine as a means for the speedy termination of corrupt practices in this Republic and for the restoration of the integrity of government as it was established by our fathers, and while I may feel comparatively alone on the floor of the Senate in this determined purpose, having the earnest support, however, of my noble colleague from Oklahoma [Mr. GORE], I wish to say in extenuation of my conduct that I do it because I feel honor bound as a soldier of the common good to stand faithfully and firmly, in spite of all opposition, in support of what I believe to be essential to the integrity and welfare of our glorious Republic and on behalf of the sweating, toiling millions who are my kinsmen, who produce all the wealth and enjoy too small a part of the wealth they create under the corrupt government of the system.

Mr. President, I am reminded at this critical moment of the sentiment of Abraham Lincoln:

I am not bound to win, but I am bound to be true.
I am not bound to succeed, but I am bound to live up to what light I have.
I must stand with anybody that stands right; stand with him while he is right and part with him when he goes wrong.

The inarticulate mass of men who humbly toil and patiently labor are entitled to enjoy in peace the proceeds of their labor—to have reasonable hours, food, shelter, leisure—and organized greed must stay its sordid hand. The issue is on. The People's Rule *v.* The Rule of the System.

Mr. President, if I were able to secure an expression of the Senate on this matter I am convinced that my Democratic associates and the splendid band of progressive Republicans would almost unanimously support the admission of Arizona and New Mexico, and I am equally sure that the reactionary elements of the Republican Party would be found on the other side. At all events, I do not intend to yield until I have been afforded an opportunity to get a vote of the Senate upon the admission jointly of Arizona and New Mexico.

EXHIBIT A.

AN ADDRESS BY ROBERT L. OWEN, UNITED STATES SENATOR FROM OKLAHOMA, UNDER THE AUSPICES OF THE SOCIETY FOR ETHICAL CULTURE, AT CARNEGIE HALL, MARCH 20 1910, ON THE INITIATIVE AND REFERENDUM IN ITS RELATIONS TO THE POLITICAL AND PHYSICAL HEALTH OF THE NATION.

A nation is in a condition of good political health when its representatives are the free choice of the people and represent the best ideals of the people in the legislative, executive, and judicial departments of the Government.

When these officials are nominated by corrupt machine methods, are controlled by selfish interests, by mere self-preferment, by bribery, or by other sinister influence, the political health of that nation is bad and in need of curative process.

Such government needs restoration to a condition of sound political health, where every official shall be responsive to the best ideals of the people.

Where it has free expression the majority of the people will always stand for the principles of righteousness, for honest and economic government, for the control of sordid ambition and avarice, for the abatement of commercial piracy, and for the control of conspiracies in restraint of trade, and for the higher ideals of the enlightened conscience, and for a more equitable distribution of the proceeds of human labor than is possible under a government corrupted and controlled by machine methods.

The political health of the Nation is distinctly bad in many of the States where corrupt machine politics operating as an agent of selfish interests, both political and commercial, has obtained control of party government, nominating machine men committed to selfish interest at the precinct, in county conventions, and in State conventions, nominating officials from constable to governor by machine methods.

The people appear to rule through party machinery, but do not rule in fact, because the party machinery is in the hands of corrupt machine men, controlled in the interest of the few and against the interest of the many. The remedy is to restore popular government and to overthrow machine government, and the initiative and referendum is the open door by which this can be done, by which it has been gloriously done in Oregon.

Machine control of party government, among other evil results, makes impossible the passage of laws needed for the protection of the physical health of the Nation, notwithstanding the urgent demand of the people expressed through medical and sanitary associations from the Atlantic to the Pacific for 20 years.

The physical health of the Nation depends upon the prevention of epidemics, upon purity of water supply, upon clean air, pure foods, sanitary conditions, reasonable hours of labor, protection of children and infancy from exposure. The people of the United States lose 600,000 people annually from preventable causes. These lives could be saved by good laws; they are lost because of bad laws. In a letter of Charles A. L. Reed, chairman of the legislative committee of the American Medical Association, of March 10—10 days ago—he said to me:

"Suppose our entire native Army and Navy were swept off of the earth, not once, but three times in a year. Would the Congress do anything about it? There are nearly 5,000,000 needlessly ill every year. Suppose that every man, woman, and child in all New York, with Boston and Washington added, were similarly stricken, would the Congress inaugurate an inquiry? Our losses from these causes amount to a billion and a half dollars every year."

"Our health agencies are uncorrelated and unorganized. Suppose that our monetary system were looked after by a dozen or more bureaus in almost as many departments and that it were responsible for a billion and a half dollars loss every year, would the Congress be disposed to think that there was possible relationship between the lack of organization and the deficit?"

The fact is the United States Government has no organized department of public health, no proper publicity of matters affecting the public health, no proper cooperation with the States.

The annual mortality in the United States is 16.5 per thousand; in New Zealand, with no better climate, it is between 9 and 10 to the thousand—a loss of nearly 7 human beings to the thousand for the United States in excess of New Zealand, where they have controlled monopoly and established proper sanitary safeguards. Seven persons to the thousand means in 90,000,000 of people an annual loss of 630,000 people, whole lives might be saved by proper conduct of government.

What is the trouble? Have the people never requested any improvement in this respect? Oh, yes; through all the great societies relating to the health of the people petitions and prayers and demands have gone up to Congress and have remained unheeded, unobserved, uncared for, because the Members of the House and Senate are three degrees removed from the people under the convention machinery of party government. This is not true as to all Members, but it is true as to the majority. Observe how a precinct delegate is sent by a machine boss on an obscure call, at an unsuitable place packed with his partisans to the county convention; how a county convention of machine delegates from the precinct nominates a machine candidate for the legislature; where the legislature of machine men elects a machine man for the United States Senate. Under the pretext of a necessity for organization, this method has developed. At first it worked well, but becoming perverted and corrupted it now works injuriously as an agency of selfish interests. The people are beginning to correct these evils of government in various States of the Union by various processes such as demanding the right of direct nomination of candidates through the direct primary, by insisting on publicity of campaign contributions, by forbidding excessive campaign contributions, by demanding the initiative and referendum, restoring to the people the right to make their own laws and the right to veto acts of the legislature not approved by the people.

From the days of Jefferson as President the right of the people to instruct their Representatives was freely recognized, but gradually the growth of party nominations by the delegate system took the power out of the hands of the people and put it in the hands of machine men, who made a profession of politics, until finally the rule of the people was taken away from them; until the extreme condition of machine rule of party government has been developed in the United States against which there is now going on a universal protest. The questioning of candidates, the direct primary, publicity of campaign contributions, the initiative and referendum, the advisory initiative are being agitated throughout the United States.

The foundation stone of the control of government by the people will be found in the initiative and referendum.

I wish to point out to you the relation between the initiative and referendum and the political and physical health of the Nation.

Ben Lindsay, of Denver, a man of great ability, of great patriotism, and of intense activity in the cause of civic righteousness, has recently, in Everybody's Magazine, painted a most instructive picture in detail of the triumphant corruption and control of the legislative, executive, and judicial authority of the State of Colorado by corporate rascality. In discussing a remedy he said, in effect, "It is useless to talk about controlling the trusts by Government so long as the Government itself is controlled by the trusts."

The political health of the Nation and the physical health of the Nation can not be raised to its highest efficiency until the people of the Nation and of each State in reality and in sober truth actually control their own government. So long as machine politicians make the nominations for both parties, patriotic citizens register their votes for such nominees in vain. They have only a choice of evils. The doctrine of Boss Tweed in New York might be expressed in these words: "Let me select the candidates, I care not who elects." Selection is more vital than election.

When the insurance companies and the gigantic corporations raise millions of money to corruptly influence the elections; when they use the huge strength of financial authority with its far-reaching power to effect votes in an intensely commercial Nation, you may expect while machine methods prevail that the nominations in both parties will be favorable to the selfish commercial interests and that such interests will exercise corrupt and sinister influence over those chosen to administer government in the legislative, executive, and judicial branches of the Government.

In vain the people demand election of Senators by direct vote; in vain do the people clamor for an abatement of one-man power in the House of Representatives; in vain do they seek publicity of campaign contributions; in vain do they demand laws forbidding corrupt practices and other reforms of government; in vain do they demand control of monopoly, reduction of tariff, and lower prices. The people are appealing to the nominees of machine politics committed against them. These nominees are too often political mercenaries playing politics for profit. You can never control commercial conspiracy or ambition by your Government until you have taken your Government out of the hands of commercial conspiracy and out of the hands of purely selfish political ambition.

And how will you do this?

By the initiative and referendum.

Has it ever been done? Without the shadow of a doubt; it has been done; it has been excellently well done. Is it difficult to do this? No; it is easy to be done. It only requires that you, the people, shall understand how to do it and have your interest in regaining control of your Government maintained with sufficient persistence to change each State constitution that stands in the way. Oregon, Montana, South Dakota, Oklahoma, Missouri, and Maine have already acted and established the initiative and referendum. Many other States are actively considering it. Many of the State constitutions have been intentionally made difficult to change by those who, under the plea of conservatism, believe it should be made difficult for the will of the people to register itself in constitutional forms, for fear, forsooth, the people might on impulse misgovern themselves by passing bad laws.

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For fear that some of this great audience may not be familiar with the improved methods of making effective Lincoln's great idea of "A Government of the people, by the people, for the people," I wish to explain more clearly the initiative and referendum, the mandatory primary, the corrupt practices act.

The initiative means that a small percentage of the voters, usually 8 per cent, can initiate any law they please, and require it to be submitted at the next regular election for a vote of the people of the whole State for their acceptance or rejection. It is sometimes provided that the legislature may submit a competing measure with the measure proposed by initiative petition.

By the initiative the people of New York State might initiate a mandatory direct primary law, a corrupt-practices act, and compel a vote in spite of the failure of a legislature to pass such a law as the people wanted.

It has been said of the Pennsylvania Legislature that in a former time a member of the house arose and said: "I move, if Tom Scott have no further use for the legislature, that it do now adjourn."

A mandatory direct primary puts in the hands of the members of each party the direct power to nominate their own candidates. The power of selection is more important than the power of election. The people elect in vain if corporate power by machine manipulation nominates the candidates in each party or by control of machinery of government can stuff the ballot box.

The nomination of machine men is absurdly easy. It is done by the convention system. A State convention is called to nominate a Democratic or Republican candidate for governor, the State chairman issues the call, announcing that each county is entitled to so many delegates; the county delegates to be elected by a county convention, the county convention to be composed of delegates selected at the precinct, the precinct has a machine man or two who controls the local patronage and has some local advantages—he is the precinct boss; he calls a precinct meeting on short notice, obscure advertisement at an inconvenient place, perhaps a small room over a saloon, packs the meeting with his own henchmen, has a cut and dried program. The meeting immediately nominates a candidate or candidates to the county convention, their names selected in advance. The candidates are elected immediately viva voce, and the first step has been taken. The county convention, composed of such machine delegates, send machine men chosen in advance or men at all events acceptable to the machine, and the machine delegates to the State convention are thus elected. When the State convention meets, composed of such machine-chosen delegates, what can you expect? Did the people select the precinct delegates? No; certainly not. Did the people select the county delegates? No; certainly not. Did the people select the State delegates? No; certainly not. The people did not select the governor. They only elected the choice of a corrupt machine. It is enough to make a patriot weep who understands it thoroughly.

It sometimes happens that even the machine men are compelled, in order to abate suspicion and to elect the State ticket, to nominate a man absolutely above suspicion, but if they do, you can depend upon it that his power for public service is sufficiently handicapped by his environment that he can not accomplish much substantial constructive service. It has been interesting to observe Gov. Hughes, of New York, trying to establish one of the ten commandments, a direct primary, in vain. Has not this audience intelligence enough to know why? It is because the right of the people to directly nominate by a direct primary, the right of the people to select, means the people's rule and the overthrow of one of the agencies of organized commercialism and of organized political ambition. The machine politicians fatten on the public treasury, on official favoritism, on State franchises, on municipal contracts.

We do not need the present exposures at Albany as evidence of what it means. Everybody knows who is not imbecile.

We do not need Tom Platt's alleged contribution of $300,000 to the Harrison campaign as evidence, nor did we need the exposures of the insurance companies by Gov. Hughes to tell us what this grossly corrupt system means. We all know.

There is no intelligent man in the country who does not know enough of the evils of machine politics to agree that the time has come in the United States for the correction of these evils in both parties and to restore to the people of this country the right to directly nominate their own political servants by direct primary, the right to initiate their own laws by the initiative petition and the right of veto of any act of their servants in the legislature by the referendum.

The referendum provides that when the legislature passes an act not acceptable to the people of the State, a petition within 90 days after the passage of the act, signed by 5 per cent of the voters, will operate to suspend the law until the next regular election, at which the people will vote upon the law whether it shall become a statute or whether it shall not. Is it possible that any man of sound mind and good character will say that a hundred men in the legislature shall pass an act and make it effective over the people of the State against the direct vote of a million men? The right of the people to veto an act of legislature by the referendum is as self-evident as my right to veto the act of my servant who proposes to commit me to an offensive proposition.

The Americans are still a free people, in theory at least, and the general establishment of the initiative and referendum is of the highest importance for the preservation of that freedom and the full enjoyment of their liberties.

The referendum will rarely be used, because it will rarely happen that the American Traction Co. will buy franchises worth forty millions from the local legislature or city council for $837,000, when both the rascal legislator and the traction company know that a referendum vote will veto their rascality. No money in advance will be paid on such a transaction with the power of the referendum hanging over it like the sword of Damocles. With the initiative in force a corrupt-practices act and a pure ballot can be secured. Oregon has the best corrupt-practices act in the United States. There a candidate for the Senate is limited to an expense of 10 per cent of one year's salary as the maximum expense of making his campaign, and so with other State officials. Every dollar of expenditure must be set forth under oath, to include every person who, directly or indirectly, expends any money in the interest of such candidate.

The secretary of state mails each voter in the State a small pamphlet, in which the claims for and against each candidate for nomination are set forth. A like pamphlet is issued before the election; a like pamphlet covers the merits and demerits of every measure initiated by the initiative or opposed by the referendum. The candidates pay a hundred dollars a page and are limited to four pages.

No solicitation or bringing of voters to the polls is allowed on election day. The election is as peaceful and as honest as a Sunday school. I wish we might say as much of New York or of Philadelphia or Boston.

Under the initiative and referendum the Oregon Legislature tries to meet the will of the people. They are not subject to temptation by every corruption or ambition. If they fail to pass the laws the people want, the people pass their own laws with the initiative.

If they pass a law the people don't want, the people veto it through the use of the referendum. This system of government is called the people's rule, and what citizen, when he understands it, will vote against the initiative and referendum; will vote against his own right to rule his own State by his own vote; will vote to deny himself the right to select and nominate the standard-bearer of his own party?

Is it difficult to establish this system? Not at all. In the last few years, since the matter is understood, it has been adopted by Oregon, South Dakota, and Maine, by Oklahoma, Montana, and Missouri, and is being actively pushed in a large number of other States, and will be adopted throughout the United States in a very few years. The agency by which it is accomplished is another device of good government called "the questioning of candidates." This is most conveniently done by the organization of a legislative committee representing large groups of voters. For instance, the National Grange, the American Federation of Labor, the initiative and referendum leagues. Each organization appoints its chairman of a legislative committee, and all the chairmen design a common letter addressed to each candidate of all parties, demanding a plain answer in a given number of days of the question: "Will you, if elected, use your full influence to establish the initiative and referendum?" If he fail to answer in two weeks, his failure is advertised as opposition and general advertisement given of his position, and all those favoring the initiative and referendum vote and work to defeat such candidate.

An initiative and referendum league ought to be established in every precinct, in every county, in every State of the Union, all members belonging to each party having for their object the restoration to the people of the right of self-government through the initiative and referendum, thus taking the powers of government out of the hands of the machine politician, the corrupt self-seeker, and freeing government from the influence of gross commercialism.

Let this joint legislative committee be organized in every State and address a circular letter to every candidate for office, especially the legislature, the governor, the executive officers, and the judicial officers, and ask them the plain question:

"If elected, will you use your best efforts to establish the initiative and referendum and the direct primary? Your failure to answer will be taken as a negative."

What will his answer be?

When a man is a candidate running against another candidate, he is in a plastic condition of mind. When he needs votes, he is very respectful to the voters. After he is elected he is often more difficult to talk to.

We are entering upon the new campaign of 1910, and if this proposed plan is actively followed throughout the States of the Union, as I hope it will be, every candidate for every legislature in the United States will have to meet this issue. Will you or will you not support the initiative and referendum?

When the initiative and referendum shall have been established, it is the open door to the passage of any law the people have the intelligence and patriotism to devise. The sword of the State will no longer be in the hands of an arrogant, despotic commercialism that is now shaking the foundations of this country and making a spectacle of itself in Philadelphia.

When the people can pass the laws they need, uninterrupted by the corrupting, sinister influence of sordid selfishness, it will be possible in this country to prevent the spread of the bubonic plague, which is now making widespread, insidious progress on the Pacific coast and was not promptly eradicated because of the suppression of the truth by the commercialism of San Francisco and California. We will then be able to pass pure-food laws and have those laws executed, which are now almost nullified by commercialism operating through political agencies. I call as a witness the triumphant success of benzoate of soda over Dr. Wiley's protest.

We can then prevent the deliberate pollution of our streams and water supplies; we can then abate the smoke nuisance; we can then control monopoly and high prices; and we can abate the evils of unrestrained greed, grinding the life out of women and children in sweatshops, and we can establish sanitary precautions, which shall control in greater degree the charnel houses of tuberculosis known as lower New York City.

My fellow citizens, in eight years we have made an annual increase in our appropriations for the Army and Navy over the average of the years just preceding of over a thousand million of dollars. Our patriotism being played upon in large measure by those concerned in selling us materials of war, and how much have we spent for the national health? Are we indeed in league with death that we spend a thousand millions on an increase in expenditure for war purposes and rely on Nathan Straus to abate the killing of babies with infected milk in New York? The cost of one battleship would build a macadam road of improved construction between the cities of Chicago and New York which would pay a splendid interest on the investment, while a battleship costs eight hundred thousand a year for expenses and goes to the junk heap in 20 years. The pension roll of the United States of over a hundred and fifty millions a year, which is pointed to as the evidence of patriotism, is, in fact, the crowning example of the terrible cost of bad government, for the reason that three-fourths of the deaths and disabilities afflicting our pensioned soldiers was due to preventable disease and exposure and was not due to the projectiles or missiles of war. Over three-fourths of these deaths and disabilities, due to such disease, were preventable, and will be prevented in future under a wise and virtuous administration of government, only possible when the powers of the Government are restored to and capable of being exercised by the people themselves. Seventy per cent of our national expenditures are due either to the wars of the past, through the pension roll, or wars in anticipation through the Army, Navy, etc. If we, the people of the United States, follow the great example of the Australian States, adopt the initiative and referendum, we can then adopt improved methods of self-government; we can abolish monopolies and commercial oppression; we can then restore the political and physical health of the Nation. Our example will become the standard for the civilized world and will lead to universal peace; will lead to the brotherhood of man; the peaceful federation of the world, where under beneficent law, unwilling and unmerited poverty shall be abolished, every man be fed and clothed in comfort, decently housed, and afforded reasonable recreation for himself and his family; where men may learn under these better conditions to love each other and to know that crime itself is due to poverty, to ignorance, to temptation, to mental or physical defect born of conditions growing out of bad government; then the human race will take care of its criminals and restore them to society by humane treatment, by kind treatment; then society will only find it necessary to restrain those who are imbecile and insane, among whom should be classed the perverted and habitual criminal. There is an abundance in this world to supply all men with every necessity of food, clothing,

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shelter, leisure, education, and happiness, and to furnish every luxury for those who care to seek it. It remains for the high-minded, intelligent patriotism of the people of the United States to set an example to the whole world that shall give our great Republic its place in history as the leader of the world in establishing the divine doctrine of the fatherhood of God and the brotherhood of man.

EXHIBIT B.

THE INITIATIVE AND REFERENDUM AN EFFECTIVE ALLY OF REPRESENTATIVE GOVERNMENT.

(By Lewis Jerome Johnson, professor of civil engineering, Harvard University.)

Our fathers founded this Government in order to secure for the people—all the people—the blessings of life, liberty, and happiness. They devised institutions and machinery to that end.

To-day, after the lapse of a century and a quarter, combinations of power have grown up under these institutions in the face of which, for multitudes of our population, life is precarious, liberty practically despaired of, and happiness, except of a kind enjoyed by the Roman proletariat or the plantation slave, unknown. We know that no one would be more impatient of such conditions than our Revolutionary forefathers, and no one more resolute in seeking a remedy. Honor to their memory requires us to scrutinize their work, and to modernize it if necessary, just as they modernized their inherited institutions.

IDEALS OF THE FATHERS NOT AT FAULT.

Accordingly we turn first to the spirit and purposes underlying our institutions. We find nothing to criticize, even after all this time. We can suggest no improvements in this quarter. Even now we are inspired with a new enthusiasm by the ideals expressed by our fathers in founding this Republic, the ideals so impressively reaffirmed by Lincoln at Gettysburg.

SCRUTINY OF THEIR GOVERNMENTAL MACHINERY.

We turn next to the details of their governmental machinery. Little is left of their industrial methods and institutions, and perhaps their political devices too are out of date. If they are, possibly it is not too late to supplement them or replace them with better.

The legislative machinery underlies all else. We observe that our law making is intrusted to representative bodies. The make-up of these bodies is, nominally at least, under public control, but the output (except amendments to State constitutions) is not even nominally under public control, except as such control may be exerted through pressure upon individual representatives. When we consider the extent to which such pressure is exerted to-day by the greedy and highly organized few, rather than by the merely normally interested and unorganized many, a legislative system which may have been safe once comes to look decidedly defective.

A FUNDAMENTAL DEFECT.

Further reflection convinces us that this lack of adequate popular control of results is not only a defect but is the fundamental defect in our legislative mechanism. Its correction is therefore essential, and is logically the first step in the modernization of our political machinery. This done, improved legislation is assured as fast as the majority can agree upon it. This done, all unnecessary and undesirable obstacles to progress will have been minimized. Until this is done, we have little reason to hope for permanently better conditions, except at an utterly unreasonable cost in effort and delay. The importance of concentrating attention upon this issue is manifest.

WHAT CAN BE DONE.

The next question is, How shall the public get adequate control of results?

The answer is: We must assert our natural right to revise the work of our representatives. We must do this revising ourselves. There is no one else to do it. To do it we must supplement the existing legislative machinery with a workable, orderly, and properly guarded contrivance to enable us to enact laws, to veto them, to amend them or to repeal them by direct popular vote over the head of legislatures and city councils in the instances when these bodies fail to meet the public will. In other words, we must considerably extend the practice of direct legislation by the people, already familiar to us in the New England town meeting and in the popular ratification of amendments to State constitutions.

Fortunately the way to do this has been devised and tested, and has met expectations on a city-wide and State-wide scale. It involves two devices developed in the last few decades, the initiative and the referendum, now included under the single term direct legislation.

INITIATIVE AND REFERENDUM.

The initiative enables the people to enact desirable measures by direct popular vote when such measures have been or are likely to be ignored, pigeonholed, amended out of shape, or defeated by the legislature. Measures passed in this way may be entirely new laws, or they may, of course, amend or repeal existing laws.

The referendum enables the people, by direct popular vote, to veto recent enactments of their representatives.

The initiative corrects sins of omission.

The referendum corrects sins of commission.

The initiative is set in operation by volunteer groups of citizens—civic, labor, or mercantile organizations—who draw up laws which they think good for themselves or the public, or perhaps both. If they can get a certain moderate percentage (the number of signatures required in these petitions ranges, in different States, from 5 to 8 per cent of the voters for initiative petitions for ordinary laws; from 8 to 15 per cent for initiative petitions for constitutional amendments; and from 5 to 10 per cent for referendum petitions; the usual percentages are 8 for initiative and 5 for referendum petitions) of the voters of the city or State to sign the requisite petition the measure goes to the council or legislature, and if this body refuses to adopt it within a specified time without amendment the measure must be transmitted unchanged to the people for their decision. If the legislative body thinks it can produce a better enactment to the same effect, it may draw it up and send it to the people, with the other, as a competing measure. The voters then choose between them, or reject both. In some jurisdictions, notably Oregon, initiative measures go directly to the people without previous submission to the legislature.

The referendum, likewise upon petition (the number of signatures required in these petitions ranges, in different States, from 5 to 8 per cent of the voters for initiative petitions for ordinary laws; from 8 to 15 per cent for initiative petitions for constitutional amendments; and from 5 to 10 per cent for referendum petitions; the usual percentages are 8 for initiative and 5 for referendum petitions), brings newly passed legislation to the popular tribunal for veto or confirmation.

The need of interference with the work of the representatives is greatly reduced by the mere existence of the system, and the number of laws actually coming to popular vote is a small fraction of the whole.

THE RECALL AND ITS RELATION TO DIRECT LEGISLATION.

Direct legislation is likely to result, before being long in operation, in the establishment of the recall, which is the properly guarded power of removal of unsatisfactory officeholders before the expiration of their terms. Thus the people gain the power of removal, the logical supplement to their already existing power of election.

The recall, though obviously a device indispensable for popular control, and usually, in city charters, established simultaneously with direct legislation, will not be discussed further here. It should be looked upon as one of the numerous desirable but subordinate measures, like preferential voting, direct nominations, and the short ballot, which may safely be left to be gained by subsequent enactment in the larger jurisdictions, like our States. This is strikingly true in Massachusetts, where the recall has been authorized in the constitution since its adoption in 1780, as will be seen from article 8 of that constitution, quoted below, and could probably, unlike the initiative and referendum, be made operative without constitutional amendment.

FURNISHING INFORMATION TO VOTERS.

The initiative and referendum, as now advocated, carry with them, of course, adequate and systematic means, independent of the newspapers, of furnishing each voter the full text of the measures to be voted on, the condensed form in which they will be printed on the ballot, statement of the reasons for and against each measure, and the names of those behind each proposition.

In Oregon the secretary of state edits this information and mails it in pamphlet form to each voter in the State 55 days before election. At least eight weeks have elapsed by that time since the circulation and filing of the petitions. This is found to afford ample time for deliberation and discussion, and the pamphlet provides an adequate basis for decisions. Those who wish to insert arguments in this pamphlet pay the cost of paper and printing—some $80 per page—and the State bears the rest of the cost of the pamphlet and its distribution. In initiative cases supporting arguments are accepted from none but duly accredited representatives of the friends of the measure; anyone who will pay the cost, however, may insert arguments against such a measure. In referendum cases arguments upon either side may be inserted by anyone willing to pay the cost. In the election of June, 1908, when 19 measures were acted upon by the electorate, the State pamphlet was a document of 125 octavo pages.

Oregon voters protect themselves still further from false or misleading campaign literature by a provision of their admirable corrupt-practices act—a comprehensive measure, based on English practice, which came from the people by the initiative—which prescribes a heavy penalty for circulating political literature without the names of its authors and publishers.

In Oklahoma there is a State pamphlet for informing voters as in Oregon, but with some interesting differences in detail. In Oklahoma, as is proposed in Massachusetts, initiative measures go first to the legislature. Hence all popular voting is upon measures which have had recent legislative action. A joint committee of house and senate is therefore naturally called upon to prepare the arguments supporting the legislature's position. The opposing argument is drawn up by a committee representing the petitioners.

The argument for each side of each measure is restricted by the Oklahoma law to 2,000 words, one-fourth of which may be in answer to opponents' arguments. The direct argument on each side is prepared and submitted to the secretary of state, who transmits it to the opposing side to serve as the basis for the rebuttal just mentioned, and thus complete the argument. These arguments on all the questions are then assembled in the State pamphlet and distributed to all the voters of the State a suitable number of weeks before the election. The cost of printing and distribution is borne by the public treasury.

The Oklahoma plan has some striking merits. It requires the legislature to state the reason for the action which it has taken. Doubtless this reason is often good and sufficient, but perhaps more certainly so when the lawmakers know in advance that they may have to defend their position. The legislature's views on the measure should be of great value to the voters.

More important still, it insures the presentation of a negative argument. Experience in Oregon has already shown that a negative argument is not always forthcoming when left to be supplied by volunteers. A campaign of silence is sometimes wisely preferred by interests at whom an initiative measure is aimed to the revelation of weakness which would result from a formal attempt at defense. They well know that voters are likely, from sheer force of habit, thoughtlessly to concede more in the defense of a long-established wrong than its beneficiaries would dare claim for it. The Oklahoma plan of informing voters requires each side to show its hand. Bluffing is eliminated. Privilege has to come out in the open and state such case as it has. Silent contempt is not permitted to do duty as argument.

Both the Oregon and the Oklahoma systems of disseminating information do much to forestall the misleading of voters through the newspapers. Some expense is involved, but this point is not apt to be pressed except by those opposed to the whole system on other grounds. The body of voters well understand that one bad law or one carelessly granted franchise may cost the public in actual dollars and cents many times the cost of the State pamphlet.

HOPEFUL OUTLOOK FOR REPRESENTATIVE GOVERNMENT.

Supplemented by the initiative and referendum, to serve as a permanent background, and for application when called for, the representative system will gradually but surely enter upon a period of honor and usefulness hitherto never surpassed and probably never equaled. Relieved of the unnatural excess of power under which they now stagger and sometimes fall, legislative bodies will cease to be attractive objects for bribery and secret influence. Logrolling will greatly diminish. The power of bosses and rings will be undermined. Seats in the legislatures will then begin to be unattractive to grafters. At the same time they will become more attractive to high-minded, public-spirited citizens. There will be a fairer chance that a man clean when elected will stay clean. It will make it safe to reduce the size of legislatures and to diminish greatly the number of elective officers. The party machines and bosses once permanently out of control, we may reach the point of competing successfully with the corporations in attracting the best young talent to the public service.

With direct legislation in vogue it is not necessary to retire a faithful legislator to express disapproval of some of his measures. The electorate, while returning the man to office, can overrule the measures with no more reflection on his honor or usefulness than is involved in the overruling of a lower court by a higher. Honest and able repre-

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sentatives are hence likely to be repeatedly reelected. Long tenure is as valuable to public as to private business. Where the people have been in control long enough for this result to show, as in Switzerland and in the New England towns, they are seen to act upon this principle. In Switzerland it is rare that a new member appears in a legislative body except to fill a vacancy due to death or voluntary retirement. In New England towns it is common for faithful officials to be retained in office practically for life, their annual reelections being frequently uncontested.

With a seat in the legislature thus robbed of its charms for all but the public-spirited, and with reelection practically assured to men of proved merit, real legislative experts in good number may gradually be developed.

REPRESENTATIVE GOVERNMENT YET TO BE GIVEN A FAIR TRIAL.

In view of such untested possibilities, it is beside the mark to wonder whether representative government is a failure. We begin to realize that it has not yet been fairly tried, at least not in recent years. We realize that our legislators have been working under almost intolerable conditions. They have been continually exposed to temptations that no ordinary man ought to be asked to face, and it is a tribute to human nature that so many of our legislators have stayed straight. Under direct legislation legislators will have all the power that is ever accorded to representatives and agents in business, which is all that is wholesome or attractive to worthy citizens of a democratic republic. That final enacting power is far from essential to the dignity of a legislative body is shown by the universal respect in which our American constitutional conventions have always been held.

IMPROVED STATUS OF THE VOTER.

While a sufficiency of power is thus left with the representatives, a salutary increase of responsibility is thrown upon the voter. It brings him, to some purpose, into closer touch with great affairs. It enables him to vote for measures apart from men, and for men apart from measures. He can begin to assume the stature of a man, to become a sovereign in fact as well as in fancy. It will enable him to settle something at an election besides the party label of officeholders, which in turn settles little except which faction shall dispense the spoils of office. For we know only too well that platforms are "merely to get in on, not to ride on." Even if they were expected to be observed, platforms are composites which rarely represent, except in the roughest way, the views of any one thoughtful voter.

SIMPLICITY OF THE VOTER'S TASK.

The new task proposed for the voter, though inspiring, is relatively simple. It differs widely from legislation in the ordinary sense.

The originating and drafting of bills can manifestly never fall as a burden on the mass of the voters. For this service the community can always command ability as wise, disinterested, and as practiced in legislation as any who now do such work. The average voter's part in the work is deliberation, discussion, and the registry of his decision. This is no new task for him; the only novelty is in having a chance to do it intelligently, and to see his decision go into effect.

The voter, going into the booth, has known for months just what is coming up and in just what form it is coming up. There is no thought of possible amendment. With regard to each measure he has simply to approve or reject. He has had plenty of time to make up his mind. If a measure is objectionable in purpose or form, or is lacking in clearness, he will of course reject it and await—or cause—its reappearance in a more acceptable form at a subsequent election.

The voter is thus more like a juror than like a legislator. His capacity for intelligent, discriminating work at a single election is therefore large—much larger, as experience shows, than at first thought might seem possible.

In 1909, for example, the voters of Portland, Oreg., in a city election, besides voting for mayor and other officers, voted discriminatingly and with sustained interest on 35 measures, 13 of which they passed. The average vote on each of the 35 measures was slightly over 81 per cent of the total vote for mayor, with a range from 75 per cent to 90 per cent. The majorities, both yes and no, were sometimes heavy, sometimes light. There is every evidence that the voting in each case reflected the calm judgment of the voters.

In Denver, in the election of May, 1910, the voters, besides electing city officers, dealt discriminatingly with a list of 21 measures, some of them trickily worded. Moreover, in this case, they had to face an enormous corruption fund and all that the combined party machines and selfish interests could do to mislead. The result was a triumph for the people at every significant point.

The people's capacity for direct legislation is not likely to be subjected to severer tests than it has already stood with signal success.

NEW TALENT FREELY ENLISTED FOR PUBLIC SERVICE.

Through direct legislation the State will offer an attractive field of usefulness for such of her citizens as do not care to give up their whole time to public life. Public-spirited citizens, without dislocation of business or profession, may and will devote a much larger share of their time than now to the consideration of public questions. If they conceive of a desirable step in legislation, they will not have to contrive to get into office and to stay there long enough to accomplish their ends. They have a dignified and honorable method of presenting to the final authority for adoption or rejection the best fruits of their labors, free from the risk of mutilation or distortion by ill-informed, overworked, or corrupt legislatures. This alone would be a powerful means of bringing spontaneously to the public service, and at no expense, a large amount of talent of the best possible sort for which there is now little encouragement in public life. This is the talent on which we probably must depend for the most serious lawmaking, and which we have had little chance to utilize. The legislature will thus be facing a reasonable and wholesome competition and the public can not fail to profit thereby.

DIRECT LEGISLATION A SAFEGUARD AGAINST MOB RULE.

Sometimes officeholders or party machine men profess a great fear that direct legislation will result in "mob rule." This must be taken to mean that they fear, probably with reason, that the people, after weeks of deliberation and with adequate information, would not support their pet schemes. Prospective abundance of popular majorities in their favor would neither excite their alarm nor be called by them "mob rule." No; mob action finds a more promising field in nominating conventions and even town meetings than in the long process of gathering signatures, weeks of discussion and deliberation, and the quiet vote on an Australian ballot in isolated, individual booths.

Direct legislation is not only a safeguard against mob rule, but against the only thing likely with us to lead to violent revolution, namely, machine rule for the benefit of the privileged few. Majority rule precludes both mob rule and machine rule, for majority rule brings into play the great patient mass of honest, hardworking citizens, ordinarily silent and little felt. They abhor alike the violent methods of the mob and the intriguing of "politics." No less do they shrink from making themselves individually conspicuous in hopelessly protesting against powerful wrongs which they can, though they ought not to, endure. They are likely to suffer in silence until driven to extremes, rather than seek relief through the distasteful and inadequate means now at their disposal.

To provide the people with orderly and regular means of expressing themselves on equal terms with all their neighbors, with the certainty that their will thus expressed will take effect, is the logical way to insure the healthy and natural progress which in the long run is the only preventive of violent upheaval.

DEEPER VALUE OF DIRECT LEGISLATION.

An additional advantage in direct legislation is the education which it affords the average voter. One can not help believing that the consequent toning up of the public standard of thought and morals would be in the long run the most important feature of the system. Direct legislation tends thus automatically to produce a highly trained and self-respecting electorate and to lay the deepest and most promising foundation for permanent good government.

Direct legislation is the only orderly means known for accurately and unmistakably expressing the public will as to legislation and for making it prevail. It gives at last a fair approach to a proper and worthy means of registering public sentiment, well defined by some one as "the deliberate and reasoned judgment" of the people. It is as effective a balance wheel against mere popular clamor as it is a safeguard against the silent scheming of the crafty few. Direct legislation thus opens for the first time a fair prospect for the early realization of the cherished American ideal—a government by as well as of and for the people.

DEVELOPMENT OF DIRECT LEGISLATION.

The direct legislation idea is no novelty among free peoples. It may be seen in the institutions of the Plymouth Colony. It appears in our time-honored New England town meeting, and the even more ancient Swiss Landesgemeinde and German folkmoot, all of them perfect exemplifications of the direct legislation principle on a small scale. It appears in our popular ratification of State constitutions and their amendments, usually insisted upon from the first, in spite of the pitifully inadequate facilities of our early days.

More recently we note the steady extension of direct legislation through the initiative and referendum from Canton to Canton in Switzerland, its application to Swiss Federal legislation—the referendum in 1874 and the initiative for constitutional amendments in 1891—and its adoption in the last decade by city after city and State after State in this country. Direct legislation (usually accompanied from the start by the recall) is an essential feature of nearly all modern city charters, and those without it will doubtless have to add it sooner or later to get satisfactory results. Notable among the direct legislation cities stand Los Angeles, Des Moines, our own Haverhill and Gloucester, and the newest recruits, Berkeley, Cal.; Colorado Springs, Grand Junction, Colo.; and Burlington, Iowa. Similar examples among the States are South Dakota since 1898, Oregon since 1902, Montana since 1906, Oklahoma since 1907, Maine and Missouri since 1908, and Arkansas and Colorado in 1910.

HOW IT WORKS IN SWITZERLAND.

For examples of the effect of direct legislation, we naturally turn first to Switzerland, where it has been in operation on what may be called a large scale for 50 to 80 years. With the aid of direct legislation, as a result of its moral influence as well as by its direct application, Switzerland has, wherever she has applied it, rid herself of the misrule and exploitation which were previously rampant, as they had been for centuries, in all but the minute but ultrademocratic Cantons. (It is to these little Cantons, including less than 10 per cent of the area and less than 7 per cent of the population of the present whole country, that Switzerland owes her otherwise quite undeserved reputation for century-old free political institutions.) Thanks to sound democratic idealism, supported by suitable machinery for its expression, she has now come to be an admirably governed country.

Mr. James Bryce, the present English ambassador to the United States, declared to a Cambridge audience in 1904 that Switzerland is the most successful democracy that the world has ever seen.

Further expert testimony to what is generally known and admitted by the well-informed and disinterested is hardly needed, but the New International Encyclopedia in its article on Switzerland expresses it so naïvely that it may be worth citing. After a lengthy account of the civil wars and political turmoil in the early part of the nineteenth century, it disposes of the rest of the century with the single remark that "the history of Switzerland for the past quarter of a century has been very uneventful, though marked by a steady material, intellectual, and political growth."

All this does not mean that Switzerland is an unalloyed paradise. Some of the great human problems seem as far from solution in Switzerland as elsewhere. It does mean that the Government promptly reflects public sentiment, and at the same time is free from violent fluctuations of policy. It means that the Government is administered efficiently and in the interest of the public good. It means that Switzerland, with a form of government modeled largely upon our own, by a modification which might have been suggested by our Declaration of Independence, has secured good government in a democratic Republic.

OLD-FASHIONED METHODS SURVIVE IN ONE CANTON.

The excellent results in Switzerland are to be seen not only in her Federal affairs, but also in the affairs of an overwhelming majority of her Cantons. We must not, however, overlook Canton Fribourg, the only one of the 22 Swiss Cantons as yet unable to equip herself with the initiative and referendum. She has still the unperfected or "pure" representative system characteristic of our American States and cities and of the old times in the rest of Switzerland. This brings with it, there as here, boss rule and all that boss rule implies. The legislative body is nominated by the boss, elected by the people, and managed by the boss. Prominent citizens are skillfully kept in line by a share in the plunder for themselves, or for their churches or philanthropies, or by fear of loss of favor with the two chief banks, both creatures of the boss. There is bribery, extravagance, subordination of the general interest to private business, the heaviest per capita cantonal debt in Switzerland, and the public apathy which naturally follows widespread hopelessness. The agitation for the initiative and referendum is still kept up by Fribourg patriots as their only hope, but all orderly means of success are in the control of the boss who, of course, fights them, and will fight them for his political life. (This bit of evidence from Fribourg is drawn from an article entitled "The only political boss in Switzerland," by George Judson King, secretary of the Ohio Direct Legislation League, in the Twentieth Century Magazine for July, 1910. The article is based on recent personal observations in Canton Fribourg.)

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INITIATIVE AND REFERENDUM MOST DEVELOPED IN IMPORTANT CENTERS.

As a contrast to Fribourg, it should be observed that the chief Cantons of Switzerland, Berne and Zurich, the former a farming, the latter a manufacturing Canton, both far in the lead of their neighbors in population and importance, are among the Cantons having the initiative and referendum in their most radical and readily workable form. Zurich is clearly the most advanced of the Cantons in this respect, and Berne is surpassed, and at that only slightly, by few besides Zurich.

In short, where the initiative and referendum are most readily set in motion, there have developed clean government and leadership in civic and industrial growth. In the only Canton where there is neither the initiative and referendum nor pure democracy there is misrule and political apathy of the familiar American type.

SWITZERLAND AN ADEQUATE PRECEDENT FOR AMERICAN STATES AND CITIES.

The Swiss success under perfected representative government may reasonably be expected to be repeated in this country, for the strength of the system lies in giving common human nature a fair chance to do itself justice. Human nature in Switzerland is very much like that elsewhere. That it is like that in this country is to be seen from the fact that representative government without direct popular control results in demoralization and bad government there just as it does here, and in just the same way there as it does here.

It is sometimes suggested, however, that little Switzerland, good as her results are conceded to be, is not an adequate precedent for an immense nation like the United States. But a small nation may exemplify a principle essential to the success of a large nation. An ocean liner must obey the laws of steam engineering as well as a tugboat. A sound fundamental principle holds, regardless of the scale of the enterprise. That a self-governing people must have effective control over the laws under which they live would seem to be a principle of this kind. Details may require adjustment, but the principle will hold. But all that aside, the important comparison is not so much with our Nation as with our cities and States. Switzerland, unhomogeneous in population, preeminently a manufacturing nation, larger than Massachusetts, Rhode Island, and Connecticut combined, with a population slightly larger than that of Massachusetts, is plainly an excellent precedent for the adoption of direct legislation by individual American cities and States.

Moreover, there may never be need for a Federal initiative and referendum system for this country. With the rings once permanently ousted from our cities and States, the Federal Government should automatically run clear, for the rings that do the plundering at Washington could manifestly not long survive without their intrenchments in the cities and States. At any rate, it is obviously correct tactics now to go right ahead for the initiative and referendum in States and cities. Our only disappointments with it, judging by experience elsewhere, are likely to arise from excessive restrictions which the legislatures may impose upon it.

NEW ENGLAND STATES ESPECIALLY FITTED FOR DIRECT LEGISLATION.

New England, the home of the town meeting, enjoying the inspiration of the Massachusetts and other New England States constitutions, with Maine already in the direct-legislation ranks, may be expected to take especially kindly to this new and long step toward the realization of her ancient ideals.

The real questions for us in New England to answer are:

1. Are we now as fit for this forward step as the Swiss were when they were putting the system in operation 30 to 50 years ago?

2. Is not even a complicated law, properly explained and vouched for, as suitable a thing for a popular vote as a choice between complicated candidates whose actions no one can foresee?

3. Is not an occasional vote on an ordinary law a natural and reasonable addition to our time-honored system of popular votes on State constitutions and their amendments?

4. Is it not worth while to disentangle measures from men and submit to popular vote definite and distinct propositions instead of mixtures of candidates, parties, and platforms?

ENCOURAGEMENT FROM OREGON.

To ask these questions in America is to answer them in the affirmative. All parts of the country are coming to see the point. Oregon, nearly half as large again as all New England combined, is setting us a most encouraging example.

Seven years ago she adopted direct legislation. She was then deep in political corruption. Thanks to the initiative, and measures secured with it which legislatures had refused to pass, she has made great progress toward better government, and the house cleaning is going right on. (See the speech of Senator BOURNE of Oregon in the United States Senate, May 5, 1910—obtainable from the Massachusetts Direct Legislation League—for an extended description of this remarkable work. Senator BOURNE, a Republican and by birth a Massachusetts man, and his colleague, Senator CHAMBERLAIN, a Democrat, born in Mississippi, are alike active advocates of the initiative and referendum, after observing its eight years of operation in their home State.)

The outcries of the local plunderers show that they feel their power slipping away. Their intrigues for the destruction of the initiative and referendum show that they know the cause.

WHAT THE FATHERS WERE TRYING TO DO.

We shall be interested to see how direct legislation fits in with the ideas of how wonderfully farsighted and successful constitution framers. It will be worth while to quote a few passages from the constitution of the Commonwealth of Massachusetts—the oldest of their works—the spirit of which is no stranger in other parts of the country. Articles V, VII, and VIII of that honored document will give the ideas of the fathers on the relation of the people to their representatives:

"ART. V. All power residing originally in the people, and being derived from them, the several magistrates and officers of government, vested with authority, whether legislative, executive, or judicial, are their substitutes and agents and are at all times accountable to them.

"ART. VII. Government is instituted for the common good; for the protection, safety, prosperity, and happiness of the people, and not for the profit, honor, or private interest of any one man, family, or class of men. Therefore the people have an incontestable, unalienable, and indefeasible right to institute government, and to reform, alter, or totally change the same when their protection, safety, prosperity, and happiness require it.

"ART. VIII. In order to prevent those who are vested with authority from becoming oppressors, the people have a right, at such periods and in such manner as they shall establish by their frame of government, to cause their public officers to return to private life, and to fill up vacant places by certain and regular elections and appointments."

LACK OF STEAM AND ELECTRICITY THE OBSTACLE TO DIRECT LEGISLATION AT THE OUTSET.

On reading these sturdy New England doctrines one must conclude that the only reason why the fathers did not then and there establish direct legislation for the State and for cities as they might develop was that it was at that time physically impossible. Mechanical invention had not advanced far enough to permit it even if they had conceived the idea. We must not forget that their facilities for disseminating information and gathering returns were little superior to those of Julius Cæsar. They knew no more of railways than Cæsar did; such highways as they had were not so good as Cæsar's. But they resolutely did all that was practicable under the mechanical conditions of their time. They provided an obligatory referendum on the adoption and amendment of the constitution of the Commonwealth, even though it might and did take weeks to put the matter to vote and get the returns. And it is clear that nothing was farther from their minds than that the will of representatives should prevail over the will of the people, some modern officeholders to the contrary notwithstanding.

Now that direct legislation, as a working institution on a large scale, has become a possibility through the introduction of the modern means of spreading news and ideas by the telegraph, high-speed printing press, and the railway, we can proceed from the point where the fathers were forced to stop and can vindicate more clearly than ever the soundness of their noble idealism.

AN ATTRACTIVE OUTLOOK.

In closing it may be said that the initiative and referendum appeal particularly to progressive Americans in whom still lives the spirit of the liberty-loving men who founded this Nation. Such citizens readily comprehend the necessity of controlling the important results and of not limiting themselves to toying at government while privilege does the governing. They take great satisfaction, moreover, in a remedial measure so thoroughly in harmony with the old ideals and institutions. It involves, after all, only a bit of additional machinery, and depends for its success only upon our fitness for self-government.

Of course, direct legislation is only a piece of mechanism. It will not suffice merely to set it up. It must be made to work promptly and with vigor when required. This will take real citizens. Oregon shows that such citizens still exist—some of them of New England or other American stock, some of them born in Old-World monarchies.

The success in Switzerland; the steady progress and gratifying results in America; the strenuous opposition by favorites or managers of political machines; the misrepresentations by professional lobbyists and conspicuous officeholders, echoed in ready-made "editorials," all indicate that the initiative and referendum are measures justly destined to receive an increasing amount of public attention and regard.

With the initiative and referendum in force, we shall be equipped as never before to resist enemies from within; enemies far more dangerous to our freedom than any foreign foe.

The initiative and referendum may well be the means of instituting on a permanent basis the responsible kind of representative government which our fathers lived and died to secure.

The initiative and referendum may well prove to be the salvation of the momentous experiment led by Jefferson, Hancock, Franklin, the Adamses, and Washington.

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APPENDIX.

How simple an enactment would suffice to establish direct legislation in Massachusetts can perhaps best be shown by quoting in full the constitutional amendment brought before the 1911 legislature (house bill No. 365) by the Massachusetts Direct Legislation League:

ARTICLE OF AMENDMENT.

"The legislative authority of the Commonwealth shall be vested in the general court; but the people reserve to themselves the initiative which is the power to propose acts, statutes, laws, resolves, and amendments to the constitution, and to enact, adopt, or reject the same at the polls independently of the general court; and the people also reserve to themselves the referendum, which is the power at their own option to approve or reject at the polls any act or resolve of the general court or any part or parts thereof.

"The initiative shall be set in operation by petition to the general court requiring for an act or resolve the signatures of legal voters to the number of 8 per cent of the total vote cast for governor at the last preceding election; and for an amendment to the constitution the signatures of legal voters to the number of 15 per cent of said total vote. The full text of the measure so proposed shall be included in the petition.

"Initiative petitions shall be filed in the office of the secretary of the Commonwealth and may be so filed either before the general court assembles or within three weeks thereafter. The secretary shall transmit a copy of the petition without the signatures to each branch of the general court within four weeks after the general court assembles.

"If a measure thus petitioned for, other than an amendment to the constitution, is not passed without amendment in that session, or if vetoed by the governor is not passed over his veto, it shall be referred to the people at the next State election, together with such amended form as the general court may recommend; but such amended form shall not take effect unless approved by the people at such election. If passed without amendment it shall still be subject to a referendum petition.

"If the measure thus petitioned for is an amendment to the constitution it shall be referred to the people at the next State election together with such amended form as the general court may recommend.

"The referendum may be ordered either by the general court, by a majority yea-and-nay vote of all the members of each house, or by petition requiring the signatures of legal voters to the number of 5 per cent of the total vote cast for governor at the last preceding election. Such petition shall be filed in the office of the secretary of the Commonwealth within 90 days after the act or resolve shall have been signed by the governor or passed over his veto. A referendum may be ordered against the whole or against one or more sections or parts of any act or resolve.

"An act or resolve shall not take effect until the expiration of 90 days after it shall have been signed by the governor or passed over his veto, except such as shall be declared to be an emergency measure. Such declaration shall be made in a preamble which shall state the facts constituting the emergency and contain the statement that therefore the act or resolve is necessary for the immediate preservation of the public peace, health, or safety. A special vote shall be taken on the preamble separate from the vote on the act or resolve or any part of it, and a two-thirds yea-and-nay vote of all the members of each house shall be required for the adoption of the preamble. No grant of any franchise or renewal or extension thereof either in respect of time or the area of its operation shall be declared to be an emergency measure. Any measure or part thereof upon which a referendum has been ordered shall either as to the whole or such part thereof be suspended from taking effect until it becomes law on approval by the people, except that an emergency measure shall take effect as therein provided.

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"Measures referred to the people of the Commonwealth shall be voted on at the next regular State election.

"A measure submitted to the people shall become law or a part of the constitution if approved by a majority of the votes cast thereon, and shall take effect at the expiration of 30 days after the election at which it was approved or at such time after the expiration of said 30 days as may be therein provided. An emergency measure, or any section or part thereof, shall upon referendum become void at the expiration of 30 days after the election at which it shall have been disapproved by a majority of the votes cast thereon.

"The veto power of the governor shall not extend to measures approved by the people.

"Measures approved by the people at any one election and in conflict in one or more of their provisions shall all take effect as to provisions not in conflict. In each case of conflicting provisions in such measures, that one of the provisions in conflict shall take effect which was contained in that one of such measures which received the greatest number of affirmative votes, and all others of such conflicting provisions shall become void.

"The enacting style in making and passing all acts, statutes, and laws by the general court, both those originating in either branch of the general court and those proposed by initiative petition, shall be—'Be it enacted by the senate and house of representatives in general court assembled and by the authority of the same.' The enacting style of all acts, statutes, and laws, both those in a form proposed by initiative petition and passed by the people and those in a form recommended by the general court and approved by the people, shall be: 'Be it enacted by the people of the Commonwealth of Massachusetts and by the authority of the same;' and of all acts, statutes, and laws approved upon referendum shall be: 'Be it enacted by the senate and house of representatives in general court assembled, and by the authority of the same and by the approval of the people upon referendum.'

"Every measure referred to the people shall be described on the ballots clearly and simply by the secretary of the Commonwealth, subject to review by a court of equity.

"The secretary of the Commonwealth shall print and distribute to each voter a sample ballot, together with the full text of every measure to be submitted to a vote of the people, and the general court shall provide for public dissemination of information and arguments thereon.

"In carrying out the provisions of this amendment, which shall be self-enforcing, the secretary of the Commonwealth and all other officers are to be guided by the general laws and by the terms of this amendment until further provisions shall be made therefor by legislation.

"All provisions in the existing constitution inconsistent with the provisions herein contained are hereby wholly annulled."

This amendment follows closely the lines of the Oregon enactment, which has been working so well since 1902. It differs, however, in requiring that each measure proposed by initiative petition shall go first to the legislature and be transmitted to popular vote only if the legislature refuses to pass it unamended, or unless a referendum be demanded upon it after passage by the legislature; also in requiring a larger number of signers for constitutional amendments than for other measures.

EXHIBIT C.

THE CORRUPT AND ILLEGAL PRACTICES PREVENTION ACT, 1883.

[46, 47 Vict., chap. 51.]

An act for the better prevention of corrupt and illegal practices at parliamentary elections. [25th Aug., 1883.]

[Words in brackets repealed by the statute law revision act, 1898.]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

CORRUPT PRACTICES.

1. [Whereas under section 4 of the corrupt practices prevention act, 1854, persons other than candidates at parliamentary elections are not liable to any punishment for treating, and it is expedient to make such persons liable; be it therefore enacted in substitution for the said section 4 as follows:]

"(1) Any person who corruptly by himself or by any other person, either before, during, or after an election, directly or indirectly gives or provides, or pays wholly or in part the expense of giving or providing, any meat, drink, entertainment, or provision to or for any person for the purpose of corruptly influencing that person or any other person to give or refrain from giving his vote at the election, or on account of such person or any other person having voted or refrained from voting, or being about to vote or refrain from voting at such election, shall be guilty of treating.

"(2) And every elector who corruptly accepts or takes any such meat, drink, entertainment, or provision shall also be guilty of treating."

Everything in this section depends upon the word "corruptly," and the old doctrine of the election courts was that treating to be corrupt must be with the view of influencing the individual vote and voter. The decisions at Hexham and Rochester carry the principle much further, and render it absolutely necessary for the candidate and the association to find neither money for nor the provisions themselves for social gatherings at which "entertainment" (in the way of food or drink) is provided. The judges held that such provision was an infringement of the act, and unseated the member for even finding a small deficit of a Primrose League gathering. (4 O'M. & H., 150, 156.)

So far the law has not been put in force against anyone accepting entertainment, though two town councilors were scheduled for standing drinks and cigars to men attending a political meeting of the party to which they were opposed.

The judicial test as to corrupt treating.—I should not like it to be supposed that there was any inherent difference between a cup of tea and a bun, and a glass of beer and a sandwich. Inherently a cup of tea and a bun contain just as much of the element of corruption as a glass of beer and a sandwich. I had to ask myself the question whether the entertainment was given with the corrupt intention of corruptly influencing the voters. That is a question of fact and a question of intention. (Mr. Justice Vaughan Williams, Rochester.)

It is not sufficient in order to make out a case of treating or bribery to show that in this place or in that place this kind of refreshment and treating has taken place. One must be careful to see that they really are connected with the election in the sense that the treating was administered for the purpose of influencing the vote. (Mr. Justice Willis, Montgomery Election Petition, 4 O'M. & H., 169.)

In the Norwich case (54 L. T., 625) it was held by Mr. Justice Cave that treating, within the act, did not apply to cases of social equals giving hospitality, but "to treating by superiors to secure the good will of another * * * for the purpose of influencing the vote of the person treated," and not in return for small services, as in the case of a railway guard.

2. Every person who shall directly or indirectly, by himself or by any other person on his behalf, make use of or threaten to make use of any force, violence, or restraint, or inflict or threaten to inflict, by himself or by any other person, any temporal or spiritual injury, damage, harm, or loss upon or against any person in order to induce or compel such person to vote or refrain from voting, or on account of such person having voted or refrained from voting, at any election, or who shall by abduction, duress, or any fraudulent device or contrivance impede or prevent the free exercise of the franchise of any elector, or shall thereby compel, induce, or prevail upon any elector either to give or to refrain from giving his vote at any election, shall be guilty of undue influence.

"Undue influence" has received its latest judicial interpretations in the decisions of the Irish judges in the North and South Meath election petitions. (4 O'M. & H., 131, 186.)

Intimidation, to invalidate an election, must be of such a character, so general and extensive in its operation, that it can not be said that the polling was a fair representation of the opinion of the constituency. (Lord Bramwell, North Durham, 2 O'M. & H., 136.)

Undue spiritual influence is a much more subtle form of influence, and its full effect is much more difficult to estimate than undue influence by physical violence. (Mr. Justice Andrews, North Meath.)

3. The expression "corrupt practice," as used in this act means any of the following offenses, namely, treating and undue influence, as defined by this act, and bribery, and personation, as defined by the enactments set forth in Part III of the third schedule to this act, and aiding, abetting, counseling, and procuring the commission of the offense of personation, and every offense which is a corrupt practice within the meaning of this act shall be a corrupt practice within the meaning of the parliamentary elections act, 1868.

"Corrupt practices," hereinafter legally defined, bear penalties which are set out in sections 36, 37, and 50.

"Personation" can only be punished by imprisonment with hard labor.

4. Where upon the trial of an election petition respecting an election for a county or borough the election court, by the report made to the speaker in pursuance of section 11 of the parliamentary elections act, 1868, reports that any corrupt practice other than treating or undue influence has been proved to have been committed in reference to such election by or with the knowledge and consent of any candidate at such election, or that the offense of treating or undue influence has been proved to have been committed in reference to such election by any candidate at such election, that candidate shall not be capable of ever being elected to or sitting in the House of Commons for the said county or borough; and if he has been elected, his election shall be void; and he shall further be subject to the same incapacities as if at the date of the said report he had been convicted on an indictment of a corrupt practice.

5. Upon the trial of an election petition respecting an election for a county or borough, in which a charge is made of any corrupt practice having been committed in reference to such election, the election court shall report in writing to the speaker whether any of the candidates at such election has been guilty by his agents of any corrupt practice in reference to such election; and if the report is that any candidate at such election has been guilty by his agents of any corrupt practice in reference to such election, that candidate shall not be capable of being elected to or sitting in the House of Commons for such county or borough for seven years after the date of the report, and if he has been elected his election shall be void.

6. (1) A person who commits any corrupt practice other than personation, or aiding, abetting, counseling, or procuring the commission of the offense of personation, shall be guilty of a misdemeanor, and on conviction on indictment shall be liable to be imprisoned, with or without hard labor, for a term not exceeding one year, or to be fined any sum not exceeding £200.

(2) A person who commits the offense of personation, or of aiding, abetting, counseling, or procuring the commission of that offense, shall be guilty of felony, and any person convicted thereof on indictment shall be punished by imprisonment for a term not exceeding two years, together with hard labor.

(3) A person who is convicted on indictment of any corrupt practice shall (in addition to any punishment as above provided) be not capable during a period of seven years from the date of his conviction:

(*a*) Of being registered as an elector or voting at any election in the United Kingdom, whether it be a parliamentary election or an election for any public office within the meaning of this act; or

(*b*) Of holding any public or judicial office within the meaning of this act, and if he holds any such office the office shall be vacated.

(4) Any person so convicted of a corrupt practice in reference to any election shall also be incapable of being elected to and of sitting in the House of Commons during the seven years next after the date of his conviction, and if at that date he has been elected to the House of Commons his election shall be vacated from the time of such conviction.

It is as well during the progress of an election to take care that posters and placards setting out the penalties of corrupt practices and of personation, so rife in large metropolitan and urban constituencies, are publicly exhibited on the walls and in committee rooms.

Each canvass book should contain a summary of offenses under the corrupt-practices act.

For the meanings of the terms used in (3), (*a*) and (*b*), see section 64.

ILLEGAL PRACTICES.

7. (1) No payment or contract for payment shall, for the purpose of promoting or procuring the election of a candidate at any election, be made—

(*a*) On account of the conveyance of electors to or from the poll, whether for the hiring of horses or carriages, or for railway fares, or otherwise; or

See section 14.

The payment by the clerk of an agent of a railway fare to an elector voided the return of the member for Pontefract.

In the Lichfield division case (5 O'M. & H., 30, 31) this section was held to be violated by payments for stabling and baiting horses sent overnight for the purpose of conveying voters to the poll. Forty or fifty vehicles had been sent as part of an organized system, but Mr. Baron Pollock said the case might be different "if a gentleman paid money for the baiting of his own horses under same peculiar circumstances;" and Mr. Justice Bruce said he need not consider "whether there would be anything illegal in the friends of the candidate putting up vehicles, horses, and men gratuitously."

In the Southampton case (Austen *v.* Chamberlayne and Simeon (1896), 12 T. L. R., 237) it was proved that an agent of the respondents had paid 2s. for the conveyance of a voter to and from the poll, that one of the respondents, S., and his election agent had taken all

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reasonable means to prevent the commission of corrupt and illegal practices, but that the other, C., had not done so. S. was declared duly elected, being relieved from the consequences of the act by section 22, but C.'s election was void. The agent himself then applied for relief from the consequences of his act under section 23, but the court held with regret that as there was no "inadvertence" they had no power to grant him relief in spite of the triviality of the offense.

(*b*) To an elector on account of the use of any house, land, building, or premises for the exhibition of any address, bill, or notice, or on account of the exhibition of any address, bill, or notice; or

This does not apply to a regular advertisement agent or hoarding contractor, but to all payments to voters for putting bills in windows, on walls, etc.

(*c*) On account of any committee room in excess of the number allowed by the first schedule to this act.

Committee rooms which are lent without fee or reward are not counted within the number prescribed by the first schedule.

(2) Subject to such exception as may be allowed in pursuance of this act, if any payment or contract for payment is knowingly made in contravention of this section either before, during, or after an election, the person making such payment or contract shall be guilty of an illegal practice, and any person receiving such payment or being a party to any such contract, knowing the same to be in contravention of this act, shall also be guilty of an illegal practice.

(3) Provided that where it is the ordinary business of an elector as an advertising agent to exhibit for payment bills and advertisements, a payment to or contract with such elector, if made in the ordinary course of business, shall not be deemed to be an illegal practice within the meaning of this section.

8. (1) Subject to such exception as may be allowed in pursuance of this act, no sum shall be paid and no expense shall be incurred by a candidate at an election or his election agent, whether before, during, or after an election, on account of or in respect of the conduct or management of such election, in excess of any maximum amount in that behalf specified in the first schedule to this act.

(2) Any candidate or election agent who knowingly acts in contravention of this section shall be guilty of an illegal practice.

The maximum must not be exceeded. Relief under section 23 will only be given in very exceptional cases, and not merely "because the contest was severe." (Ex parte Ayrton, 2 T. L. R., 215.)

At an election.—It is often very difficult to say when an election begins, and consequently whether a payment was made "at" or before an election. In the Lichfield division case ([1895] 5 O'M. & H., 35) Mr. Baron Pollock suggests the test applied in the Walsall case: "I think the limit of time to which we ought to apply our minds is a period commencing from the time when it was first known that the respondent announced his intention to present himself as a candidate for election at the next ensuing election."

The meaning of the words was discussed at length in the Counties of Elgin and Nairn case ([1895] 5 O'M. & H., 1), where Lord McLaren suggests that "election refers to a definite election within the knowledge and contemplation of the parties who are engaged in conducting and managing it," and Lord Kyllachy says the expenses do not refer to the whole expenses of the candidature, but the period to be considered is "not at least much anterior, I will not say to the date of nomination, but to the group or series of events which immediately precede the nomination, and which, as we all know, begin in the case of a general election with the announcement of the dissolution, and in the case of a by-election with the announcement of the vacancy."

It is entirely a matter—I will not say of discretion—but of sound judgment to say how far you may go back.—Mr. Baron Pollock (Lancaster division case (1896), 5 O'M. & H., 45).

The same point arises in the construction of section 28 regarding the payment of a candidate's expenses "at an election" through his election agent, and both sections are frequently considered together.

Payments to improve the registration do not fall within this section, nor yet within section 28 (Kennington case, 4 O'M. & H., 93); nor yet subsidies to a newspaper to advance certain political views, unless it can be shown that such subsidies were not made "until the pressure of an election was being felt." (Lichfield division case [1895], 5 O'M. & H., 35.)

9. (1) If any person votes or induces or procures any person to vote at any election, knowing that he or such person is prohibited, whether by this or any other act from voting at such election, he shall be guilty of an illegal practice.

Under this section the judges held on the Stepney petition that the agent must inform all paid workers that they are debarred from voting if electors in the constituency in which they are so engaged.

(2) Any person who before or during an election knowingly publishes a false statement of the withdrawal of a candidate at such election for the purpose of promoting or procuring the election of another candidate shall be guilty of an illegal practice.

The offense here is the knowingly publishing the false statement.

(3) Provided that a candidate shall not be liable, nor shall his election be avoided, for any illegal practice under this section committed by his agent other than his election agent.

The candidate is excused for the acts of any person but his authorized election agent.

10. A person guilty of an illegal practice, whether under the foregoing sections or under the provisions hereinafter contained in this act, shall on summary conviction be liable to a fine not exceeding £100, and be incapable during a period of five years from the date of his conviction of being registered as an elector or voting at any election (whether it be a parliamentary election or an election for a public office within the meaning of this act) held for or within the county or borough in which the illegal practice has been committed.

11. [Whereas by subsection 14 of section 11 of the parliamentary elections act, 1868, it is provided that where a charge is made in an election petition of any corrupt practice having been committed at the election to which the petition refers, the judge shall report in writing to the speaker as follows]:

(*a*) ["Whether any corrupt practice has or has not been proved to have been committed by or with the knowledge and consent of any candidate at such election, and the nature of such corrupt practice;]

(*b*) ["The names of all persons (if any) who have been proved at the trial to have been guilty of any corrupt practice;]

(*c*) ["Whether corrupt practices have, or whether there is reason to believe that corrupt practices have, extensively prevailed at the election to which the petition relates";]

[And whereas it is expedient to extend the said subsection to illegal practices:]

[Be it therefore enacted as follows:]

Subsection 14 of section 11 of the parliamentary elections act, 1868, shall apply as if that subsection were herein reenacted with the substitution of illegal practice within the meaning of this act for corrupt practice; and upon the trial of an election petition respecting an election for a county or borough, the election court shall report in writing to the speaker the particulars required by the said subsection as herein reenacted, and shall also report whether any candidate at such election has been guilty by his agents of any illegal practice within the meaning of this act in reference to such election, and the following consequences shall ensue upon the report by the election court to the speaker, that is to say:

(*a*) If the report is that any illegal practice has been proved to have been committed in reference to such election by or with the knowledge and consent of any candidate at such election, that candidate shall not be capable of being elected to or sitting in the House of Commons for the said county or borough for seven years next after the date of the report, and if he has been elected his election shall be void; and he shall further be subject to the same incapacities as if at the date of the report he had been convicted of such illegal practice; and

(*b*) If the report is that a candidate at such election has been guilty by his agents of any illegal practice in reference to such election, that candidate shall not be capable of being elected to or sitting in the House of Commons for the said county or borough during the Parliament for which the election was held, and if he has been elected his election shall be void.

12. [Whereas by the election commissioners act, 1852, as amended by the parliamentary elections act, 1868, it is enacted that where a joint address of both Houses of Parliament represents to Her Majesty than an election court has reported to the speaker that corrupt practices have, or that there is reason to believe that corrupt practices have, extensively prevailed at an election in any county or borough, and prays Her Majesty to cause inquiry under that act to be made by persons named in such address (being qualified as therein mentioned), it shall be lawful for Her Majesty to appoint the said persons to be election commissioners for the purpose of making inquiry into the existence of such corrupt practices;]

[And whereas it is expedient to extend the said enactments to the case of illegal practices;]

[Be it therefore enacted as follows:]

When election commissioners have been appointed in pursuance of the election commissioners act, 1852, and the enactments amending the same, they may make inquiries and act and report as if "corrupt practices" in the said act and the enactments amending the same included illegal practices; and the election commissioners act, 1852, shall be construed with such modifications as are necessary for giving effect to this section, and the expression "corrupt practice" in that act shall have the same meaning as in this act.

The expenses entailed by the proceedings of the commissioners and their report are charged upon the borough or county fund.

ILLEGAL PAYMENT, EMPLOYMENT, AND HIRING.

13. Where a person knowingly provides money for any payment which is contrary to the provisions of this act, or for any expenses incurred in excess of any maximum amount allowed by this act, or for replacing any money expended in any such payment or expenses, except where the same may have been previously allowed in pursuance of this act to be an exception, such person shall be guilty of illegal payment.

The offense must be committed "knowingly." Relief has, so far, been given for any innocent or trivial mistake.

The penalty for "illegal payment" prescribed by section 10 is a fine up to the sum of £100.

14. (1) A person shall not let, lend, or employ for the purpose of the conveyance of electors to or from the poll, any public stage or hackney carriage, or any horse or other animal kept or used for drawing the same, or any carriage, horse, or other animal which he keeps or uses for the purpose of letting out for hire, and if he lets, lends, or employs such carriage, horse, or other animal, knowing that it is intended to be used for the purpose of the conveyance of electors to or from the poll, he shall be guilty of an illegal hiring.

See section 7, subsection 1 (*a*), and notes thereto. This section is an absolute prohibition of hired vehicles or hired horses for the conveyance of voters to the poll. "Illegal hiring" is punished the same as illegal payment.

(2) A person shall not hire, borrow, or use for the purpose of the conveyance of electors to or from the poll any carriage, horse, or other animal which he knows the owner thereof is prohibited by this section to let, lend, or employ for that purpose, and if he does so he shall be guilty of an illegal hiring.

(3) Nothing in this act shall prevent a carriage, horse, or other animal being let to or hired, employed, or used by an elector, or several electors, at their joint cost, for the purpose of being conveyed to or from the poll.

Electors may go to the poll in a hired vehicle at their joint cost, but there must be no free ride given therein to any voter going to the poll.

(4) No person shall be liable to pay any duty or to take out a license for any carriage by reason only of such carriage being used without payment or promise of payment for the conveyance of electors to or from the poll at an election.

15. Any person who corruptly induces or procures any other person to withdraw from being a candidate at an election, in consideration of any payment or promise of payment, shall be guilty of illegal payment, and any person withdrawing in pursuance of such inducement or procurement shall also be guilty of illegal payment.

It is no offense to provide money for a candidate to go to the poll, but it has been discussed whether, if the money is found by another candidate at the election, it is or is not an election expense, and whether it must be returned as part of the election expenses, and is therefore within the maximum permitted.

16. (1) No payment or contract for payment shall, for the purpose of promoting or procuring the election of a candidate at any election, be made on account of bands of music, torches, flags, banners, cockades, ribbons, or other marks of distinction.

The offense is the payment or contract for payment of the expenditure prohibited in the section.

Mr. Justice Cave has laid down that the payment for a band of music at political gatherings other than during an election is not in itself illegal. What is a banner is clearly laid down in the Stepney decision. (4 O'M. & H., 178.)

"Marks of distinction" have been held to include hat cards, for the payment of which the member for Walsall was unseated, but the division between the forbidden "marks of distinction" and the kinds of notice permitted by the act (see the first schedule) is a very narrow one, so that in the Walsall case (4 O'M. & H., 123) payment for hat cards "specially adaptable to place in the hat" was held a breach of the act, but in the eastern division of Clare case (4 O'M. & H., 162) cards not made to fit the hat, though sometimes fastened to the hat by electors, were held to be merely canvassing cards, and not "marks of distinction."

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(2) Subject to such exception as may be allowed in pursuance of this act, if any payment or contract for payment is made in contravention of this section, either before, during or after an election, the person making such payment shall be guilty of illegal payment, and any person being a party to any such contract or receiving such payment shall also be guilty of illegal payment if he knew that the same was made contrary to law.

17. (1) No person shall, for the purpose of promoting or procuring the election of a candidate at any election, be engaged or employed for payment or promise of payment for any purpose or in any capacity whatever, except for any purposes or capacities mentioned in the first or second parts of the first schedule to this act, or except so far as payment is authorized by the first or second parts of the first schedule to this act.

Part I of the first schedule sets out in detail the list of those who may be legally employed.

At a parliamentary election D., at the suggestion of his "consulting committee," and on the advice of his agent, provided refreshments for a number of "workers," whose chief duty was to bring up voters to the poll. Held, that these "workers" were illegally "employed for payment" within the meaning of the section; consequently D.'s election was void. (Schneider *v.* Duncan, 54 L. T., 618.)

It must be remembered that by section 64 payment means pecuniary or other reward or other equivalent for money. Therefore assistants may be "employed for payment," although, as in the present case, no money may actually be given to them. Similarly, under previous acts permission to shoot rabbits had been held equivalent to "payment." (Borough of Launceston case, 30 L. T., 823.)

In the Ipswich case (Packard *v.* Collings & West, 54 L. T., 619) payments to persons to keep order at election meetings were held illegal within this section.

(2) Subject to such exceptions as may be allowed in pursuance of this act, if any person is engaged or employed in contravention of this section, either before, during, or after an election, the person engaging or employing him shall be guilty of illegal employment, and the person so engaged or employed shall also be guilty of illegal employment if he knew that he was engaged or employed contrary to law.

18. Every bill, placard, or poster having reference to an election shall bear upon the face thereof the name and address of the printer and publisher thereof; and any person printing, publishing, or posting, or causing to be printed, published, or posted, any such bill, placard, or poster as aforesaid which fails to bear upon the face thereof the name and address of the printer and publisher, shall, if he is the candidate, or the election agent of the candidate, be guilty of an illegal practice; and if he is not the candidate, or the election agent of a candidate, shall be liable on summary conviction to a fine not exceeding £100.

Where a notice bears the name and address of the party signing or issuing it, but without the printer's imprint, it has been held that such notice does not offend against this section. It is, however, best to have the printer's imprint on all printed election matter.

Relief can not be given to the printer himself who neglects to comply with this provision.

19. The provisions of this act prohibiting certain payments and contracts for payments, and the payment of any sum, and the incurring of any expense in excess of a certain maximum, shall not affect the right of any creditor, who, when the contract was made or the expense was incurred, was ignorant of the same being in contravention of this act.

20. (*a*) Any premises on which the sale by wholesale or retail of any intoxicating liquor is authorized by a license (whether the license be for consumption on or off the premises), or

(*b*) Any premises where any intoxicating liquor is sold, or is supplied to members of a club, society, or association other than a permanent political club, or

(*c*) Any premises whereon refreshment of any kind, whether food or drink, is ordinarily sold for consumption on the premises, or

Where it is found necessary either to hire or use a public room at a licensed house, the agent should serve upon the landlord a notice that he will not be responsible for the payment of any meat, drink, or entertainment, and the publican should also be served with a copy of the sections which imperil his license if treating is found to take place on his premises.

(*d*) The premises of any public elementary school in receipt of an annual parliamentary grant, or any part of any such premises, shall not be used as a committee room for the purpose of promoting or procuring the election of a candidate at an election, and if any person hires or uses any such premises or any part thereof for a committee room he shall be guilty of illegal hiring, and the person letting such premises or part, if he knew it was intended to use the same as a committee room shall also be guilty of illegal hiring.

A schoolmaster's house must not be used as a committee room when he occupies it in right of his office as schoolmaster.

Provided, That nothing in this section shall apply to any part of such premises which is ordinarily let for the purpose of chambers or offices or the holding of public meetings or of arbitrations, if such part has a separate entrance and no direct communication with any part of the premises on which any intoxicating liquor or refreshment is sold or supplied as aforesaid.

Meetings may be held at political clubs at parliamentary, but not at municipal or county council elections, and the same difference exists in the law as to the use of public houses for political meetings as differing from municipal.

21. (1) A person guilty of an offense of illegal payment, employment, or hiring shall, on summary conviction, be liable to a fine not exceeding £100.

(2) A candidate or an election agent of a candidate who is personally guilty of an offense of illegal payment, employment, or hiring shall be guilty of an illegal practice.

This proviso brings with it all the liabilities set out in sections 10 and 11—incapacity of voting for five years, etc.

EXCUSE AND EXEMPTION FOR CORRUPT OR ILLEGAL PRACTICE OR ILLEGAL PAYMENT, EMPLOYMENT, OR HIRING.

22. Where, upon the trial of an election petition respecting an election for a county or borough, the election court report that a candidate at such election has been guilty by his agents of the offense of treating and undue influence, and illegal practice, or of any of such offenses in reference to such election, and the election court further report that the candidate has proved to the court—

(*a*) That no corrupt or illegal practice was committed at such election by the candidate or his election agent, and the offenses mentioned in the said report were committed contrary to the orders and without the sanction or connivance of such candidate or his election agent; and

(*b*) That such candidate and his election agent took all reasonable means for preventing the commission of corrupt and illegal practices at such election; and

(*c*) That the offenses mentioned in the said report were of a trivial, unimportant, and limited character; and

(*d*) That in all other respects the election was free from any corrupt or illegal practice on the part of such candidate and of his agents;

Then the election of such candidate shall not, by reason of the offenses mentioned in such report, be void, nor shall the candidate be subject to any incapacity under this act.

As to relief, it may be applied for during the sitting of an election court by public notice being also given in the constituency. It can be ordinarily applied for to the divisional court of the royal courts of justice upon affidavits being filed, public notices issued in the ward, or constituency affected, and by two days' notice to the opposing party or candidate and the returning officer.

There are some important judicial utterances as to who are entitled to relief reported in the Rochester and Stepney decisions of Mr. Justice Cave and Mr. Justice Vaughan Williams.

The intention of this act of Parliament is to draw the strings of the law as tightly around practices at election as possibly can be, but at the same time I think that the law intended, by the twenty-second and twenty-third sections, to enable judges to relieve candidates from all responsibility for contempt and illegal practices where they have satisfied the judges that they have done everything on their part to render the election pure and free from corruption. It is of all things essential that those who stand for Parliament should feel that the success or failure of a petition against them does not depend upon matters which are beyond their control. (4 O'M. & H., 160.)

It will be noticed that by section 22 candidates may be relieved from responsibility for treating, undue influence, and illegal practice by agents, but such relief will not be given in case of bribery by an agent. (Norwich case, Birkbeck *v.* Bullard, 54 L. T., 625, 628.)

For an instance of relief granted to a candidate but not to his agent see note under section 7 (1), (*a*).

23. Where, on application made, it is shown to the high court or to an election court by such evidence as seems to the court sufficient—

(*a*) That any act or omission of a candidate at any election, or of his election agent or of any other agent or person would, by reason of being a payment, engagement, employment, or contract in contravention of this act, or being the payment of a sum or the incurring of expense in excess of any maximum amount allowed by this act, or of otherwise being in contravention of any of the provisions of this act, be but for this section an illegal practice, payment, employment, or hiring; and

(*b*) That such act or omission arose from inadvertence or from accidental miscalculation or from some other reasonable cause of a like nature, and in any case did not arise from any want of good faith; and

(*c*) That such notice of the application has been given in the county or borough for which the election was held as to the court seems fit;

And under the circumstances it seems to the court to be just that the candidate and the said election and other agent and person, or any of them, should not be subject to any of the consequences under this act of the said act or omission, the court may make an order allowing such act or omission to be an exception from the provisions of this act, which would otherwise make the same an illegal practice, payment, employment, or hiring, and thereupon such candidate, agent, or person shall not be subject to any of the consequences under this act of the said act or omission.

Mere triviality of the offense—even absence of intention to break the act—is not sufficient reason for granting relief, unless there is also "inadvertence." (See note to sec. 7 (1), *a*.)

Some doubt appears to exist as to the exact meaning of "inadvertence." In the Stepney case Mr. Justice Cave held that inadvertence "may be either that the party was not aware of what was done, or that he did not know that it was wrong" (4 O'M. & H., 182); but in the Walsall case, which had at that time been decided but not yet reported, Mr. Baron Pollock and Mr. Justice Hawkins laid it down that a misconception of the law could not constitute inadvertence so as to entitle the wrongdoer to relief (4 O'M. & H., 128); while in the Stepney case (4 O'M. & H., 34, 53) Mr. Justice Denman gave relief for inadvertence where an illegal action had been committed because the act was "by no means easy to master," but intimated that he might not do so again. See also Mr. Justice Vaughan Williams's interpretation of sections 22 and 23 in the Rochester case in note to section 22.

ELECTION EXPENSES.

24. (1) On or before the day of nomination at an election a person shall be named by or on behalf of each candidate as his agent for such election (in this act referred to as the election agent).

(2) A candidate may name himself as election agent, and thereupon shall, so far as circumstances admit, be subject to the provisions of this act, both as a candidate and as an election agent, and any reference in this act to an election agent shall be construed to refer to the candidate acting in his capacity of election agent.

(3) On or before the day of nomination the name and address of the election agent of each candidate shall be declared in writing by the candidate or some other person on his behalf to the returning officer, and the returning officer shall forthwith give public notice of the name and address of every election agent so declared.

(4) One election agent only shall be appointed for each candidate, but the appointment, whether the election agent appointed be the candidate himself or not, may be revoked, and in the event of such revocation or his death, whether such event is before, during, or after the election, then forthwith another election agent shall be appointed and his name and address declared in writing to the returning officer, who shall forthwith give public notice of the same.

The election agent must be named on or before the nomination day.

The returning officer must have notice of the appointment, and public notice must be given in compliance with subsection 3.

The candidate may be his own agent.

There can only be one election agent in a borough.

In a county there may be one election agent, and a subagent for each polling district.

The candidate is equally responsible for the acts of his subagents as for his agent.

"The act intends," said Mr. Justice Cave, at Hexham, "that where men conducted the election in their own particular district they should be nominated (and returned) as subagents. It is for the very purpose that agency under such cases should not be in dispute that the persons who are appointed to conduct the election locally should be responsible in the way in which election agents are responsible. They should not be put down as clerks or something of that kind."

25. (1) In the case of the elections specified in that behalf in the first schedule to this act an election agent of a candidate may appoint the number of deputies therein mentioned (which deputies are in this act referred to as subagents) to act within different polling districts.

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(2) As regards matters in a polling district, the election agent may act by the subagent for that district, and anything done for the purposes of this act by or to the subagent in his district shall be deemed to be done by or to the election agent, and any act or default of a subagent which, if he were the election agent, would be an illegal practice or other offense against this act, shall be an illegal practice and offense against this act committed by the subagent, and the subagent shall be liable to punishment accordingly; and the candidate shall suffer the like incapacity as if the said act or default had been the act or default of the election agent.

(3) One clear day before the polling the election agent shall declare in writing the name and address of every subagent to the returning officer, and the returning officer shall forthwith give public notice of the name and address of every subagent so declared.

(4) The appointment of a subagent shall not be vacated by the election agent who appointed him ceasing to be election agent, but may be revoked by the election agent for the time being of the candidate, and in the event of such revocation or of the death of a subagent another subagent may be appointed, and his name and address shall be forthwith declared in writing to the returning officer, who shall forthwith give public notice of the same.

26. (1) An election agent at an election for a county or borough shall have within the county or borough, or within any county of a city or town adjoining thereto, and a subagent shall have within his district, or within any county of a city or town adjoining thereto, an office or place to which all claims, notices, writs, summons, and documents may be sent, and the address of such office or place shall be declared at the same time as the appointment of the said agent to the returning officer, and shall be stated in the public notice of the name of the agent.

(2) Any claim, notice, writ, summons, or document delivered at such office or place and addressed to the election agent or subagent, as the case may be, shall be deemed to have been served on him, and every such agent may in respect of any matter connected with the election in which he is acting be sued in any court having jurisdiction in the county or borough in which the said office or place is situate.

27. (1) The election agent of a candidate by himself or by his subagent shall appoint every polling agent, clerk, and messenger employed for payment on behalf of the candidate at an election, and hire every committee room hired on behalf of the candidate.

The appointment should be in writing. It should be signed by the agent or subagent. It should specify the remuneration per day or per week, and the length of the engagement.

He ought to keep a cash book in which everything should be set down in chronological order, with counterfoil, which should be numbered consecutively. He would be well advised if he had an order book with counterfoils, which should be numbered consecutively, so that by an inspection of the book one would at once see that all the counterfoils were there. Lastly, he would be wise to have a receipt book made up in a similar form, and to take a receipt from the persons to whom he pays any money. When a man has these documents he can come with confidence before an election tribunal and say, "These books represent everything I have ordered, everything I have spent, everything I have paid." The documents which have to be returned should be required to be kept for a certain time, and it is very little to require of an election agent that he should keep his documents until it is certain that all chance of an election petition being presented is at an end. (Mr. Justice Cave on agents' duties.)

(2) A contract whereby any expenses are incurred on account of or in respect of the conduct or management of an election shall not be enforceable against a candidate at such election unless made by the candidate himself or by his election agent, either by himself or by his subagent; provided that the inability under this section to enforce such contract against the candidate shall not relieve the candidate from the consequences of any corrupt or illegal practice having been committed by his agent.

28. (1) Except as permitted by or in pursuance of this act, no payment and no advance or deposit shall be made by a candidate at an election or by any agent on behalf of the candidate or by any other person at any time, whether before, during, or after such election, in respect of any expenses incurred on account of or in respect of the conduct or management of such election, otherwise than by or through the election agent of the candidate, whether acting in person or by a subagent; and all money provided by any person other than the candidate for any expenses incurred on account of or in respect of the conduct or management of the election, whether as gift, loan, advance, or deposit, shall be paid to the candidate or his election agent and not otherwise.

Provided, That this section shall not be deemed to apply to a tender of security to or any payment by the returning officer or to any sum disbursed by any person out of his own money for any small expense legally incurred by himself, if such sum is not repaid to him.

(2) A person who makes any payment, advance, or deposit in contravention of this section, or pays in contravention of this section any money so provided as aforesaid, shall be guilty of an illegal practice.

Money paid by an agent of a candidate for the employment of persons to keep order at meetings connected with the election is a payment "in respect of the management" of such election within section 28, and is also illegal under section 17. (Ipswich Case, 54 L. T., 619.) As to the meaning of "at an election," and as to certain payments which do not fall within the section, see notes to section 8.

Mr. Justice Cave, on returning officers' charges under this proviso, laid down: "I think it is quite clear that the returning officer has two courses open to him. He may either demand security for his fees, or he may elect not to demand security for them. If he demands security it is clear that anybody may deposit the necessary security in whatever form the returning officer is ready to take it. If, on the other hand, he does not require security, then his charges are to be sent in to the election agent, and the amount is paid by the election agent. Whether the election agent is bound to return the amount where he does not himself pay the sum, but where it is deducted by the returning officer from the deposit, is a matter of no great moment."

29. (1) Every payment made by an election agent, whether by himself or a subagent, in respect of any expenses incurred on account of or in respect of the conduct or management of an election, shall, except where less than 40s., be vouched for by a bill stating the particulars and by a receipt.

(2) Every claim against a candidate at an election or his election agent in respect of any expenses incurred on account of or in respect of the conduct or management of such election which is not sent in to the election agent within the time limited by this act shall be barred and shall not be paid; and, subject to such exception as may be allowed in pursuance of this act, an election agent who pays a claim in contravention of this enactment shall be guilty of an illegal practice.

(3) Except as by this act permitted, the time limited by this act for sending in claims shall be 14 days after the day on which the candidates returned are declared elected.

(4) All expenses incurred by or on behalf of a candidate at an election, which are incurred on account of or in respect of the conduct or management of such election, shall be paid within the time limited by this act and not otherwise; and, subject to such exception as may be allowed in pursuance of this act, an election agent who makes a payment in contravention of this provision shall be guilty of an illegal practice.

(5) Except as by this act permitted, the time limited by this act for the payment of such expenses as aforesaid shall be 28 days after the day on which the candidates returned are declared elected.

(6) Where the election court reports that it has been proved to such court by a candidate that any payment made by an election agent in contravention of this section was made without the sanction or connivance of such candidate, the election of such candidate shall not be void, nor shall he be subject to any incapacity under this act by reason only of such payment having been made in contravention of this section.

(7) If the election agent in the case of any claim sent in to him within the time limited by this act disputes it or refuses or fails to pay it within the said period of 28 days, such claim shall be deemed to be a disputed claim.

(8) The claimant may, if he thinks fit, bring an action for a disputed claim in any competent court; and any sum paid by the candidate or his agent in pursuance of the judgment or order of such court shall be deemed to be paid within the time limited by this act and to be an exception from the provisions of this act requiring claims to be paid by the election agent.

It will be remembered that by the county courts act, 1903 (3 Edw. VII, c. 42), the jurisdiction of the county courts is now extended to £100.

(9) On cause shown to the satisfaction of the high court, such court, on application by the claimant or by the candidate or his election agent, may by order give leave for the payment by a candidate or his election agent of a disputed claim, or of a claim for any such expenses as aforesaid, although sent in after the time in this section mentioned for sending in claims, or although the same was sent in to the candidate and not to the election agent.

Notice of such application by the candidate should be given to the other candidate, the returning officer, and to the constituency by advertisement. (South Shropshire election, 34 W. R., 342.)

(10) Any sum specified in the order of leave may be paid by the candidate or his election agent, and when paid in pursuance of such leave shall be deemed to be paid within the time limited by this act.

30. If any action is brought in any competent court to recover a disputed claim against a candidate at an election, or his election agent, in respect of any expenses incurred on account or in respect of the conduct or management of such election, and the defendant admits his liability, but disputes the amount of the claim, the said amount shall, unless the court, on the application of the plaintiff in the action, otherwise directs, be forthwith referred for taxation to the master, official referee, registrar, or other proper officer of the court, and the amount found due on such taxation shall be the amount to be recovered in such action in respect of such claim.

31. (1) The candidate at an election may pay any personal expenses incurred by him on account of or in connection with or incidental to such election to an amount not exceeding £100, but any further personal expenses so incurred by him shall be paid by his election agent.

Where personal expenses are over £100 they must be paid through the election agent and returned by him. They may be in excess of the maximum.

It was argued at Rochester that house hire in the constituency should be returned as a personal expense. Mr. Justice Cave was unable to satisfy himself that it is a matter which must be returned as the personal expenses of the candidate.

In the interpretation clauses the expression "personal expenses," as used with respect to the personal expenses of any candidate, includes the reasonable traveling expenses of such candidate and the reasonable expenses of his living at hotels or elsewhere for the purpose of and in relation to such election.

(2) The candidate shall send to the election agent within the time limited by this act for sending in claims a written statement of the amount of personal expenses paid as aforesaid by such candidate.

(3) Any person may, if so authorized in writing by the election agent of the candidate, pay any necessary expenses for stationery, postage, telegrams, and other petty expenses, to a total amount not exceeding that named in the authority, but any excess above the total amount so named shall be paid by the election agent.

(4) A statement of the particulars of payments made by any person so authorized shall be sent to the election agent within the time limited by this act for the sending in of claims, and shall be vouched for by a bill containing the receipt of that person.

32. (1) So far as circumstances admit, this act shall apply to a claim for his remuneration by an election agent and to the payment thereof in like manner as if he were any other creditor, and if any difference arises respecting the amount of such claim the claim shall be a disputed claim within the meaning of this act, and be dealt with accordingly.

The contract with the agent as to his fee should always be with the proviso that his fee, along with the legal expenses returned by him, is within the prescribed maximum.

(2) The account of the charges claimed by the returning officer in the case of a candidate and transmitted in pursuance of section 4 of the parliamentary elections (returning officers) act, 1875, shall be transmitted within the time specified in the said section to the election agent of the candidate, and need not be transmitted to the candidate.

33. (1) Within 35 days after the day on which the candidates returned at an election are declared elected, the election agent of every candidate at that election shall transmit to the returning officer a true return (in this act referred to as a return respecting election expenses), in the form set forth in the second schedule to this act or to the like effect, containing, as respects that candidate—

(*a*) A statement of all payments made by the election agent, together with all the bills and receipts (which bills and receipts are in this act included in the expression "return respecting election expenses");

(*b*) A statement of the amount of personal expenses, if any, paid by the candidate;

(*c*) A statement of the sums paid to the returning officer for his charges, or, if the amount is in dispute, of the sum claimed and the amount disputed;

(*d*) A statement of all other disputed claims of which the election agent is aware;

(*e*) A statement of all the unpaid claims, if any, of which the election agent is aware, in respect of which application has been or is about to be made to the high court;

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(f) A statement of all money, securities, and equivalent of money received by the election agent from the candidate or any other person for the purpose of expenses incurred or to be incurred on account of or in respect of the conduct or management of the election, with a statement of the name of every person from whom the same may have been received.

Subsection 1 of section 33 is complied with if the return is posted within the 35 days, although the return does not reach the returning officer until after the expiration of that period. The fact that the return of election expenses contains an error does not make it a nullity so as to render the candidate liable to the penalties imposed by subsection 5. (Mackinnon *v.* Clark [1898], 2 Q. B., 251.)

(2) The return so transmitted to the returning officer shall be accompanied by a declaration made by the election agent before a justice of the peace in the form in the second schedule to this act (which declaration is in this act referred to as a declaration respecting election expenses).

The declaration will be found at the end of this work, with other forms.

(3) Where the candidate has named himself as his election agent, a statement of all money, securities, and equivalent of money paid by the candidate shall be substituted in the return required by this section to be transmitted by the election agent for the like statement of money, securities, and equivalent of money received by the election agent from the candidate; and the declaration by an election agent respecting election expenses need not be made, and the declaration by the candidate respecting election expenses shall be modified as specified in the second schedule to this act.

(4) At the same time that the agent transmits the said return, or within seven days afterwards, the candidate shall transmit or cause to be transmitted to the returning officer a declaration made by him before a justice of the peace, in the form in the first part of the second schedule to this act (which declaration is in this act referred to as a declaration respecting election expenses).

(5) If in the case of an election for any county or borough, the said return and declarations are not transmitted before the expiration of the time limited for the purpose, the candidate shall not, after the expiration of such time, sit or vote in the House of Commons as member for that county or borough until either such return and declarations have been transmitted or until the date of the allowance of such an authorized excuse for the failure to transmit the same as in this act mentioned, and if he sits or votes in contravention of this enactment he shall forfeit £100 for every day on which he so sits or votes to any person who sues for the same.

(6) If without such authorized excuse as in this act mentioned a candidate or an election agent fails to comply with the requirements of this section he shall be guilty of an illegal practice.

The "authorized excuse" can alone come from an election court, a divisional court of the high court of justice, or in vacation from the vacation judge.

(7) If any candidate or election agent knowingly makes the declaration required by this section falsely, he shall be guilty of an offense, and on conviction thereof on indictment shall be liable to the punishment for willful and corrupt perjury; such offense shall also be deemed to be a corrupt practice within the meaning of this act.

(8) Where the candidate is out of the United Kingdom at the time when the return is so transmitted to the returning officer, the declaration required by this section may be made by him within 14 days after his return to the United Kingdom, and in that case shall be forthwith transmitted to the returning officer, but the delay hereby authorized in making such declaration shall not exonerate the election agent from complying with the provisions of this act as to the return and declaration respecting election expenses.

(9) Where, after the debate at which the return respecting election expenses is transmitted, leave is given by the high court for any claims to be paid the candidate or his election agent shall within seven days after the payment thereof transmit to the returning officer a return of the sums paid in pursuance of such leave, accompanied by a copy of the order of the court giving the leave, and in default he shall be deemed to have failed to comply with the requirements of this section without such authorized excuse as in this act mentioned.

34. (1) Where the return and declarations respecting election expenses of a candidate at an election for a county or borough have not been transmitted as required by this act, or being transmitted contain some error or false statement, then—

(*a*) "If the candidate applies to the high court or an election court and shows that the failure to transmit such return and declarations, or any of them or any part thereof, or any error or false statement therein, has arisen by reason of his illness, or of the absence, death, illness, or misconduct of his election agent or subagent or of any clerk or officer of such agent, or by reason of inadvertence or of any reasonable cause of a like nature, and not by reason of any want of good faith on the part of the applicant, or

(*b*) "If the election agent of the candidate applies to the high court or an election court and shows that the failure to transmit the return and declarations which he was required to transmit, or any part thereof or any error or false statement herein, arose by reason of his illness or of the death or illness of any prior election agent of the candidate, or of the absence, death, illness, or misconduct of any subagent, clerk, or officer of an election agent of the candidate, or by reason of inadvertence or of any reasonable cause of a like nature, and not by reason of any want of good faith on the part of the applicant,"

the court may, after such notice of the application in the said county or borough, and on production of such evidence of the grounds stated in the application, and of the good faith of the application, and otherwise, as to the court seems fit, make such order for allowing an authorized excuse for the failure to transmit such return and declaration, or for an error or false statement in such return and declaration, as to the court seems just.

(2) Where it appears to the court that any person being or having been election agent or subagent has refused or failed to make such return or to supply such particulars as will enable the candidate and his election agent respectively to comply with the provisions of this act as to the return and declaration respecting election expenses, the court, before making an order allowing the excuse as in this section mentioned, shall order such person to attend before the court, and on his attendance shall, unless he shows cause to the contrary, order him to make the return and declaration, or to deliver a statement of the particulars required to be contained in the return, as to the court seem just, and to make or deliver the same within such time and to such person and in such manner as the court may direct, or may order him to be examined with respect to such particulars, and may in default of compliance with any such order, order him to pay a fine not exceeding £500.

(3) The order may make the allowance conditional upon the making of the return and declaration in a modified form or within an extended time, and upon the compliance with such other terms as to the court seem best calculated for carrying into effect the objects of this act; and an order allowing an authorized excuse shall relieve the applicant for the order from any liability or consequences under this act in respect of the matter excused by the order; and where it is proved by the candidate to the court that any act or omission of the election agent in relation to the return and declaration respecting election expenses was without the sanction or connivance of the candidate, and that the candidate took all reasonable means for preventing such act or omission, the court shall relieve the candidate from the consequences of such act or omission on the part of his election agent.

(4) The date of the order, or if conditions and terms are to be complied with, the date at which the applicant fully complies with them, is referred to in this act as the date of the allowance of the excuse.

35. (1) The returning officer at an election within 10 days after he receives from the election agent of a candidate a return respecting election expenses shall publish a summary of the return in not less than two newspapers circulating in the county or borough for which the election was held, accompanied by a notice of the time and place at which the return and declarations (including the accompanying documents) can be inspected, and may charge the candidate in respect of such publication, and the amount of such charge shall be the sum allowed by the parliamentary elections (returning officers) act, 1875.

(2) The return and declarations (including the accompanying documents) sent to the returning officer by an election agent shall be kept at the office of the returning officer, or some convenient place appointed by him, and shall at all reasonable times during two years next after they are received by the returning officer be open to inspection by any person on payment of a fee of 1s., and the returning officer shall on demand furnish copies thereof, or any part thereof, at the price of 2d. for every 72 words. After the expiration of the said two years the returning officer may cause the said return and declarations (including the accompanying documents) to be destroyed, or, if the candidate or his election agent so require, shall return the same to the candidate.

DISQUALIFICATION OF ELECTORS.

36. Every person guilty of a corrupt or illegal practice or of illegal employment, payment, or hiring at an election is prohibited from voting at such election, and if any such person votes his vote shall be void.

See section 3 and note to section 1 as to "corrupt;" sections 7 and 9 as to illegal practice; and subsections 13 to 20 as to illegal payment, employment, and hiring. The guilty intention is necessary under this section. (Stepney case, 4 O'M. & H., 34, 48.)

37. Every person who, in consequence of conviction or of the report of any election court or election commissioners under this act, or under the corrupt practices (municipal elections) act, 1872, or under part 4 of the municipal corporations act, 1882, or under any other act for the time being in force relating to corrupt practices at an election for any public office, has become incapable of voting at any election, whether a parliamentary election or an election to any public office, is prohibited from voting at any such election, and his vote shall be void.

38. (1) Before a person, not being a party to an election petition nor a candidate on behalf of whom the seat is claimed by an election petition, is reported by an election court, and before any person is reported by election commissioners to have been guilty at an election of any corrupt or illegal practice, the court or commissioners, as the case may be, shall cause notice to be given to such person, and if he appears in pursuance of the notice, shall give him an opportunity of being heard by himself and of calling evidence in his defense to show why he should not be so reported.

(2) Every person reported by election commissioners to have been guilty at an election of any corrupt or illegal practice may appeal against such report to the next court of oyer and terminer or gaol delivery held in and for the county or place in which the offense is alleged to have been committed, and such court may hear and determine the appeal; and, subject to rules of court, such appeal may be brought, heard, and determined in like manner as if the court were a court of quarter sessions and the said commissioners were a court of summary jurisdiction and the person so reported had been convicted by a court of summary jurisdiction for an offense under this act, and notice of every such appeal shall be given to the director of public prosecutions in the manner and within the time directed by rules of court, and subject to such rules then within three days after the appeal is brought.

(3) Where it appears to the lord chancellor that appeals under this section are interfering or are likely to interfere with the ordinary business transacted before any courts of oyer and terminer or gaol delivery, he may direct that the said appeals, or any of them, shall be heard by the judges for the time being on the rota for election petitions, and in such case one of such judges shall proceed to the county or place in which the offenses are alleged to have been committed, and shall there hear and determine the appeals in like manner as if such judge were a court of oyer and terminer.

(4) The provisions of the parliamentary elections act, 1868, with respect to the reception and powers of and attendance on an election court, and to the expenses of an election court, and of receiving and accommodating an election court, shall apply as if such judge were an election court.

(5) Every person who after the commencement of this act is reported by any election court or election commissioners to have been guilty of any corrupt or illegal practice at an election, shall, whether he obtained a certificate of indemnity or not, be subject to the same incapacity as he would be subject to if he had at the date of such election been convicted of the offense of which he is reported to have been guilty: *Provided*, That a report of any election commissioners inquiring into an election for a county or borough shall not avoid the election of any candidate who has been declared by an election court on the trial of a petition respecting such election to have been duly elected at such election or render him incapable of sitting in the House of Commons for the said county or borough during the Parliament for which he was elected.

(6) Where a person who is a justice of the peace is reported by any election court or election commissioners to have been guilty of any corrupt practice in reference to an election, whether he has obtained a certificate of indemnity or not, it shall be the duty of the director of public prosecutions to report the case to the lord high chancellor of Great Britain, with such evidence as may have been given of such corrupt practice; and where any such person acts as a justice of the peace by virtue of his being or having been mayor of a borough, the lord high chancellor shall have the same power to remove such person from being a justice of the peace as if he was named in a commission of the peace.

(7) Where a person who is a barrister or a solicitor, or who belongs to any profession the admission to which is regulated by law, is re-

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ported by any election court or election commissioners to have been guilty of any corrupt practice in reference to an election, whether such person has obtained a certificate of indemnity or not, it shall be the duty of the director of public prosecutions to bring the matter before the inn of court, high court, or tribunal having power to take cognizance of any misconduct of such person in his profession, and such inn of court, high court, or tribunal may deal with such person in like manner as if such corrupt practice were misconduct by such person in his profession.

(8) With respect to a person holding a license or certificate under the licensing acts (in this section referred to as a licensed person) the following provisions shall have effect:

(*a*) If it appears to the court by which any licensed person is convicted of the offense of bribery or treating that such offense was committed on his licensed premises, the court shall direct such conviction to be entered in the proper register of licenses.

(*b*) If it appears to an election court or election commissioners that a licensed person has knowingly suffered any bribery or treating in reference to any election to take place upon his licensed premises, such court or commissioners (subject to the provisions of this act as to a person having an opportunity of being heard by himself and producing evidence before being reported) shall report the same; and whether such person obtained a certificate of indemnity or not it shall be the duty of the director of public prosecutions to bring such report before the licensing justices from whom or on whose certificate the licensed person obtained his license, and such licensing justices shall cause such report to be entered in the proper register of licenses.

(*c*) Where an entry is made in the register of licenses of any such conviction of or report respecting any licensed person as above in this section mentioned, it shall be taken into consideration by the licensing justices in determining whether they will or will not grant to such person the renewal of his license or certificate, and may be a ground, if the justices think fit, for refusing such renewal.

(9) Where the evidence, showing any corrupt practice to have been committed by a justice of the peace, barrister, solicitor, or other professional person, or any licensed person, was given before election commissioners, those commissioners shall report the case to the director of public prosecutions, with such information as is necessary or proper for enabling him to act under this section.

(10) This section shall apply to an election court under this act, or under part 4 of the municipal corporations act, 1882, and the expression "election" shall be construed accordingly.

These provisions, which deal with licensed victualers and offenses committed on their premises, should be circulated by each licensed victualers' protection society, and where any public meeting is convened during the election at a licensed house the agent should specifically call the attention of the license holder to these pains and penalties.

Licensed victualers are allowed to combine for the purpose of trade defense to support or oppose any particular candidate, and the expenses incurred by them or their association do not form any portion of the candidate's election expenses which have to be returned.

The licensing act, 1904 (4 Edw. VII, c. 23), transfers in certain cases the power to refuse the renewal of an existing on-license from the licensing justices to quarter sessions, but the licensing justices retain the power to refuse renewal, among other grounds, on grounds connected with the character or fitness of the proposed holder. Whether the licensing justices would be entitled to consider acts of bribery or treating as "connected with the character or fitness of the proposed holder," or would be obliged to refer the matter to quarter sessions, does not yet appear to have been decided, but relates rather to licensing law than to election law.

39. (1) The registration officer in every county and borough shall annually make out a list containing the names and description of all persons who, though otherwise qualified to vote at a parliamentary election for such county or borough, respectively, are not capable of voting by reason of having after the commencement of this act been found guilty of a corrupt or illegal practice on conviction, or by the report of any election court or election commissioners, whether under this act or under part 4 of the municipal corporations act, 1882, or under any other act for the time being in force relating to a parliamentary election or an election to any public office; and such officer shall state in the list (in this act referred to as the corrupt and illegal practices list) the offense of which each person has been found guilty.

(2) For the purpose of making out such list he shall examine the report of any election court or election commissioners who have respectively tried an election petition or inquired into an election where the election (whether a parliamentary election or an election to any public office) was held in any of the following places; that is to say—

(*a*) If he is the registration officer of a county, in that county or in any borough in that county; and

(*b*) If he is the registration officer of a borough, in the county in which such borough is situate or in any borough in that county.

(3) The registration officer shall send the list to the overseers of every parish within his county or borough, together with his precept, and the overseers shall publish the list, together with the list of voters, and shall also, in the case of every person in the corrupt and illegal practices list, omit his name from the list of persons entitled to vote, or, as circumstances require, add "objected" before his name in the list of claimants or copy of the register published by them, in like manner as is required by law in any other cases of disqualification.

(4) Any person named in the corrupt and illegal practices list may claim to have his name omitted therefrom, and any person entitled to object to any list of voters for the county or borough may object to the omission of the name of any person from such list. Such claims and objections shall be sent in within the same time and be dealt with in like manner, and any such objection shall be served on the person referred to therein in like manner, as nearly as circumstances admit, as other claims and objections under the enactments relating to the registration of parliamentary electors.

(5) The revising barrister shall determine such claims and objections, and shall revise such list in like manner, as nearly as circumstances admit, as in the case of other claims and objections, and of any list of voters.

(6) Where it appears to the revising barrister that a person not named in the corrupt and illegal practices list is subject to have his name inserted in such list, he shall (whether an objection to the omission of such name from the list has or has not been made, but) after giving such person an opportunity of making a statement to show cause to the contrary, insert his name in such list and expunge his name from any list of voters.

(7) A revising barrister in acting under this section shall determine only whether a person is incapacitated by conviction or by the report of any election court or election commissioners, and shall not determine whether a person has or not been guilty of any corrupt or illegal practice.

(8) The corrupt and illegal practices list shall be appended to the register of electors, and shall be printed and published therewith wherever the same is printed or published.

PROCEEDINGS ON ELECTION PETITION.

40. (1) Where an election petition questions the return or the election upon an allegation of an illegal practice, then, notwithstanding anything in the parliamentary elections act, 1868, such petition, so far as respects such illegal practice, may be presented within the time following; that is to say—

(*a*) At any time before the expiration of 14 days after the day on which the returning officer receives the return and declarations respecting election expenses by the member to whose election the petition relates and his election agent.

(*b*) If the election petition specifically alleges a payment of money, or some other act to have been made or done since the said day by the member or an agent of the member, or with the privity of the member or his election agent in pursuance or in furtherance of the illegal practice alleged in the petition, the petition may be presented at any time within 28 days after the date of such payment or other act.

(2) Any election petition presented within the time limited by the parliamentary elections act, 1868, may for the purpose of questioning the return or the election upon an allegation of an illegal practice, be amended with the leave of the high court within the time within which a petition questioning the return upon the allegation of that illegal practice can under this section be presented.

The petitioner may not give particulars or evidence of offenses alleged to have been committed after the date of the petition, the petition not having been amended within the time limited for amendment. (Haggerston election petition, 1896, 1 Q. B., 504.)

(3) This section shall apply in the case of an offense relating to the return and declarations respecting election expenses in like manner as if it were an illegal practice, and also shall apply notwithstanding that the act constituting the alleged illegal practice amounted to a corrupt practice.

(4) For the purposes of this section—

(*a*) Where the return and declarations are received on different days, the day on which the last of them is received; and

(*b*) Where there is an authorized excuse for failing to make and transmit the return and declarations respecting election expenses, the date of the allowance of the excuse, or, if there was a failure as regards two or more of them and the excuse was allowed at different times, the date of the allowance of the last excuse—

shall be substituted for the day on which the return and declarations are received by the returning officer.

(5) For the purposes of this section time shall be reckoned in like manner as it is reckoned for the purposes of the parliamentary elections act, 1868.

A petition grounded upon illegal practices must be presented within 14 days of the receipt by the returning officer of the agent's declaration of election.

The presentation of a petition is a matter of such importance that it can only be intrusted to practitioners who have had experience in such matters.

If an agent has reason to believe that illegal or corrupt practices have prevailed, he should in all cases get written and signed statements from his informants, and should obtain counsel's opinion whether they are sufficient to warrant the presentation of a petition, with its accompanying security or deposit.

41. (1) Before leave for the withdrawal of an election petition is granted there shall be produced affidavits by all the parties to the petition and their solicitors, and by the election agents of all of the said parties who were candidates at the election, but the high court may, on cause shown, dispense with the affidavit of any particular person if it seems to the court on special grounds to be just so to do.

No petition can be withdrawn when once presented without the leave of the court, and the public prosecutor has also to be communicated with.

In the Halifax petition leave was refused, and the petitioner was put to the expense of a hearing and dismissal with costs, though satisfied upon a recount that there had been no substantial mistake.

(2) Each affidavit shall state that to the best of the deponent's knowledge and belief no agreement or terms of any kind whatsoever has or have been made, and no undertaking has been entered into in relation to the withdrawal of the petition; but if any lawful agreement has been made with respect to the withdrawal of the petition, the affidavit shall set forth that agreement, and shall make the foregoing statement subject to what appears from the affidavit.

(3) The affidavits of the applicant and his solicitor shall further state the ground on which the petition is sought to be withdrawn.

(4) If any person makes any agreement or terms, or enters into any undertaking, in relation to the withdrawal of an election petition, and such agreement, terms, or undertaking is or are for the withdrawal of the election petition in consideration of any payment, or in consideration that the seat shall at any time be vacated, or in consideration of the withdrawal of any other election petition, or is or are (whether lawful or unlawful) not mentioned in the aforesaid affidavits, he shall be guilty of a misdemeanor, and shall be liable on conviction on indictment to imprisonment for a term not exceeding 12 months and to a fine not exceeding £200.

(5) Copies of the said affidavits shall be delivered to the director of public prosecutions a reasonable time before the application for the withdrawal is heard, and the court may hear the director of public prosecutions or his assistant, or other representative (appointed with the approval of the attorney general), in opposition to the allowance of the withdrawal of the petition, and shall have power to receive the evidence on oath of any person or persons whose evidence the director of public prosecutions or his assistant, or other representative, may consider material.

(6) Where in the opinion of the court the proposed withdrawal of a petition was the result of any agreement, terms, or undertaking prohibited by this section, the court shall have the same power with respect to the security as under section 35 of the parliamentary elections act, 1868, where the withdrawal is induced by a corrupt consideration.

(7) In every case of the withdrawal of an election petition the court shall report to the speaker whether, in the opinion of such court, the withdrawal of such petition was the result of any agreement, terms, or undertaking, or was in consideration of any payment, or in consideration that the seat should at any time be vacated, or in consideration of the withdrawal of any other election petition, or for any other consideration, and if so, shall state the circumstances attending the withdrawal.

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(8) Where more than one solicitor is concerned for the petitioner or respondent, whether as agent for another solicitor or otherwise, the affidavit shall be made by all such solicitors.

(9) Where a person not a solicitor is lawfully acting as agent in the case of an election petition, that agent shall be deemed to be a solicitor for the purpose of making an affidavit in pursuance of this section.

42. The trial of every election petition, so far as is practicable, consistently with the interests of justice in respect of such trial, shall be continued de die in diem on every lawful day until its conclusion, and in case the rota of judges for the year shall expire before the conclusion of the trial, or of all the proceedings in relation or incidental to the petition, the authority of the said judges shall continue for the purpose of the said trial and proceedings.

43. (1) On every trial of an election petition the director of public prosecutions shall by himself or by his assistant, or by such representative as hereinafter mentioned, attend at the trial, and it shall be the duty of such director to obey any directions given to him by the election court with respect to the summoning and examination of any witness to give evidence on such trial, and with respect to the prosecution by him of offenders, and with respect to any person to whom notice is given to attend with a view to report him as guilty of any corrupt or illegal practice.

The costs of the public prosecutor are in the discretion of the judges, and where persons are found guilty of illegal or corrupt practices they are visited with the costs of proving the offenses against them.

But where the petition is withdrawn the court has no power to order the preliminary costs of the director of public prosecutions to be paid by the parties (Fascoe *v.* Puleston, the Devonport elections petition, 54 L. T., 733).

The petitioner is sometimes burdened with the costs of the petition and of the public prosecutor if the petition be deemed frivolous (see Kennington case, 54 L. T., 628, and Pontefract case, 4 O'M. & H., 200).

(2) It shall also be the duty of such director, without any direction from the election court, if it appears to him that any person is able to give material evidence as to the subject of the trial, to cause such person to attend the trial, and with the leave of the court to examine such person as a witness.

(3) It shall also be the duty of the said director, without any direction from the election court, if it appears to him that any person who has not received a certificate of indemnity has been guilty of a corrupt or illegal practice, to prosecute such person for the offense before the said court, or if he thinks it expedient in the interests of justice, before any other competent court.

(4) Where a person is prosecuted before an election court for any corrupt or illegal practice, and such person appears before the court, the court shall proceed to try him summarily for the said offense, and such person, if convicted thereof upon such trial, shall be subject to the same incapacities as he is rendered subject to under this act upon conviction, whether on indictment or in any other proceeding for the said offense; and, further, may be adjudged by the court, if the offense is a corrupt practice, to be imprisoned, with or without hard labor, for a term not exceeding six months, or to pay a fine not exceeding £200, and if the offense is an illegal practice to pay such fine as is fixed by this act for the offense:

Provided, That, in the case of a corrupt practice, the court, before proceeding to try summarily any person, shall give such person the option of being tried by a jury.

(5) Where a person is so prosecuted for any such offense, and either he elects to be tried by a jury or he does not appear before the court, or the court thinks it in the interests of justice expedient that he should be tried before some other court, the court, if of opinion that the evidence is sufficient to put the said person upon his trial for the offense, shall order such person to be prosecuted on indictment or before a court of summary jurisdiction, as the case may require, for the said offense; and in either case may order him to be prosecuted before such court as may be named in the order; and for all purposes preliminary and of and incidental to such prosecution the offense shall be deemed to have been committed within the jurisdiction of the court so named.

(6) Upon such order being made—

(*a*) If the accused person is present before the court, and the offense is an indictable offense, the court shall commit him to take his trial, or cause him to give bail to appear and take his trial for the said offense; and

(*b*) If the accused person is present before the court, and the offense is not an indictable offense, the court shall order him to be brought before the court of summary jurisdiction before whom he is to be prosecuted, or cause him to give bail to appear before that court; and

(*c*) If the accused person is not present before the court, the court shall as circumstances require, issue a summons for his attendance, or a warrant to apprehend him and bring him before a court of summary jurisdiction, and that court, if the offense is an indictable offense, shall, on proof only of the summons or warrant and the identity of the accused, commit him to take his trial or cause him to give bail to appear and take his trial for the said offense, or if the offense is punishable on summary conviction, shall proceed to hear the case, or if such court be not the court before whom he is directed to be prosecuted shall order him to be brought before that court.

(7) The director of public prosecutions may nominate, with the approval of the attorney general, a barrister or solicitor of not less than 10 years' standing to be his representative for the purpose of this section, and that representative shall receive such remuneration as the [commissioners of Her Majesty's] treasury may approve. There shall be allowed to the director and his assistant or representative, for the purposes of this section, such allowance for expenses as the [commissioners of Her Majesty's] treasury may approve.

(8) The costs incurred in defraying the expenses of the director of public prosecutions under this section (including the remuneration of his representative) shall in the first instance be paid by the [commissioners of Her Majesty's] treasury, and, so far as they are not in the case of any prosecution paid by the defendant, shall be deemed to be expenses of the election court; but if for any reasonable cause it seems just to the court so to do, the court shall order all or part of the said costs to be repaid to the [commissioners of Her Majesty's] treasury by the parties to the petition, or such of them as the court may direct.

44. (1) Where, upon the trial of an election petition respecting an election for a county or borough it appears to the election court that a corrupt practice has not been proved to have been committed in reference to such election by or with the knowledge and consent of the respondent to the petition, and that such respondent took all reasonable means to prevent corrupt practices being committed on his behalf, the court may make one or more orders with respect to the payment either of the whole or such part of the costs of the petition as the court may think right, as follows:

(*a*) If it appears to the court that corrupt practices extensively prevailed in reference to the said election, the court may order the whole or part of the costs to be paid by the county or borough; and

(*b*) If it appears to the court that any person or persons is or are proved, whether by providing money or otherwise, to have been extensively engaged in corrupt practices, or to have encouraged or promoted extensive corrupt practices in reference to such election, the court may, after giving such person or persons an opportunity of being heard by counsel or solicitor and examining and cross-examining witnesses to show cause why the order should not be made, order the whole or part of the costs to be paid by that person, or those persons or any of them, and may order that if the costs can not be recovered from one or more of such persons they shall be paid by some other of such persons or by either of the parties to the petition.

(2) Where any person appears to the court to have been guilty of the offense of a corrupt or illegal practice, the court may, after giving such person an opportunity of making a statement to show why the order should not be made, order the whole or any part of the costs of or incidental to any proceeding before the court in relation to the said offense or to the said person to be paid by the said person.

(3) The rules and regulations of the supreme court [of judicature] with respect to costs to be allowed in actions, causes, and matters in the high court shall in principle and so far as practicable apply to the costs of petition and other proceedings under the parliamentary elections act, 1868, and under this act, and the taxing officer shall not allow any costs, charges, or expenses on a higher scale than would be allowed in any action, cause or matter in the high court on the higher scale, as between solicitor and client. (Costs under this section will usually be allowed on the higher scale.—Pascoe *v.* Puleston, the Devonport elections petition, 54 L. T., 733.)

MISCELLANEOUS.

45. Where information is given to the director of public prosecutions that any corrupt or illegal practices have prevailed in reference to any election, it shall be his duty, subject to the regulations under the prosecution of offenses act, 1879, to make such inquiries and institute such prosecutions as the circumstances of the case appear to him to require.

46. Where a person has, either before or after the commencement of this act, become subject to any incapacity under the corrupt practices prevention acts or this act by reason of a conviction or of a report of any election court or election commissioners, and any witness who gave evidence against such incapacitated person upon the proceeding for such conviction or report is convicted of perjury in respect of that evidence, the incapacitated person may apply to the high court, and the court, if satisfied that the conviction or report so far as respects such person was based upon perjury, may order that such incapacity shall thenceforth cease, and the same shall cease accordingly.

47. (1) Every county shall be divided into polling districts, and a polling place shall be assigned to each district in such manner that, so far as is reasonably practicable, every elector resident in the county shall have his polling place within a distance not exceeding 3 miles from his residence, so nevertheless that a polling district need not in any case be constituted containing less than 100 electors.

(2) In every county the local authority who have power to divide that county into polling districts shall from time to time divide the county into polling districts, and assign polling places to those districts, and alter those districts and polling places in such manner as may be necessary for the purpose of carrying into effect this section.

The polling stations are fixed by a committee of the county council, and both parties are generally invited to make representations when and where fresh polling stations are required. This is generally done in the early part of each year, but application for information on this point should be addressed to the clerk of the county council.

(3) The power of dividing a borough into polling districts vested in a local authority by the representation of the people act, 1867, and the enactments amending the same, may be exercised by such local authority from time to time, and as often as the authority think fit, and the said power shall be deemed to include the power of altering any polling district, and the said local authority shall from time to time, when necessary for the purpose of carrying this section into effect, divide the borough into polling districts in such manner that—

The local authority in a borough is the town council, and application for information or to allow additional polling places should be made to the town clerk; but it must not be left until an election is pending, as the polling stations are fixed annually.

(*a*) Every elector resident in the borough, if other than one hereinafter mentioned, shall be enabled to poll within a distance not exceeding 1 mile from his residence, so nevertheless that a polling district need not be constituted containing less than 300 electors; and

(*b*) [Every elector resident in the boroughs of East Retford, Shoreham, Cricklade, Much Wenlock, and Aylesbury, shall be enabled to poll within a distance not exceeding 3 miles from his residence, so nevertheless that a polling district need not be constituted containing less than 100 electors.]

These boroughs have ceased to exist, and subsection (*a*) applies to all county districts.

(4) So much of section 5 of the ballot act, 1872, and the enactments amending the same as in force and is not repealed by this act shall apply as if the same were incorporated in this section.

This section provides for the sending of a report by the local authority of a copy of all orders made under these sections to the secretary of state, and further provides that the clerk of the peace or town clerk shall copy, print, and arrange the list of voters for the purpose of such register in accordance with the orders made as to the polling districts.

(5) The expenses incurred by the local authority of a county or borough under this or any other act in dividing their county or borough into polling districts, and, in the case of a county, assigning polling places to such districts, and in altering any such districts or polling places shall be defrayed in like manner as if they were expenses incurred by the registration officer in the execution of the enactments respecting the registration of electors in such county or borough, and those enactments so far as is consistent with the tenor thereof shall apply accordingly.

48. Where the nature of a county is such that any electors residing therein are unable at an election for such county to reach their polling place without crossing the sea or a branch or arm thereof, this act shall not prevent the provision of means for conveying such electors by sea to their polling place, and the amount of payment for such means of conveyance may be in addition to the maximum amount of expenses allowed by this act.

But this section in no way permits the hire of steamers or other craft for bringing fishermen home to vote, nor does it prevent the voluntary employment and use of yachts, etc., for the purpose where lent.

49. Notwithstanding the provisions of the act (15, 16 Vict., c. 57) or any amendment thereof in any case where [after the passing of this act]

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any commissioners have been appointed on a joint address of both Houses of Parliament for the purpose of making inquiry into the existence of corrupt practices in any election, the said commissioners shall not make inquiries concerning any election that shall have taken place prior to the passing of this act, and no witness called before such commissioners or at any election petition [after the passing of this act] shall be liable to be asked or bound to answer any question for the purpose of proving the commission of any corrupt practice at or in relation to any election prior to the passing of this act: *Provided*, That nothing herein contained shall affect any proceedings that shall be pending at the time of such passing.

This only applies to offenses before the act of 1883, and was carried on the motion of Sir Edward Clarke.

LEGAL PROCEEDINGS.

50. Where an indictment as defined by this act for any offense under the corrupt practices prevention acts or this act is instituted in the high court or is removed into the high court by a writ of certiorari issued at the instance of the attorney general, and the attorney general suggests on the part of the Crown that it is expedient for the purposes of justice that the indictment should be tried in the central criminal court, or if a special jury is ordered, that it should be tried before a judge and jury at the royal courts of justice, the high court may, if it think fit, order that such indictment shall be so tried upon such terms as the court may think just, and the high court may make such orders as appear to the court necessary or proper for carrying into effect the order for such trial.

51. (1) A proceeding against a person in respect of the offense of a corrupt or illegal practice or any other offense under the corrupt-practices prevention acts or this act shall be commenced within one year after the offense was committed, or if it was committed in reference to an election with respect to which an inquiry is held by election commissioners shall be commenced within one year after the offense was committed, or within three months after the report of such commissioners is made, whichever period last expires, so that it be commenced within two years after the offense was committed, and the time so limited by this section shall, in the case of any proceeding under the summary jurisdiction acts for any such offense, whether before an election court or otherwise, be substituted for any limitation of time contained in the last-mentioned acts.

The limit is extended to two years if the offense is only brought to light by election commissioners, and the proceedings must be within three months of their report thereon.

One year is the ordinary limit.

(2) for the purposes of this section the issue of a summons, warrant, writ, or other process shall be deemed to be a commencement of a proceeding where the service or execution of the same on or against the alleged offender is prevented by the absconding or concealment or act of the alleged offender, but save as aforesaid the service or execution of the same on or against the alleged offender, and not the issue thereof, shall be deemed to be the commencement of the proceeding.

52. Any person charged with a corrupt practice may, if the circumstances warrant such finding, be found guilty of an illegal practice (which offense shall for that purpose be an indictable offense), and any person charged with an illegal practice may be found guilty of that offense, notwithstanding that the act constituting the offense amounted to a corrupt practice, and a person charged with illegal payment, employment, or hiring may be found guilty of that offense, notwithstanding that the act constituting the offense amounted to a corrupt or illegal practice.

53. (1) Sections 10, 12, and 13 of the corrupt-practices prevention act, 1854, and section 6 of the corrupt-practices prevention act, 1863 (which relate to prosecutions for bribery and other offenses under those acts), shall extend to any prosecution on indictment for the offense of any corrupt practice within the meaning of this act, and to any action for any pecuniary forfeiture for an offense under this act, in like manner as if such offense were bribery within the meaning of those acts, and such indictment or action were the indictment or action in those sections mentioned, and an order under the said section 10 may be made on the defendant; but the director of public prosecutions or any person instituting any prosecution in his behalf or by direction of an election court shall not be deemed to be a private prosecutor, nor required under the said sections to give any security.

No security for costs is necessary.

(2) On any prosecution under this act, whether on indictment or summarily, and whether before an election court or otherwise, and in any action for a pecuniary forfeiture under this act, the person prosecuted or sued, and the husband or wife of such person, may, if he or she think fit, be examined as an ordinary witness in the case.

This section is now (since 62 Vict., c. 36) superfluous.

(3) On any such prosecution or action as aforesaid it shall be sufficient to allege that the person charged was guilty of an illegal practice, payment, employment, or hiring within the meaning of this act, as the case may be, and the certificate of the returning officer at an election that the election mentioned in the certificate was duly held, and that the person named in the certificate was a candidate at such election, shall be sufficient evidence of the facts therein stated.

54. (1) All offenses under this act punishable on summary conviction may be prosecuted in manner provided by the summary jurisdiction acts.

(2) A person aggrieved by a conviction by a court of summary jurisdiction for an offense under this act may appeal to general or quarter sessions against such conviction.

Or, if the point of law be of sufficient importance, a case can be stated for the high court.

55. (1) Except that nothing in this act shall authorize any appeal against a summary conviction by an election court, the summary jurisdiction acts shall, so far as is consistent with the tenor thereof, apply to the prosecution of an offense summarily before an election court in like manner as if it were an offense punishable only on summary conviction, and accordingly the attendance of any person may be enforced, the case heard and determined, and any summary conviction by such court be carried into effect and enforced, and the costs thereof paid, and the record thereof dealt with under those acts in like manner as if the court were a petty sessional court for the county or place in which such conviction took place.

(2) The enactments relating to charges before justices against persons for indictable offenses shall, so far as is consistent with the tenor thereof, apply to every case where an election court orders a person to be prosecuted on indictment in like manner as if the court were a justice of the peace.

56. (1) Subject to any rules of court, any jurisdiction vested by this act in the high court may, so far as it relates to indictments or other criminal proceedings, be exercised by any judge of the Queen's bench division, and in other respects may either be exercised by one of the judges for the time being on the rota for the trial of election petitions, sitting either in court or at chambers, or may be exercised by a master of the supreme court of judicature in manner directed by and subject to an appeal to the said judges:

Provided, That a master shall not exercise jurisdiction in the case either of an order declaring any act or omission to be an exception from the provisions of this act with respect to illegal practices, payments, employments, or hirings, or of an order allowing an excuse in relation to a return or declaration respecting election expenses.

(2) Rules of court may from time to time be made, revoked, and altered for the purposes of this act, and of the parliamentary elections act, 1868, and the acts amending the same, by the same authority by whom rules of court for procedure and practice in the supreme court [of judicature] can for the time being be made.

The election judges have published from time to time rules for the procedure and guidance of petitioners and respondents, but in their absence an application can not be heard by the judge in chambers, who has no power to make orders in election petitions.

57. (1) The director of public prosecutions in performing any duty under this act shall act in accordance with the regulations under the prosecution of offenses act, 1879, and subject thereto in accordance with the directions (if any) given to him by the attorney general; and any assistant or representative of the director of public prosecutions in performing any duty under this act shall act in accordance with the said regulations and directions (if any) and with the directions given to him by the director of public prosecutions.

(2) Subject to the provisions of this act, the costs of any prosecution on indictment for an offense punishable under this act, whether by the director of public prosecutions or his representative, or by any other person, shall, so far as they are not paid by the defendant, be paid in like manner as costs in the case of a prosecution for felony are paid.

58. (1) Where any costs or other sums (not being costs of a prosecution on indictment) are, under an order of an election court, or otherwise under this act, to be paid by a county or borough, the [commissioners of Her Majesty's treasury shall pay those costs or sums, and obtain repayment of the amount so paid, in like manner as if such costs and sums were expenses of election commissioners paid by them, and the election commissioners' expenses acts, 1869 and 1871, shall apply accordingly as if they were herein reenacted and in terms made applicable to the above-mentioned costs and sums.

(2) Where any costs or other sums are, under the order of an election court or otherwise under this act, to be paid by any person, those costs shall be a simple contract debt due from such person to the person or persons to whom they are to be paid, and if payable to the [commissioners of Her Majesty's] treasury shall be a debt to Her Majesty, and in either case may be recovered accordingly.

SUPPLEMENTAL PROVISIONS, DEFINITIONS, SAVINGS, AND REPEAL.

59. (1) A person who is called as a witness respecting an election before any election court shall not be excused from answering any question relating to any offense at or connected with such election on the ground that the answer thereto may criminate or tend to criminate himself or on the ground of privilege:

Provided that—

(*a*) A witness who answers truly all questions which he is required by the election court to answer shall be entitled to receive a certificate of indemnity under the hand of a member of the court stating that such witness has so answered; and

(*b*) An answer by a person to a question put by or before any election court shall not, except in the case of any criminal proceeding for perjury in respect of such evidence, be in any proceeding, civil or criminal, admissible in evidence against him.

(2) Where a person has received such a certificate of indemnity in relation to an election, and any legal proceeding is at any time instituted against him for any offense under the corrupt-practices prevention acts or this act committed by him previously to the date of the certificate at or in relation to the said election, the court having cognizance of the case shall, on proof of the certificate, stay the proceeding, and may, in their discretion, award to the said person such costs as he may have been put to in the proceeding.

A solicitor or a barrister, though he receive a certificate of indemnity, loses any public appointment that he holds, and is liable to action taken by the inn of court or law society to which he belongs. In the Hexham case the solicitor reported as guilty of illegal practices was deprived of every public appointment which he held.

(3) Nothing in this section shall be taken to relieve a person receiving a certificate of indemnity from any incapacity under this act or from any proceeding to enforce such incapacity (other than a criminal prosecution).

(4) This section shall apply in the case of a witness before any election commissioners in like manner as if the expression "election court" in this section included election commissioners.

(5) Where a solicitor or person lawfully acting as agent for any party to an election petition respecting any election for a county or borough has not taken any part or been concerned in such election, the election commissioners inquiring into such election shall not be entitled to examine such solicitor or agent respecting matters which came to his knowledge by reason only of his being concerned as solicitor or agent for a party to such petition.

60. An election court or election commissioners, when reporting that certain persons have been guilty of any corrupt or illegal practice, shall report whether those persons have or not been furnished with certificates of indemnity; and such report shall be laid before the attorney general (accompanied in the case of the commissioners with the evidence on which such report was based) with a view to his instituting or directing a prosecution against such persons as have not received certificates of indemnity, if the evidence should, in his opinion, be sufficient to support a prosecution.

Criminal prosecutions can only be commenced against such witnesses as have not received certificates under section 59.

61. (1) Section 11 of the ballot act, 1872, shall apply to a returning officer or presiding officer or clerk who is guilty of any willful misfeasance or willful act or omission in contravention of this act in like manner as if the same were in contravention of the ballot act, 1872.

(2) Section 97 of the parliamentary registration act, 1843, shall apply to every registration officer who is guilty of any willful misfeasance or willful act of commission or omission contrary to this act in like manner as if the same were contrary to the parliamentary registration act, 1843.

62. (1) Any public notice required to be given by the returning officer under this act shall be given in the manner in which he is directed by the ballot act, 1872, to give a public notice.

(2) Where any summons, notice, or document is required to be served on any person with reference to any proceeding respecting an election for a county or borough, whether for the purpose of causing him to appear before the high court or any election court, or election commis-

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sioners, or otherwise, or for the purpose of giving him an opportunity of making a statement, or showing cause, or being heard by himself before any court or commissioners, for any purpose of this act, such summons, notice, or document may be served either by delivering the same to such person, or by leaving the same at or sending the same by post by a registered letter to his last known place of abode in the said county or borough, or if the proceeding is before any court or commissioners in such other manner as the court or commissioners may direct, and in proving such service by post it shall be sufficient to prove that the letter was prepaid, properly addressed, and registered with the post office.

(3) In the form of notice of a parliamentary election set forth in the second schedule to the ballot act, 1872, the words "or any illegal practice" shall be inserted after the words "or other corrupt practices," and the words "the corrupt and illegal practices prevention act, 1883," shall be inserted after the words "corrupt-practices prevention act, 1854."

63. (1) In the corrupt-practices prevention acts, as amended by this act, the expression "candidate at an election" and the expression "candidate" respectively mean, unless the context otherwise requires, any person elected to serve in Parliament at such election, and any person who is nominated as a candidate at such election, or is declared by himself or by others to be a candidate, on or after the day of the issue of the writ for such election, or after the dissolution or vacancy in consequence of which such writ has been issued;

(2) Provided that where a person has been nominated as a candidate or declared to be a candidate by others, then—

(*a*) If he was so nominated or declared without his consent, nothing in this act shall be construed to impose any liability on such person, unless he has afterwards given his assent to such nomination or declaration or has been elected; and

(*b*) If he was so nominated or declared, either without his consent or in his absence and he takes no part in the election, he may, if he thinks fit, make the declaration respecting election expenses contained in the second part of the second schedule to this act, and the election agent shall, so far as circumstances admit, comply with the provisions of this act with respect to expenses incurred on account of or in respect of the conduct or management of the election in like manner as if the candidate had been nominated or declared with his consent.

As to when the candidature commences see notes to section 8.

I can not think that the period of candidature or the period of agency is to be limited by the date of the issuing of the writ or the day of nomination, but I think that when an election is contemplated as probable in the course of a few months, and it is well recognized that to secure the election of a particular candidate active steps must be taken and every exertion made at once to secure that object, it can not reasonably be said that there can be no agency to take such steps or make such exertion until the immediate approach of the election by the issue of the writ.—Mr. Justice Hawkins (Walsall, 4 O'M. & H., 125).

64. In this act, unless the context otherwise requires—

The expression "election" means the election of a member or members to serve in Parliament.

The expression "election petition" means a petition presented in pursuance of the parliamentary elections act, 1868, as amended by this act.

The expression "election court" means the judges presiding at the trial of an election petition, or, if the matter comes before the high court, that court.

The expression "election commissioners" means commissioners appointed in pursuance of the election commissioners act, 1852, and the enactments amending the same.

[The expression "high court" means Her Majesty's high court of justice in England.]

[The expressions "court of summary jurisdiction," "petty sessional court," and "summary jurisdiction acts" have the same meaning as in the summary jurisdiction act, 1879.]

The expression "the attorney general" includes the solicitor general in cases where the office of the attorney general is vacant or the attorney general is interested or otherwise unable to act.

The expression "registration officer" means the clerk of the peace in a county, and the town clerk in a borough, as respectively defined by the enactments relating to the registration of parliamentary electors.

The expression "elector" means any person whose name is for the time being on the register, roll, or book containing the names of the persons entitled to vote at the election with reference to which the expression is used.

The expression "register of electors" means the said register, roll, or book.

The expression "polling agent" means an agent of the candidate appointed to attend at a polling station in pursuance of the ballot act, 1872, or of the acts therein referred to or amending the same.

The expression "person" includes an association or body of persons, corporate or unincorporate, and where any act is done by any such association or body the members of such association or body who have taken part in the commission of such act shall be liable to any fine or punishment imposed for the same by this act.

The expression "committee room" shall not include any house or room occupied by a candidate at an election as a dwelling, by reason only of the candidate there transacting business with his agents in relation to such election; nor shall any room or building be deemed to be a committee room for the purposes of this act by reason only of the candidate or any agent of the candidate addressing therein electors, committeemen, or others.

The expression "public office" means any office under the Crown or under the charter of a city or municipal borough or under the acts relating to municipal corporations or to the poor law, or under the elementary education act, 1870, or under the public-health act, 1875, or under any acts amending the above-mentioned acts, or under any other acts for the time being in force (whether passed before or after the commencement of this act) relating to local government, whether the office is that of mayor, chairman, alderman, councilor, guardian, member of a board, commission, or other local authority in any county, city, borough, union, sanitary district, or other area, or is the office of clerk of the peace, town clerk, clerk or other officer under a council, board, commission, or other authority, or is any other office, to which a person is elected or appointed under any such charter or act as above mentioned and includes any other municipal or parochial office; and the expressions "election," "election petition," "election court," and "register of electors" shall, where expressed to refer to an election for any such public office, be construed accordingly.

A report by the election court or election commissioners of any offense committed under the act as to illegal or corrupt practice practically deprives the officeholder of his office, even though granted a certificate.

The expression "judicial office" includes the office of justice of the peace and revising barrister.

The expression "personal expenses," as used with respect to the expenditure of any candidate in relation to any election, includes the reasonable traveling expenses of such candidate and the reasonable expenses of his living at hotels or elsewhere for the purposes of and in relation to such election.

Here, again, the personal expenses have not been judicially interpreted. At Rochester Mr. Justice Cave suggested that the hire of a house for the residence of the candidate prior to the election might have to be returned as the personal expenses of the candidate.

The expression "indictment" includes information.

The expression "costs" includes costs, charges, and expenses.

The expression "payment" includes any pecuniary or other reward; and the expressions "pecuniary reward" and "money" shall be deemed to include any office, place, or employment, and any valuable security or other equivalent for money, and any valuable consideration, and expressions referring to money shall be construed accordingly.

The offer of "a place" in a free school (if it had been proved) was held to be a reward and within this section by the judges in the Montgomery Boroughs election petition.

The expression "licensing acts" means the licensing acts, 1872 to 1874.

Other expressions have the same meaning as in the corrupt practices prevention acts.

65. (1) The enactments described in the third schedule to this act are in this act referred to as the corrupt-practices prevention acts.

(2) [The acts mentioned in the fourth schedule to this act are in this act referred to and may be cited, respectively, by the short titles in that behalf in that schedule mentioned.]

(3) This act may be cited as "the corrupt and illegal practices prevention act, 1883."

(4) This act and the corrupt-practices prevention acts may be cited together as "the corrupt-practices prevention acts, 1854 to 1883."

66. [The acts set forth in the fifth schedule to this act are hereby repealed as from the commencement of this act to the extent in the third column of that schedule mentioned, provided that this repeal or the expiration of any enactment not continued by this act shall not revive any enactment which at the commencement of this act is repealed, and shall not affect anything duly done or suffered before the commencement of this act, or any right acquired or accrued or any incapacity incurred before the commencement of this act, and] any person subject to any incapacity under any enactment hereby repealed or not continued shall continue subject thereto, and this act shall apply to him as if he had become so subject in pursuance of the provisions of this act.

67. [This act shall come into operation on the 15th day of October, 1883, which day is in this act referred to as the commencement of this act.]

FIRST SCHEDULE.

PART I. PERSONS LEGALLY EMPLOYED FOR PAYMENT.

1. One election agent and no more.

This refers to both boroughs and counties.

2. In counties one deputy election agent (in this act referred to as a subagent), to act within each polling district, and no more.

No subagents allowed in boroughs; only clerks and messengers.

3. One polling agent in each polling station and no more.

4. In a borough one clerk and one messenger, or if the number of electors in the borough exceeds 500, a number of clerks and messengers not exceeding in number one clerk and one messenger for every complete 500 electors in the borough, and if there is a number of electors over and above any complete 500 or complete five hundreds of electors, then one clerk and one messenger may be employed for such number, although not amounting to a complete 500.

IN BOROUGHS.

No provision for a central committee room.

Of course one must exist, but the clerks and messengers there employed must be within the minimum—one clerk and one messenger for each 500 electors, and one each in addition for each complete or incomplete 500.

5. In a county for the central committee room one clerk and one messenger, or if the number of electors in the county exceeds 5,000, then a number of clerks and messengers not exceeding in number one clerk and one messenger for every complete 5,000 electors in the county; and if there is a number of electors over and above any complete 5,000 or complete five thousands of electors, then one clerk and one messenger may be employed for such number, although not amounting to a complete 5,000.

6. In a county a number of clerks and messengers not exceeding in number one clerk and one messenger for each polling district in the county, or where the number of electors in a polling district exceeds 500, one clerk and one messenger for every complete 500 electors in the polling district, and if there is a number of electors over and above any complete 500 or complete five hundreds of electors, then one clerk and one messenger may be employed for such number, although not amounting to a complete 500: *Provided always*, That the number of clerks and messengers so allowed in any county may be employed in any polling district where their services may be required.

IN COUNTIES, THEREFORE, AND ONLY.

In addition there may be at the central committee room one clerk and one messenger extra for each 5,000 electors, and one clerk and one messenger in addition for each complete and incomplete 5,000 in addition.

In the county one clerk and one messenger for each polling district, and when that polling district has over 500 electors, then one clerk and one messenger for each complete or incomplete 500 over and above the minimum.

The clerks and messengers may be used anywhere in the county district.

7. Any such paid election agent, subagent, polling agent, clerk, and messenger may or may not be an elector, but may not vote.

In the Stepney election petition the judges laid down the rule that it is the duty of the agent to instruct them that they must not vote at an election where they are acting for payment.

8. In the case of the boroughs of East Retford, Shoreham, Cricklade, Much Wenlock, and Aylesbury the provisions of this part of this schedule shall apply as if such borough were a county.

This section has now no bearing, as these ancient boroughs have been merged into county divisions.

PART II. LEGAL EXPENSES IN ADDITION TO EXPENSES UNDER PART I.

1. Sums paid to the returning officer for his charges, not exceeding the amount authorized by the acts 38 and 39 Victoria, chapter 84.

These are provided for by the ballot act.

They are liable to taxation, and they must be returned in the election expenses return as paid to the returning officer.

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2. The personal expenses of the candidate.
These are defined by section 64. The "reasonable traveling expenses" include reasonable expenses of his living at hotels or elsewhere—e. g., horse hire, special trains, and hotel expenses for friends acting as volunteers if stopping with the candidate.
3. The expenses of printing, the expenses of advertising, and the expenses of publishing, issuing, and distributing addresses and notices.
There is a judicial decision that men may be employed for the purpose of distributing such addresses and notices in addition to the clerks and messengers mentioned in the first schedule.
4. The expenses of stationery, messages, postage, and telegrams.
5. The expenses of holding public meetings.
The list of such places and the amount paid for hire must be returned for identification.
6. In a borough the expenses of one committee room, and if the number of electors in the borough exceeds 500, then of a number of committee rooms not exceeding the number of one committee room for every complete 500 electors in the borough; and if there is a number of electors over and above any complete 500 or complete five hundreds of electors, then of one committee room for such number, although not amounting to a complete 500.
The same particulars apply to the vouchers for the hire of committee rooms. They must be capable of easy identification.
7. In a county the expenses of a central committee room, and in addition of a number of committee rooms not exceeding in number one committee room for each polling district in the county, and where the number of electors in a polling district exceeds 500, one additional committee room may be hired for every complete 500 electors in such polling district over and above the first 500.
It is therefore only in a county that a central committee room can be hired in addition to those limited by the number of the electorate in each ward. Sir Richard Webster has given an opinion that the traveling expenses of volunteer speakers may be paid, but they must be returned under the head of "Miscellaneous" or "Member's personal expenses."

PART III. MAXIMUM FOR MISCELLANEOUS MATTERS.

Expenses in respect of miscellaneous matters other than those mentioned in Part I and Part II of this schedule not exceeding in the whole the maximum amount of £200, so nevertheless that such expenses are not incurred in respect of any matter or in any manner constituting an offense under this or any other act, or in respect of any matter or thing, payment for which is expressly prohibited by this or any other act.
The maximum for miscellaneous expenses is therefore £200 no matter how large or how small the electorate.
Under "Miscellaneous" should be returned the traveling and hotel expenses of any volunteer speakers who may visit the constituency, but where they are entertained by the candidate at the hotel where he is stopping such hotel expenses would be returned in his own personal expenses.

PART IV. MAXIMUM SCALE.

1. In a borough the expenses mentioned above in Parts I, II, and III of this schedule other than personal expenses and sums paid to the returning officer for his charges shall not exceed in the whole the maximum amount in the scale following:
If the number of electors on the register does not exceed 2,000, the maximum amount shall be £350; if they exceed 2,000, the maximum amount shall be £380, and an additional £30 for every complete 1,000 electors above 2,000.
Provided, That in Ireland if the number of electors on the register does not exceed 500, the maximum amount shall be £200; if they exceed 500, but do not exceed 1,000, the maximum amount shall be £250; if they exceed 1,000, but do not exceed 1,500, the maximum amount shall be £275.
2. In a county the expenses mentioned above in Parts I, II, and III of this schedule, other than personal expenses and sums paid to the returning officer for his charges, shall not exceed in the whole the maximum amount in the scale following:
If the number of electors on the register does not exceed 2,000, the maximum amount shall be £650 in England and Scotland and £500 in Ireland; if they exceed 2,000, £710 in England and Scotland and £540 in Ireland, and an additional £60 in England and Scotland and £40 in Ireland for every complete 1,000 electors above 2,000.

PART V. GENERAL.

1. In the case of the boroughs of East Retford, Shoreham, Cricklade, Much Wenlock, and Aylesbury the provisions of Parts II, III, and IV of this schedule shall apply as if such borough were a county.
This section has now no bearing, as these ancient boroughs have been merged into county divisions.
2. For the purposes of this schedule the number of electors shall be taken according to the enumeration of the electors in the register of electors.
3. Where there are two or more joint candidates at an election the maximum amount of expenses mentioned in Parts III and IV of this schedule shall, for each of such joint candidates, be reduced by one-fourth, or if there are more than two joint candidates by one-third.
4. Where the same election agent is appointed by or on behalf of two or more candidates at an election, or where two or more candidates, by themselves or any agent or agents, hire or use the same committee rooms for such election, or employ or use the services of the same subagents, clerks, messengers, or polling agents at such election, or publish a joint address or joint circular or notice at such election, those candidates shall be deemed for the purposes of this enactment to be joint candidates at such election.
Provided, That—
(*a*) The employment and use of the same committee room, subagent, clerk, messenger, or polling agent, if accidental or casual, or of a trivial and unimportant character, shall not be deemed of itself to constitute persons joint candidates.
(*b*) Nothing in this enactment shall prevent candidates from ceasing to be joint candidates.
(*c*) Where any excess of expenses above the maximum allowed for one of two or more joint candidates has arisen owing to his having ceased to be a joint candidate, or to his having become a joint candidate after having begun to conduct his election as a separate candidate, and such ceasing or beginning was in good faith, and such excess is not more than under the circumstances is reasonable, and the total expenses of such candidate do not exceed the maximum amount allowed for a separate candidate, such excess shall be deemed to have arisen from a reasonable cause within the meaning of the enactments respecting the allowance by the high court or election court of an exception from the provisions of this act which would otherwise make an act an illegal practice, and the candidate and his election agent may be relieved accordingly from the consequences of having incurred such excess of expenses.

SECOND SCHEDULE.

PART I. FORM OF DECLARATION AS TO EXPENSES.

FORM FOR CANDIDATE.

I, ———, having been a candidate at the election for the county [or borough] of ——— on the —— day of ———, do hereby solemnly and sincerely declare that I have examined the return of election expenses [about to be] transmitted by my election agent [or if the candidate is his own election agent, "by me"] to the returning officer at the said election, a copy of which is now shown to me and marked ——, and to the best of my knowledge and belief that return is correct;
And I further solemnly and sincerely declare that, except as appears from that return, I have not, and to the best of my knowledge and belief no person, nor any club, society, or association has, on my behalf, made any payment, or given, promised, or offered any reward, office, employment, or valuable consideration, or incurred any liability, on account of or in respect of the conduct or management of the said election;
(It is perfectly clear that when the money is found by any political club or association after the contest has begun, or the bills are settled by the agent on their behalf, it ought to be so returned; but where the candidate has had a lump sum given him before the election, which he in turn gives to the agent, such disclosure may be avoided.)
And I further solemnly and sincerely declare that I have paid to my election agent [if the candidate is also his own election agent, leave out "to my election agent"] the sum of £———, and no more, for the purpose of the said election, and that, except as specified in the said return, no money, security, or equivalent for money has to my knowledge or belief been paid, advanced, given, or deposited by anyone to or in the hands of my election agent [or if the candidate is his own election agent, "myself"] or any other person for the purpose of defraying any expenses incurred on my behalf on account of, or in respect of the conduct or management of, the said election;
And I further solemnly and sincerely declare that I will not, except so far as I may be permitted by law, at any future time make or be a party to the making or giving of any payment, reward, office, employment, or valuable consideration for the purpose of defraying any such expenses as last mentioned, or provide or be party to the providing of any money, security, or equivalent for money for the purpose of defraying any such expenses.

(Signature of declarant.) C. D.

Signed and declared by the above-named declarant on the ——— day of ———, before me.

(Signed.) E. F.,
Justice of the Peace for ———.

FORM FOR ELECTION AGENT.

I, ———, being election agent to ———, candidate at the election for the county [or borough] of ———, on the —— day of ———, do hereby solemnly and sincerely declare that I have examined the return of election expenses about to be transmitted by me to the returning officer at the said election, and now shown to me and marked ——, and to the best of my knowledge and belief that return is correct;
And I hereby further solemnly and sincerely declare that, except as appears from that return, I have not, and to the best of my knowledge and belief no other person, nor any club, society, or association has, on behalf of the said candidate, made any payment, or given, promised, or offered any reward, office, employment, or valuable consideration, or incurred any liability on account of or in respect of the conduct or management of the said election;
And I further solemnly and sincerely declare that I have received from the said candidate £——, and no more [or nothing], for the purpose of the said election, and that, except as specified in the said return sent by me, no money, security, or equivalent for money has been paid, advanced, given, or deposited by any one to me or in my hands, or, to the best of my knowledge and belief, to or in the hands of any other person for the purpose of defraying any expenses incurred on behalf of the said candidate on account of or in respect of the conduct or management of the said election.

(Signature of declarant.) A. D.

Signed and declared by the above-named declarant on the ——— day of ——— before me.

(Signed.) E. F.,
Justice of the Peace for ———.

FORM OF RETURN OF ELECTION EXPENSES.

I, A. B., being election agent to C. D., candidate at the election for the county [or borough] of ———, on the ——— day of ———, make the following return respecting election expenses of the said candidate at the said election [or where the candidate has named himself as election agent, "I, C. D., candidate at the election for the county [or borough] of ———, on the ——— day of ———, acting as my own election agent, make the following return respecting my election expenses at the said election"].

Receipts.

Received of [the above-named candidate or where the candidate is his own election agent, "paid by me"]——— £———
Received of J. K——— £———
[Here set out the name and description of every person, club, society, or association, whether the candidate or not, from whom any money, securities, or equivalent of money was received in respect of expenses incurred on account of or in connection with or incidental to the above election, and the amount received from each person, club, society, or association separately.]

Expenditure.

Paid to E. F., the returning officer for the said county [or borough], for his charges at the said election——— £———
Personal expenses of the said C. D., paid by himself [or if the candidate is his own election agent, "paid by me as candidate"]——— £———
Personal expenses of the said C. D., paid by me [or if the candidate is his own election agent, add "acting as election agent"] £———
Received by me for my services as election agent at the said election [or if the candidate is his own election agent, leave out this item]——— £———
Paid to G. H., as subagent of the polling district of——— £———
[The name and description of each subagent and the sum paid to him must be set out separately.]
Paid to ——— as polling agent——— £———
Paid to ——— as clerk for ——— days' services——— £———
Paid to ——— as messenger for ——— days' services——— £———
[The names and descriptions of every polling agent, clerk, and messenger, and the sum paid to each, must bet set out separately either in the account or in a separate list annexed to and referred to in the account, thus, "paid to polling agent (or as the case may be) as per annexed list £———."]

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Paid to the following persons in respect of goods supplied or work and labor done:
To P. Q. (printing)---------- £----
To M. N. (advertising)---------- £----
To R. S. (stationery)---------- £----
[The name and description of each person, and the nature of the goods supplied, or the work and labor done by each, must be set out separately either in the account or in a separate list annexed to and referred to in the account.]
Paid for postage---------- £----
Paid for telegrams---------- £----
Paid for the hire of rooms as follows:
For holding public meetings---------- £----
For committee rooms---------- £----
[A room hired for a public meeting or for a committee room must be named or described so as to identify it, and the name and description of every person to whom any payment was made for each such room, together with the amount paid, must be set out seperately either in the account or in a separate list annexed to and referred to in the account.]
Paid for miscellaneous matters, namely---------- £----
[The name and description of each person to whom any sum is paid, and the reason for which it was paid to him, must be set out separately either in the account or in a separate list annexed to and referred to in the account.]
In addition to the above, I am aware, as election agent for C. D. [or if the candidate is his own election agent, leave out "as election agent for C. D."] of the following disputed and unpaid claims, namely:
Disputed claims.
By T. U. for---------- £----
[Here set out the name and description of each person whose claim is disputed, the amount of the claim, and the goods, work, or other matter on the ground of which the claim is based.]
Unpaid claims allowed by the high court to be paid after the proper time or in respect of which application has been or is about to be made to the high court:
By M. O. for---------- £----
[Here state the name and description of each person to whom any such claim is due, and the amount of the claim, and the goods, work, and labor or other matter on account of which the claim is due.]

A. B.

PART II. FORM OF DECLARATION AS TO EXPENSES.

FORM FOR CANDIDATE WHERE DECLARED A CANDIDATE OR NOMINATED IN HIS ABSENCE AND TAKING NO PART IN THE ELECTION.

I, ———, having been nominated [or having been declared by others] in my absence [to be] a candidate at the election for the county [or borough] of ———, held on the —— day of ———, do hereby solemnly and sincerely declare that I have taken no part whatever in the said election.

And I further solemnly and sincerely declare that [or with the exception of ———] I have not, and no person, club, society, or association at my expense has, made any payment or given, promised, or offered any reward, office, employment, or valuable consideration, or incurred any liability, on account of or in respect of the conduct or management of the said election.

And I further solemnly and sincerely declare that [or with the exception of ———] I have not paid any money or given any security or equivalent for money to the person acting as my election agent at the said election, or to any other person, club, society, or association, on account of or in respect of the conduct or management of the said election, and that [or with the exception of ———] I am entirely ignorant of any money, security, or equivalent for money having been paid, advanced, given, or deposited by anyone for the purpose of defraying any expenses incurred on account of or in respect of the conduct or management of the said election.

And I further solemnly and sincerely declare that I will not, except so far as I may be permitted by law, at any future time make or be party to the making or giving of any payment, reward, office, employment, or valuable consideration for the purpose of defraying any such expenses as last mentioned, or provide or be party to the providing of any money, security, or equivalent of money for the purpose of defraying any such expenses.

(Signature of declarant.) C. D.

Signed and declared by the above-named declarant on the —— day of ———, before me.

E. F.,
Justice of the Peace for ———.

PART III. ENACTMENTS DEFINING THE OFFENSES OF BRIBERY AND PERSONATION.

The corrupt-practices prevention act, 1854, 17 and 18 Vict., c. 102, ss. 2, 3.

SEC. 2. The following persons shall be deemed guilty of bribery, and shall be punishable accordingly:

(1) Every person who shall, directly or indirectly, by himself or by any other person on his behalf, give, lend, or agree to give or lend, or shall offer, promise, or promise to procure or to endeavor to procure, any money or valuable consideration to or for any voter, or to or for any person on behalf of any voter, or to or for any other person in order to induce any voter to vote or refrain from voting, or shall corruptly do any such act as aforesaid on account of such voter having voted or refrained from voting at any election.

(2) Every person who shall, directly or indirectly, by himself, or by any other person on his behalf, give or procure, or agree to give or procure, or offer, promise, or promise to procure or to endeavor to procure, any office, place, or employment to or for any voter, or to or for any person on behalf of any voter, or to or for any other person in order to induce such voter to vote or refrain from voting, or shall corruptly do any such act as aforesaid on account of any voter having voted or refrained from voting at any election.

(3) Every person who shall, directly or indirectly, by himself, or by any other person on his behalf, make any such gift, loan, offer, promise, procurement, or agreement as aforesaid to or for any person, in order to induce such person to procure or endeavor to procure the return of any person to serve in Parliament, or the vote of any voter at any election.

(4) Every person who shall, upon or in consequence of any such gift, loan, offer, promise, procurement, or agreement, procure or engage, promise, or endeavor to procure the return of any person to serve in Parliament, or the vote of any voter at any election.

(5) Every person who shall advance or pay, or cause to be paid, any money to or to the use of any other person with the intent that such money or any part thereof shall be expended in bribery at any election, or who shall knowingly pay or cause to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any election: *Provided always*, That the aforesaid enactment shall not extend or be construed to extend to any money paid or agreed to be paid for or on account of any legal expenses bona fide incurred at or concerning any election.

SEC. 3. The following persons shall also be deemed guilty of bribery, and shall be punishable accordingly:

(1) Every voter who shall, before or during any election, directly or indirectly, by himself or by any other person on his behalf, receive, agree, or contract for any money, gift, loan, or valuable consideration, office, place, or employment, for himself or for any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at any election.

(2) Every person who shall, after any election, directly or indirectly, by himself or by any other person on his behalf, receive any money or valuable consideration on account of any person having voted or refrained from voting, or having induced any other person to vote or refrain from voting at any election.

The representation of the people act, 1867, 30 and 31 Vict., c. 102, s. 49.

Any person, either directly or indirectly, corruptly paying any rate on behalf of any ratepayer for the purpose of enabling him to be registered as a voter, thereby to influence his vote at any future election, and any candidate or other person, either directly or indirectly, paying any rate on behalf of any voter for the purpose of inducing him to vote or refrain from voting, shall be guilty of bribery, and be punishable accordingly; and any person on whose behalf and with whose privity any such payment as in this section is mentioned is made shall also be guilty of bribery, and punishable accordingly.

The representation of the people (Scotland) act, 1868, 31 and 32 Vict., c. 48, s. 49.

Any person, either directly or indirectly, corruptly paying any rate on behalf of any ratepayer for the purpose of enabling him to be registered as a voter, thereby to influence his vote at any future election, and any candidate or other person, either directly or indirectly, paying any rate on behalf of any voter for the purpose of inducing him to vote or refrain from voting, shall be guilty of bribery, and be punishable accordingly; and any person on whose behalf and with whose privity any such payment as in this section mentioned is made shall also be guilty of bribery, and punishable accordingly.

The universities elections amendment (Scotland) act, 1881, 44 and 45 Vict., c. 40, s. 2.

17. Any person, either directly or indirectly, corruptly paying any fee for the purpose of enabling any person to be registered as a member of the general council, and thereby to influence his vote at any future election; and any candidate or other person, either directly or indirectly, paying such fee on behalf of any person for the purpose of inducing him to vote or to refrain from voting, shall be guilty of bribery, and shall be punishable accordingly; and any person on whose behalf and with whose privity any such payment as in this section mentioned is made shall also be guilty of bribery, and punishable accordingly.

The ballot act, 1872, 35 and 36 Vict., c. 33, s. 24.

A person shall for all purposes of the laws relating to parliamentary and municipal elections be deemed to be guilty of the offense of personation who at an election for a county or borough, or at a municipal election, applies for a ballot paper in the name of some other person, whether that name be that of a person living or dead or of a fictitious person, or who, having voted once at any such election, applies at the same election for a ballot paper in his own name.

THE PARLIAMENTARY ELECTIONS CORRUPT-PRACTICES ACT, 1885.

(48 and 49 Vict., ch. 46.)

An act to amend the law with respect to corrupt practices at parliamentary elections. (6th Aug., 1885.)

Whereas doubts have arisen as to whether or not it be lawful for an employer of labor to permit electors in his regular employ to absent themselves from their employment for the purpose of recording their votes at any parliamentary election without making any deduction from the salary or wages of such electors for the time reasonably occupied in recording their votes;

And whereas it is expedient to remove such doubts:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

The doubts referred to in the preamble arose in such cases as Truscott *v.* Bevan (44 L. T., 64). In that case the respondent's agent gave a holiday to the respondent's work people on the polling day, and they were paid their wages as usual. Many were voters and were supplied with colors and driven to the poll in carriages. On previous occasions, when the respondent was not a candidate, a holiday had been given, but wages withheld. On these facts the respondent's return was held void for bribery by his agent.

1. Nothing in the law relating to parliamentary elections shall make it illegal for an employer to permit parliamentary electors in his employment to absent themselves from such employment for a reasonable time for the purpose of voting at the poll at a parliamentary election, without having any deduction from their salaries or wages on account of such absence, if such permission is, so far as practicable without injury to the business of the employer, given equally to all persons alike who are at the time in his employment, and if such permission is not given with a view of inducing any person to record his vote for any particular candidate at such election, and is not refused to any person for the purpose of preventing such person from recording his vote for any particular candidate at such election.

Section 1 of the act of 1885 merely enacts that the giving to the workmen of a reasonable leave of absence without deduction in wages to enable them to vote shall not by itself alone be illegal, if such permission is given, so far as practicable, to all alike and is not given with a view to influencing any workman's vote.

It would still, therefore, be a question of fact, looking at all the circumstances of the case, whether such permission was given bona fide or with the intention of influencing the workman's vote, and in the latter case would still constitute bribery.

2. This act shall not be construed to make illegal any act which would not have been illegal if this act had not passed.

3. This act may be cited as "The parliamentary elections corrupt-practices act, 1885."

Section 2 shows that the act is not intended in any way to strengthen the act of 1883.

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THE CORRUPT AND ILLEGAL PRACTICES PREVENTION ACT, 1895.

(58 and 59 Vict., chap. 40.)

An act to amend the corrupt and illegal practices prevention act, 1883.

(6th July, 1895.)

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. Any person who, or the directors of any body or association corporate which, before or during any parliamentary election shall, for the purpose of affecting the return of any candidate at such election, make or publish any false statement of fact in relation to the personal character or conduct of such candidate, shall be guilty of an illegal practice within the meaning of the provisions of the corrupt and illegal practices prevention act, 1883, and shall be subject to all the penalties for and consequences of committing an illegal practice in the said act mentioned, and the said act shall be taken to be amended as if the illegal practice defined by this act had been contained therein.

The words "or the directors of any body or association corporate" are added to cover the case of a false statement made by a newspaper owned by a registered and limited liability company, in which case it would be extremely difficult to ascertain the person actually responsible for publishing the false statement.

In the Sunderland case (5 O'M. & H., 53) Mr. Baron Pollock laid down that a statement, "if it be a false statement of fact, and it be in relation to the election and to the personal character and conduct of the candidate," comes within the act, and the court "has nothing whatever to do with the question which arises in cases of libel as to whether there was malice. Any false statement, whether charging dishonesty, or merely bringing a man into contempt, if it affects or is calculated to affect the election, comes within this act." Dealing with what constitutes a statement of fact, the judgment goes on to say that a mere adjective or adverb may carry such a statement, but an "argumentative statement of the conduct of a public man, although it may be in respect to his private life, is not always, and in many cases certainly would not be, a false statement of fact. * * * There is one other thing which I am very clear upon, and that is this: That if you quote an article from another paper, you make any absolute facts stated in that article a part of your own statement; that is to say, a man can not shield himself, if he has charged a man with forgery, by saying, 'Oh, but if you look at any newspaper you will find we read in the evening paper that Mr. So-and-so had committed forgery.' A man has no right to do that." But "a statement of a course of conduct which is alleged on the one side and contradicted on the other by the persons of whom it is written * * * is not to my mind a 'statement of fact' in the sense in which it is intended in this act of Parliament."

As to the penalty for an illegal practice see sections 10 and 54 of the corrupt and illegal practices prevention act, 1883.

2. No person shall be deemed to be guilty of such illegal practice if he can show that he had reasonable grounds for believing, and did believe, the statement made by him to be true.

Any person charged with an offense under this act, and the husband or wife of such person, as the case may be, shall be competent to give evidence in answer to such charge.

In the Sunderland case (supra) Mr. Baron Pollock, dealing with section 2, says: "If a man procure from some stranger in the street a statement that some person he knew had committed a murder or robbery, and he went and promulgated it without any further inquiry, no one could doubt that he would * * * not be protected. If, on the other hand, he heard that from two or three highly respectable persons who must know the truth of it, he would be protected." He goes on to say that in minor matters evidence of a more slender character might suffice to create a belief so as to give protection than in more serious matters, and that an election agent can not be expected to have "quite the same careful discrimination as to the language he uses as the candidate himself."

This is the nearest approach we have to a definition of what constitutes reasonable grounds for belief.

Section 2 was again considered with regard to what constitutes belief in a case stated by a magistrate and reported as Silver *v.* Benn (12 T. L. R., 199). The facts were as follows: B having made certain allegations against M, a newspaper of which the appellant (who was also respondent in other proceedings to be mentioned under sec. 4) was editor, subsequently published a passage headed "Foul play" and "Hitting below the belt," asserting that there was a very dark passage in B's own life, and that there was a skeleton in his cupboard which might be exposed. Proceedings having been taken against him in the police court, the magistrate found as a fact that the newspaper article had alluded to a misfortune which had actually occurred in B's family, but also that he wrote the words maliciously, intending them to be defamatory and to impute discreditable matter to B. On a case stated by the magistrate, the court decided that a breach of the act had been committed, although he believed to be true that which he intended to say. Another court, however, on the trial of an election petition on the same facts, exonerated him from liability for illegal practice. (See note to sec. 4.)

The second part of section 2 is now (since 61 Vict., c. 36) superfluous.

3. Any person who shall make or publish any false statement of fact as aforesaid may be restrained by interim or perpetual injunction by the high court of justice from any repetition of such false statement or any false statement of a similar character in relation to such candidate, and for the purpose of granting an interim injunction prima facie proof of the falsity of the statement shall be sufficient.

An example of an injunction being granted under section 3 is found in the case of Bayley *v.* Edmunds, reported in the Times, 23d July, 1895. In that case a paragraph taken from a newspaper and published as a leaflet for distribution among the electors alleged that the plaintiff had locked out his colliers from their pits for six weeks till stocks were cleared out and price of coal reached 22s. or 23s. per ton at the pits, and then the plaintiff found that "his conscience would not allow him to starve the poor miner any longer." This statement was unsubstantiated and false in fact, and, further, was held by the court of appeal to be derogatory to the plaintiff's personal character (in that it suggested that he had acted unconscientiously in order to make large profits), and intended to injure him in the election. He was accordingly held entitled to an injunction against any repetition of such false statement.

4. A candidate shall not be liable, nor shall be subject to any incapacity, nor shall his election be avoided, for any illegal practice under this act committed by his agent other than his election agent, unless it can be shown that the candidate or his election agent has authorized or consented to the committing of such illegal practice by such other agent, or has paid for the circulation of the false statement constituting the illegal practice, or unless upon the hearing of an election petition the election court shall find and report that the election of such candidate was procured or materially assisted in consequence of the making or publishing of such false statements.

In the St. George's division case (5 O'M. & H., 89, p. 102) a candidate was exonerated from a charge brought against him under the act by reason of section 4. The facts are those set out in the notes to section 2. (Silver *v.* Benn.) Neither candidate nor his election agent had authorized or consented to the illegal practice, and therefore the candidate was held entitled to the benefit of section 4. On the other hand, in the Sunderland case (in notes to sec. 1) the candidate was held liable in spite of section 4, because he had by his election agent invited assistance from the agent and therefore had authorized or consented to the committing of the illegal practice.

5. This act may be cited as "The corrupt and illegal practices prevention act, 1895," and shall be construed as one with the corrupt and illegal practices prevention act, 1883, and that act and this act may be cited together as "The corrupt and illegal practices prevention acts, 1883 and 1895."

EXHIBIT D.

POPULAR SELECTION OF PRESIDENTS.

The following amendment to the Oregon direct primary law was proposed by Senator JONATHAN BOURNE, Jr., and submitted to the people under the initiative at the general election November 8, 1910, and was adopted by the people:

"A bill for a law to further amend the direct-primary nominating elections law, which was proposed by initiative petition and approved by the people of Oregon at the general election in June, 1904, and printed in the volume of the General Laws of Oregon for the year 1905 at pages 7 to 50, and as amended by section 14 of Article II of the constitution of Oregon, approved at the general election in June, 1908, by inserting in said law, after section 2 and before section 3, sections 2a, 2b, 2c, 2d, and 2e, as herein written; to provide for the expression by the qualified voters of the several political parties, subject to the said direct-primary law, of their choice for nomination by their party for President and Vice President of the United States; to provide for and regulate direct-primary nominating election for the election of said political party's delegates to their respective national conventions, and for the payment of delegates' necessary expenses, not exceeding $200 each; for the nomination of party candidates for the office of presidential elector; for space in the party and State campaign books to set forth the merits of aspirants for nomination and candidates for the offices of President and Vice President of the United States, of candidates for offices to be voted for in the State at large, and of candidates for United States Senators and Representatives in Congress.

"Be it enacted by the people of the State of Oregon:

"SECTION 1. That the direct-primary nominating elections law, which was proposed by initiative petition and enacted by the people of Oregon at the general election in June, 1904, as the same is printed in the volume of General Laws of Oregon for the year 1905, at pages 7 to 50 thereof, and as the said law was amended by section 14 of Article II of the constitution of Oregon, as approved at the regular general election in June, 1908, shall be, and the same is hereby, further amended, by inserting, after section 2 and before section 3, the following sections, which shall be designated, respectively, as sections 2a, 2b, 2c, 2d, and 2e.

"SEC. 2a. Provided, in the years when a President and Vice President of the United States are to be elected, said primary nominating election shall take place on the forty-fifth day before the first Monday in June of said year; and all laws pertaining to the nomination of candidates, registration of voters, and all other things incident and pertaining to the holding of the regular biennial nominating election shall be enforced and effected the same number of days before the first Monday in June that they were under the said nominating election law immediately before the change in the date of the regular general election from the first Monday in June to the first Tuesday after the first Monday in November. In the years of the regular biennial general election when a President and Vice President of the United States are not to be elected all the aforesaid laws and purposes shall be enforced and be effected the same number of days before the first Tuesday after the first Monday in November as they shall be in the years of presidential elections before the first Monday in June.

SEC. 2b. In the presidential election years, in addition to the candidates heretofore required to be nominated at the regular nominating election, the qualified electors of the political parties subject to this law shall have opportunity to vote their preference on their party nominating ballots for their choice among those aspiring to be the candidates of their respective parties for President and also for Vice President of the United States, shall elect their party delegates to their national conventions, and shall nominate their party presidential electors. The names of the aspirants in each such party for its nomination to be its candidates for the office of President and for the office of Vice President of the United States shall be printed on the party nominating official ballot, and the ballots shall be marked and the votes shall be counted, canvassed, and returned under the same conditions, as to names, petitions, and other matters so far as the same are applicable, as the names and petitions of party aspirants for the party nomination for the office of governor and of the United States Senator in Congress are or may be by law required to be marked, filed, counted, canvassed, and returned: *Provided*, That aspirants for such presidential nominations need not file any personal petition nor signatures; that certificates of the number of votes received by each such candidate shall be issued to the delegates who are elected for said party to the party national convention; that petitions to place on the nominating ballot the names of aspirants for such office of delegate to said national convention to be chosen and elected at said nominating election shall be sufficient if they contain a number equal to 1 per cent of the party vote in the State at the next preceding election for Representatives in Congress, or 500 signatures of party voters. Every qualified voter shall have the right, at such nominating election, to vote for one candidate for national delegate for his party for the nomination of one candidate for presidential elector and no more. A number of such candidates equal to the number of delegates to be elected and the number of presidential electors to be nominated, receiving, respectively, each for himself, the highest number of votes for such office or nomination, shall be elected or nominated, as the case may be.

"SEC. 2c. Every delegate to a national convention of a political party recognized as such organization by the laws of Oregon shall receive from the State treasurer the amount of his actual necessary traveling expenses, as his account may be audited and allowed by the secretary of state or state auditor, for actual attendance upon said convention, but not in any case to exceed $200 for one delegate. The election of such national delegates for political parties not subject to the direct-primary law shall be certified in like manner as nominations of candidates of such parties for elective public office. Every such delegate to a na-

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tional convention which nominated candidates for President and Vice President shall subscribe an oath of office that he will uphold the Constitution and laws of the United States and of Oregon, and that he will, as such officer and delegate, to the best of his judgment and ability, faithfully carry out the wishes of his political party as expressed by the voters at said nominating election.

"SEC. 2d. Every candidate whose name is placed on the nominating ballot as herein required as an aspirant for nomination by his party as its candidate for President or Vice President of the United States shall have the right, without expense to himself, to have four pages of printed space in his party campaign book, provided for by section 5 of the law proposed by initiative petition and enacted by the people of Oregon at the general election in June, 1908, entitled 'An act to propose by initiative petition a law to limit candidates' election expenses,' etc., as printed on pages 15 to 38 of the General Laws of Oregon for the year 1909. In this space shall be set forth by said aspirant, or his friends, with his written permission filed with the secretary of state for Oregon, a statement of the reasons why he should be chosen by the members of his party in Oregon and in the Nation for its candidate.

"SEC. 2e. Every person regularly nominated by a political party, recognized as such by the laws of Oregon, for President or Vice President of the United States, or for any office to be voted for by the electors of the State at large, or for Senator or Representative in Congress, shall be entitled to use four pages of printed space in the State campaign book, provided for by sections 6 and 7 of the above-entitled 'Law to limit candidates' expenses,' etc., as printed on pages 15 to 38 of the volume of the General Laws of Oregon for 1909. In this space the candidate or his friends, with his written permission filed with the secretary of state, may set forth the reasons why he should be elected. No charge shall be made against candidates for President and Vice President of the United States for this printed space. The other candidates above named shall pay at the rate of $100 per printed page for said space, and said payment shall not be counted as a part of the 10 per cent of one year's salary that said candidate is allowed to spend for campaign purposes. If this proposed law shall be approved by the people of Oregon, the title of this bill shall stand as the title of the law."

EXHIBIT E.

DIRECT PRIMARY SYSTEM DEFECTIVE BECAUSE IT ENABLES PETTY POLITICIANS TO WIN ELECTIONS BY MINORITY OF VOTES CAST—PROF. JOHNSON TELLS HOW TO REMEDY SYSTEM BY "PREFERENTIAL VOTING."

GRAND JUNCTION PLAN REQUIRES MAJORITY VOTE FOR NOMINATION.

The following article, prepared by Prof. Lewis Jerome Johnson, of Harvard University, is timely and appropriate, in view of the working out of Boston's direct primary system as exemplified in yesterday's election.

Prof. Johnson, who has given much attention to civic questions and is an active worker in many organizations for the betterment of politics, explains the "preferential voting" system as developed in Grand Junction, Colo., and Cambridge. This system makes it impossible for a candidate to receive the party nomination unless he has a majority of the votes cast, instead of a mere plurality, if there is a majority to be had for any.

The voter indicates a "first choice," a "second choice," and "additional choices." If there is no candidate with a clear majority among first choices, the first and second choices are added together.

See explanation in extract from charter.

It is interesting to apply this system to the results of yesterday's congressional nominations in the ninth and tenth districts.

Mr. Murray was nominated by 5,580 votes out of a total of 13,882. He had a slight plurality over Mr. KELIHER, but had nowhere near a majority of the votes cast. The vote was broken up among six candidates. It is not likely that anyone will credit Mr. Murray with being the candidate that most of the voters wanted. If the "preferential" system had been used, Mr. KELIHER would almost certainly have received enough "second-choice" votes to give him a majority of all the votes cast, and make him the party candidate.

Likewise, in the tenth district, Mr. Curley, one of three candidates, was nominated by a mere plurality vote of 6,838, out of a total vote of 16,363. It is not likely that the majority of the voters wanted Mr. Curley to run for Congress.

If the "preferential" vote had been used, probably Mr O'CONNELL, who was defeated, would have received enough "second choice" votes to give him a clear majority. Or the majority might even have gone to Mr. McNary, who received the smallest vote.

Obviously, the present "direct primary" system is defective. The suggestion made by Prof. Johnson is worth considering.—EDITOR.]

Direct nominations have come to stay!

There can be little doubt of that. The principle is correct, and thus far they seem to have worked finely.

They are still, however, defective in detail, particularly so in permitting a nomination by a mere plurality of the first-choice votes, regardless of whether it is a majority or not. This opens a danger perhaps worse than the justly discredited caucus and convention system—a danger which that system made a show, at least, of offsetting.

Under plurality rule, the larger the number of candidates—and the number ought to be large—the better the relative chances of the favorite or owner of a closely knit organization. With 10 candidates and 1,000 voters, for example, 200 voters might readily prevail over the other 800 and nominate a man entirely unacceptable to the overwhelming majority simply because the majority were much divided in what should be little more than an informal ballot, but which the present system makes a final ballot.

The machine voters have a great advantage in this system over the more independent and more thoughtful members of the party.

DISASTER IS LIKELY TO COME.

Of course, in Wisconsin, where LA FOLLETTE had a walkover, the system was not severely tested. But disaster is likely to come at any time and anywhere, and it ought to be effectively guarded against.

Preferential voting will do it, and do it far better than any scheme of repeated balloting, or even than any scheme of second elections. Preferential voting has now been reduced to a system both simple and fair, and has already saved one American city from a mere plurality mayor.

To work it, a ballot is used differing from our own only in having three columns for crosses at the right of the column of candidates' names. The voter puts his first choice cross in the first column, his second in the second, and in the third column he puts a cross after the names of all the rest of the candidates acceptable to him. Of course, only one choice can be counted for any one candidate.

The votes in the first column decide the result if some candidate polls in that column a majority (more than half) of all the votes cast. Failing that, and the first and second choice votes received by the others are assumed of equal worth and added together. The candidate now highest wins if he has a majority.

If no man can command a majority of the first and seconds, meaning that there are a number of nearly equally desirable candidates, and the choices in the third columns are brought into the count on equal terms with the rest. The highest man then wins—the man on the list behind whom the voters are found to have gathered after each has specified all whom he cares to support.

This will always result in a majority selection unless the list of candidates happens to contain no one on whom the majority can freely and automatically unite—a condition clearly not due to the system of voting.

This system of voting comes from Grand Junction, Colo., and, simplified by the omission of the practice of dropping the low man, it is a prominent feature of the new charter for Cambridge, now pending.

How it worked in Grand Junction in saving that city from a mere plurality mayor, who was really one of the weakest of the candidates, is shown by the following summary of the result:

Total number of ballots cast 1,847
Necessary for a majority 924

The votes for mayor.

	First choice.	Second choice.	Additional choices.	Combined firsts and seconds.	Combined firsts, seconds, and additional.
D. W. Aupperle	465	143	145	608	753
W. H. Bannister*	603	93	43	696	739
N. A. Lough (out on second)	99	231	328	330	(658)
E. M. Slocomb	229	357	326	586	912
E. B. Lutes (out on first)*	41	114	88	(155)	(243)
Thomas H. Todd (elected)	362	293	396	655	1,051
	1,799	1,231	1,326	.....	.....

*The starred men were the anticharter and minority candidates; the other the pro charter and majority candidates.

There being no majority in first choices, the low man, Lutes, was dropped and firsts and seconds were added together. Then the leading candidate, provided he had a majority, would have won.

There being no majority by combined firsts and seconds, the low man, Lough, was dropped, and first, second, and additional choices were added together, and Todd, the candidate then leading, won.

Under the usual system the minority would have beaten the majority and elected Bannister.

Under the Berkeley, Des Moines, or Haverhill plan, that of second elections, there would have resulted a bitter fight between Aupperle and Bannister, neither of whom had a majority of the people behind him.

THE BEST SYSTEM.

This system seems to be free from the objections to previous systems of preferential voting. They overdid the straining for "scientific" accuracy. They were too delicate, and the nature of the case really requires no such highly strung apparatus. They assume a precision of choice in the mind of the voters which can not possibly exist except in the rarest cases, and they have attracted no general favor.

The Grand Junction plan seems clearly the one for here and now. It fits the established habits of our voters under our Australian system and is undoubtedly as scientific as the nature of the case warrants. The most serious objection raised to it is that in a close election a voter might by his second or other choices contribute to the election of his second or other choice man over his first choice man.

But as an offset to this risk he has by the same means a greatly increased chance of getting some one acceptable to him instead of no one, supposing his first choice to have proved hopeless. In any case, a man of the type acceptable to the great body of voters is sure to be selected so far as this is humanly possible.

Moreover, the counting can be done in the precincts or districts and completed under the conditions most conducive to fairness and calmness. The final return is compiled from tally sheets and that—the final and most exciting part of the work—can readily be checked up by anybody.

The Grand Junction plan is admirably adapted to the support of all the clearly acceptable candidates as distinct from the objectionable or doubtful. It is assumed that a first choice may be clear in the voter's mind, and possibly a second, but beyond this niceties in the gradation of choices are illusory.

The voter is thus enabled quickly to make his crosses after all the names he cares to support, without need of facing the vexatious task of making up his mind whether this man is his sixth and that man his seventh choice, or vice versa. Rather than go through this process many would doubtless refrain from voting for these men at all—thus robbing them of support which they ought to have and which the Grand Junction system makes it easy to give them.

ONE OR MORE CHOICES.

If a voter wishes to express only one choice, he is, of course, free to do so. It is his duty to do so if there is only one acceptable candidate. But such voters are likely to be organization men, bound to some chief, or else supporters of a good nominee up for reelection.

In the former case they are almost sure to be a minority and likely to lose anyway; if not, they ought, of course, to win.

In the other case the probably preeminent claims of the candidate should make him an easy winner in the first column. If he has no such claims, the result ought to include the other columns, and the voter who expresses no second choice for fear of hurting his first one puts his candidate's interest ahead of the public interest, provided there are other good nominees.

The Grand Junction system, with the minimum of turmoil and expense, selects from a large number of nominees a safe choice in a manner far more likely to reflect the calm, candid judgment of the voters than either the second election system or such alleged majority selection as is arrived at in the pulling and hauling of repeated balloting at a nominating convention. The voter has only to make a few crosses on a ballot, put the ballot in the box, and await results. The result is known before the excitement can become very bitter. Contrast this with second elections or repeated balloting.

In short, direct nominations need not be left exposed to risks of discredit plurality rule. If the voters should prefer any of the earlier

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systems than the Grand Junction they ought to have it. They should, however, welcome the simplest, safest scheme that will give a reasonable approach to majority rule, remembering that public good takes precedence over the wishes of scheming candidates and their machines.

USEFUL IN REGULAR ELECTIONS.

Primaries are not the only places where preferential voting would come in handy. Several Massachusetts cities beside Boston are under mere plurality mayors. In one city the present mayor has only one-fourth the votes cast.

It might be used as preventive or relief for deadlocks in legislatures trying to elect United States Senators—modified if desired to meet the unusual circumstances of that case.

Preferential voting practically eliminates the danger from a split ticket. The majority faction or interest in a community is almost certain to elect some one of its nominees, whatever the number up for a single office.

Massachusetts has a fine chance to join in the lead in utilizing preferential voting and perfecting the work she began in adopting the natural preliminary step, the Australian ballot.

EXHIBIT F.

BALLOT ILLUSTRATING PREFERENTIAL VOTING.

Instructions.—To vote for a candidate, make a cross (x) in the appropriate space.

Vote your first choice in the first column.

Vote your second choice in the second column.

Vote only one first choice and only one second choice for any one office.

Vote in the third column for all the other candidates whom you wish to support.

Do not vote more than one choice for one person, as only one choice will count for any candidate.

If you wrongly mark, tear, or deface this ballot, return it and obtain another.

One man to be elected for each office.

	First choice.	Second choice.	Other choices.
Supervisor of administration (mayor).			
Charles E. Hughes			
Champ Clark			
George B. McClellan			
Nelson W. Aldrich			
Richard Croker			
Tom L. Johnson			
Joseph W. Folk			
Robert M. La Follette			
Woodrow Wilson			
William J. Bryan			
Chauncey M. Depew			
Boies Penrose			
Theodore Roosevelt			
Supervisor of finance.			
Bourke Cockran			
Leslie M. Shaw			
John A. Sullivan			
Nathan Matthews			
Supervisor of public works.			
Guy C. Emerson			
John Mitchell			
Stephen O'Meara			
Supervisor of health.			
H. W. Wiley			
Supervisor of public property.			
Gifford Pinchot			
Richard A. Ballinger			

Mr. OWEN. I make the proposition that the Senate now pass this bill with regard to statehood, admitting Arizona and New Mexico together.

Mr. HALE. I object, Mr. President.

The VICE PRESIDENT. Objection is made.

Mr. OWEN. Now, I have done what I could. I should in that event have yielded the floor and made no further objection to the appropriation bills going through, but since I am not permitted to do that, I shall continue as I have done and as I had expected to do.

Mr. HALE. Mr. President, under the present condition, there is nothing that can be done. The Senator has the floor and will not yield unless he has his way about the Territories. Therefore I ask and I shall insist that nothing be laid before the Senate. Let the Senator go on.

Mr. OWEN. Mr. President, it seems that perhaps the matter was not clearly understood as I offered it.

Mr. YOUNG. I rise to a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. OWEN. I make this proposal: That the Senate now vote upon these propositions jointly, and if that is disposed of either one way or the other, I will yield the floor.

Mr. HALE. I object.

The VICE PRESIDENT. The Chair will put it. The Senator from Oklahoma asks unanimous consent that the Senate now vote upon the——

Mr. OWEN. Upon the joint resolution as amended.

The VICE PRESIDENT. It has not yet been amended.

Mr. OWEN. No; but an amendment——

The VICE PRESIDENT. The only way the Chair could put it would be that the Senate, by unanimous consent, agrees to vote upon the joint resolution as if amended.

Mr. OWEN. Yes; that would meet it.

Mr. HALE. Is it the understanding that if this measure is taken up and voted upon the Senator then——

The VICE PRESIDENT. Yields the floor.

Mr. HALE (continuing). Yields the floor and will not make any further opposition to the passage of the appropriation bills?

Mr. OWEN. I will make no further opposition, if that is disposed of.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the order is entered. The Secretary will report the joint resolution as originally presented with the amendment proposed by the Senator from Oklahoma, and upon the joint resolution thus amended the vote will be taken. The Secretary will read the joint resolution.

Mr. OWEN. I want the yeas and nays on the joint resolution, Mr. President.

The VICE PRESIDENT. The Senator from Oklahoma asks for the yeas and nays on the joint resolution.

The yeas and nays were ordered.

The VICE PRESIDENT. The Secretary will first read the joint resolution.

The Secretary read the joint resolution (H. J. Res. 295) approving the constitution formed by the constitutional convention of the Territory of New Mexico, as follows:

Resolved, etc., That the constitution formed by the constitutional convention of the Territory of New Mexico, elected in accordance with the terms of the act of Congress entitled "An act 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," etc., approved June 20, A. D. 1910, which said constitutional convention met at Santa Fe, N. Mex., on the 3d day of October, A. D. 1910, and adjourned November 21, A. D. 1910, and which constitution was subsequently ratified and adopted by the duly qualified electors of the Territory of New Mexico, at an election held according to law, on the 21st day of January, A. D. 1911, being republican in form, and not repugnant to the Constitution of the United States and the principles of the Declaration of Independence, and complying with the terms of said enabling act, be, and the same is hereby, approved, subject to the terms and conditions of the joint resolution entitled "Joint resolution reaffirming the boundary line between Texas and the Territory of New Mexico," approved on the 16th day of February, A. D. 1911.

The amendment of Mr. OWEN was to add as a new section the following:

SEC. 2. That the constitution formed by the constitutional convention of the Territory of Arizona, elected in accordance with the terms of the act of Congress entitled "An act 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," etc., approved June 20, A. D. 1910, which said constitutional convention met at Phoenix, Ariz., on the 10th day of October, A. D. 1910, and adjourned December 9, A. D. 1910, and which constitution was subsequently ratified and adopted by the duly qualified electors of the Territory of Arizona, at an election held according to law, on the 9th day of February, A. D. 1911, being republican in form, and not repugnant to the Constitution of the United States and the principles of the Declaration of Independence, and complying with the terms of said enabling act, be, and the same is hereby, approved.

Mr. BAILEY. Mr. President, I rise to make a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Texas will state it.

Mr. BAILEY. I desire to know if there is first to be a vote on the amendment and then a vote on the joint resolution.

The VICE PRESIDENT. Under the agreement the vote is to be upon the matter which has just been read by the Secretary in full.

Mr. BAILEY. Mr. President, I regret that I was not on the floor when that unanimous consent was obtained, because I should have objected to it. I intend to vote against the joint resolution as amended.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and Mr. BACON responded to his name.

Mr. DU PONT. I should like to have the joint resolution read.

The VICE PRESIDENT. The joint resolution has just been read.

Mr. DU PONT. I withdraw the request.

The VICE PRESIDENT. Nothing can interrupt the roll call after it has begun, and it has begun.

The roll call having been concluded, the result was announced—yeas 39, nays 45, as follows:

YEAS—39.

Bacon	Brown	Culberson	Gore
Beveridge	Burkett	Cummins	Gronna
Borah	Chamberlain	Dixon	Johnston
Bourne	Clapp	Fletcher	Jones
Bristow	Clarke, Ark.	Frazier	La Follette

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McCumber	Owen	Simmons	Taylor
Martin	Paynter	Smith, Md.	Thornton
Money	Percy	Smith, S. C.	Tillman
Newlands	Rayner	Stone	Watson
Nixon	Shively	Swanson	

NAYS—45.

Bailey	Depew	Lodge	Smith, Mich.
Bradley	Dick	Lorimer	Smoot
Brandegee	Dillingham	Nelson	Stephenson
Briggs	du Pont	Oliver	Sutherland
Bulkeley	Flint	Overman	Tallaferro
Burnham	Frye	Page	Warner
Burrows	Gallinger	Penrose	Warren
Burton	Gamble	Perkins	Wetmore
Carter	Guggenheim	Piles	Young
Clark, Wyo.	Hale	Richardson	
Crane	Heyburn	Root	
Cullom	Kean	Scott	

NOT VOTING—7.

Aldrich	Crawford	Davis	Terrell
Bankhead	Curtis	Foster	

So the joint resolution was rejected.

SUNDRY CIVIL APPROPRIATION BILL.

The VICE PRESIDENT. The question is on agreeing to the report of the committee of conference on the sundry civil appropriation bill.

The report was agreed to.

POST OFFICE APPROPRIATION BILL.

Mr. PENROSE 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. 31539) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1912, 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, 2, 3, 4, 5, 6, 9, 10, 11, 12, 13, 14, 15, 16, 20, 24, 27, 29, 30, 31, 32, 43, 49, 51, 52, and 53.

That the House recede from its disagreement to the amendments of the Senate numbered 7, 8, 17, 18, 19, 21, 25, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 44, 45, 46, 47, 48, 50, 54, 55, 56, 57, 58, 59, 60, and 61, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: Page 16, in second line of said amendment strike out "five" and insert "four"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with amendments as follows: Page 4, line 18, after the word "transportation" insert "and handling"; page 4, line 22, after the word "transporting" insert "and handling"; page 5, line 3, after the word "transportation" insert "and handling"; page 5, line 4, after the word "first" insert "1911"; and the Senate agree to the same.

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:

Page 20, lines 22, 23, and 24 of said amendment, strike out all after "construction."

In lines 1, 2, and 3, page 7 of said amendment, strike out all the language; and the Senate agree to the same.

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:

Page 21, in line 6 of said amendment, strike out "eight" and insert "ten"; and the Senate agree to the same.

BOIES PENROSE,
THOS. H. CARTER,
J. H. BANKHEAD,
Managers on the part of the Senate.

JOHN W. WEEKS,
JOHN J. GARDNER,

I agree except as to postal commission—No. 23.

JOHN A. MOON,
Managers on the part of the House.

The report was agreed to.

SECOND-CLASS MAIL.

Mr. PENROSE. Mr. President, the only subject in controversy in the second conference between the two Houses was the failure of the House to agree to the Senate amendment providing for a commission to investigate the rates upon second-class mail matter. Subsequent to the Senate receding in the second conference a joint resolution was agreed on which may possibly secure passage in the House of Representatives. In view of the great interest which the President and the Postmaster General take in the proposition and the favorable action of the Senate yesterday in acceding to the committee amendment, I ask present consideration of the joint resolution, which I send to the desk, which may, as I say, possibly succeed in passing the House of Representatives.

The VICE PRESIDENT. The Senator from Pennsylvania asks unanimous consent for the present consideration of a joint resolution, which the Secretary will read for the information of the Senate.

The joint resolution (S. J. Res. 147) providing for commission to investigate cost of transporting and handling second-class mail was read, the first time by its title and the second time at length, as follows:

Resolved, etc., That the President shall appoint three competent and impartial persons, one of whom shall be a Judge of the Supreme Court of the United States and the other two of whom shall hold no office, and no one of whom shall be connected with the Post Office Department or have any interest in any business directly or indirectly affected by the publishing of magazines or newspapers using the mails of the United States, to examine the reports of the Post Office Department and any of its officers, agents, or employees, and the existing evidence taken in respect to the cost to the Government of the transportation and handling of all classes of second-class mail matter which may be submitted to them, and such evidence as may be presented to them by persons having an interest in the rates to be fixed for second-class mail matter, to make a finding of what the cost of transporting and handling different classes of such second-class mail matter is to the Government, and what, in their judgment, should be the rate for the different classes of second-class postal matter in order to meet and reimburse the Government for the expense to which it is put in the transportation and handling of such matter, and on or before December 1 to make report of their proceedings and findings to the President for transmission to Congress: *Provided*, That the sum of $25,000 is hereby appropriated to pay the expenses of such commission, including compensation to the members thereof, to the necessary secretaries, stenographers, and other incidental expenses, and such compensation may be awarded to the Federal official member of the commission, anything in the existing law to the contrary notwithstanding.

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.

COMMISSIONS FOR RETIRED OFFICERS.

The VICE PRESIDENT laid before the Senate the bill (H. R. 24256) to authorize commissions to issue in the case of officers retired or advanced on the retired list with increased rank, which was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That commissioned officers of the Army, Navy, and Marine Corps on the retired list whose rank has been or shall hereafter be advanced by operation of or in accordance with law shall be entitled to and shall receive commissions in accordance with such advanced rank.

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

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

Mr. STONE. Mr. President, I desire to ask the Senator from Wyoming how much will this increase the pay of officers?

Mr. WARREN. It does not cost a penny. It is merely to give a paper commission to those who by law are placed on the retired list; but, unfortunately, the original law did not provide for the giving of a commission.

Mr. STONE. It will not increase the cost to the Treasury?

Mr. WARREN. Not a cent.

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

DAVID R. LANE.

The VICE PRESIDENT laid before the Senate the bill (H. R. 32980) to remove the charge of desertion against David R. Lane, which was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to correct the military record of David R. Lane, late a member of the Sixteenth Regiment Maine Volunteer Infantry, and to grant him an honorable discharge as of date September 24, 1864, from Company M, First Regiment District of Columbia Volunteer Cavalry: *Provided*, That no pay, bounty, or allowance shall be allowed by reason of this act: *And provided further*, That an act to remove the charge of desertion against David R. Lane, approved May 3, 1902, be, and the same is hereby, repealed.

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

INCREASE OF PENSIONS.

Mr. SCOTT. I ask unanimous consent to proceed to the consideration of the bill (H. R. 29346) granting pensions to certain

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enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico.

The VICE PRESIDENT. Is there objection?

Mr. GORE. Mr. President, is that the so-called Sulloway bill?

The VICE PRESIDENT. The Chair so understands.

Mr. GORE. I object.

Mr. SCOTT. I move that the Senate proceed to the consideration of the bill, notwithstanding the objection.

The VICE PRESIDENT. The Senator from West Virginia moves that the Senate proceed to consider the bill, notwithstanding the objection of the Senator from Oklahoma. The question is on that motion.

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

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

Mr. OVERMAN. Mr. President, before the vote is taken on this bill, I merely want to give notice that the Senate clock has been put back half an hour. I want that on record.

The VICE PRESIDENT. The yeas and nays are demanded.

The yeas and nays were ordered; and, being taken, resulted—yeas 44, nays 37, as follows:

YEAS—44.

Beveridge	Clapp	Gamble	Page
Borah	Clark, Wyo.	Gronna	Penrose
Bourne	Crawford	Guggenheim	Perkins
Bradley	Cullom	Heyburn	Piles
Bristow	Cummins	Jones	Scott
Brown	Curtis	La Follette	Shively
Burkett	Dick	Lorimer	Smith, Mich.
Burnham	Dixon	McCumber	Stephenson
Burrows	Flint	Nelson	Sutherland
Carter	Frye	Nixon	Warner
Chamberlain	Gallinger	Oliver	Young

NAYS—37.

Bacon	Fletcher	Owen	Swanson
Bankhead	Frazier	Paynter	Taliaferro
Brandegee	Gore	Percy	Taylor
Bulkeley	Johnston	Rayner	Thornton
Burton	Kean	Richardson	Tillman
Clarke, Ark.	Lodge	Root	Watson
Crane	Martin	Simmons	Wetmore
Culberson	Money	Smith, Md.	
Dillingham	Newlands	Smith, S. C.	
Du Pont	Overman	Stone	

NOT VOTING—10.

Aldrich	Davis	Hale	Warren
Bailey	Depew	Smoot	
Briggs	Foster	Terrell	

So the motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. LODGE. I desire to ask if the amendment of the Senator from North Dakota [Mr. McCUMBER], the chairman of the committee, is pending?

Mr. SCOTT. I will say there is an amendment to this bill.

The VICE PRESIDENT. There is a committee amendment pending, but not the amendment, the Chair understands——

Mr. LODGE. There is a minority report which has not been read, and I ask for its reading.

The VICE PRESIDENT. The Chair desires to make a correction. The amendment of the Senator from North Dakota is pending.

Mr. LODGE. I ask for the reading of the minority report, which has not yet been read.

The VICE PRESIDENT. The Secretary will read the report.

The Secretary proceeded to read from the views of the minority submitted by Mr. McCUMBER February 14, 1911.

Mr. CURTIS. I ask the Senator from Massachusetts to withdraw that request.

Mr. LODGE. I will read it myself.

Mr. CURTIS. It was fully explained by the Senator.

Mr. LODGE. I ask for the reading of the minority report. I am entitled to it.

The VICE PRESIDENT. The Secretary will continue the reading.

The Secretary resumed the reading.

Mr. SCOTT. I object to the reading of it. If the Senator from Massachusetts wants it read, let him read it.

Mr. LODGE. I think I have a right to ask for its reading.

Mr. SCOTT. I object to its reading by the Clerk.

The VICE PRESIDENT. The Chair thinks the reading of the report can be called for, but the Chair will submit the question to the Senate. Shall the views of the minority be read? [Putting the question.] The ayes have it, and the paper will be read.

The Secretary resumed the reading of the views of the minority, and read as follows:

The minority of the Committee on Pensions of the Senate, to which was referred the bill (H. R. 29346) granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico, submit reasons governing them in supporting an amendment to this bill.

At the last encampment of the Grand Army of the Republic, that organization, through resolution, voiced its sentiment on the matter of amending the present service-pension law. The amendment proposed by them, which related solely to the matter of service pension, provided that soldiers who had served 90 days in the Civil War should, on arriving at the following ages, be entitled to receive the following pensions per month, namely:

Age.	Pension.
62 years	$12
66 years	15
70 years	20
75 years	25

The bill which passed the House (H. R. 29346), known as the Sulloway bill, allowed pensions per month for the respective ages, as follows:

Age.	Pension.
62 years	$15
65 years	20
70 years	25
75 years	36

An amendment was carried in the Senate committee reducing the $36 rate to $30 per month. An amendment was then offered which adopted a double statement, both age and length of service, as a basis for computing the amount of pension the soldiers should receive, as follows:

Age.	90 days' service.	1 year's service.	2 years' service.	3 years' service.	4 years' service.
62 years	$12	$13	$14	$15	$16
66 years	13	14	15	16	17
70 years	15	16	17	18	19
75 years	21	22	23	24	25

It is proper here to show the estimate made by the Secretary of the Interior of the amount that would be required to be appropriated to carry each of these propositions into effect for the first, second, and succeeding years of their operation.

Mr. SCOTT. I rise for the purpose of asking a question of the Senator from Massachusetts [Mr. LODGE]. If it is his purpose that this bill shall not be passed, of course I am not going to delay the Senate by having this committee report read or going any further with the bill. I have gone up to my limit, and I had hoped that I could get the bill through. But if it is his determination to defeat it, I shall not take the time of the Senate further.

Mr. LODGE. This is a bill which, if the Senate amendment is adopted, will cause an increased expenditure of $25,000,000 for the fiscal year 1912 and $50,000,000 for the fiscal year 1913. If it passes as it came from the House, it will add $440,000,000—and I am quoting the estimates of the Secretary of the Interior—in the next 10 years. If it passes in the Senate form, it will add $385,000,000 for the next 10 years. It will necessitate the immediate imposition of new taxes. A bill that involves such enormous expenditures deserves more discussion and more consideration by the Senate than can be given to it in the last moments of a dying Congress.

Mr. SCOTT. The Senator from Massachusetts [Mr. LODGE] has refused to allow it to be discussed, by preventing it from being taken up. I have been trying for over three weeks to get consideration of this bill and have it discussed intelligently.

It does not matter if it is $400,000,000. You are spending that for a ditch to connect two oceans that may be of very little use to this country, and here these old soldiers who saved this country, and made the digging of that ditch possible, are denied the right to which they are entitled in their old age. It is a shame and an outrage.

Mr. PENROSE. I would ask the Senator from West Virginia if he would have any objection to my asking unanimous consent that the Senate proceed to the consideration of another military proposition known as the naval militia bill, a bill of widespread interest.

Mr. SCOTT. In view of the fact that there is a disposition on the part of my colleagues on this side of the Chamber to defeat this bill and deny the right to these old soldiers, I yield to the Senator from Pennsylvania.

Mr. PENROSE. Mr. President——

The VICE PRESIDENT. One moment.

Mr. LODGE. I ask permission——

The VICE PRESIDENT. Wait a moment. The Senator from West Virginia asks unanimous consent that the business before the Senate be laid aside. Is there objection? The Chair hears none.

Mr. LODGE. I ask permission to insert in the RECORD a letter from the Secretary of the Interior giving an estimate of the expenditures.

The VICE PRESIDENT. Without objection, permission is granted.

The letter is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, February 20, 1911.

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

SIR: Replying to your personal inquiry relative to the annual increase in the disbursement for pensions for the next year, and for the next 10 years, should the bill H. R. 29346 become a law as it passed the House of Representatives, and also the increased cost if amended to reduce the rate at 75 years of age from $36 to $30 per month, the annual cost of

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the bill S. 4183, for the creation of a Civil War volunteer officers' retired list, and the annual cost if the limitation as to the date of marriage of Civil War widows should be removed, I have the honor to advise you as follows:

Q. What would be the increased disbursements for pensions for the fiscal years 1912 and 1913 should the bill H. R. 29346 become a law as it passed the House of Representatives?—A. It is estimated that the increased disbursement for pensions for the fiscal year 1912 would be $30,000,000, and for 1913, $60,000,000.

Q. What would be the increase in the disbursements for pensions for the fiscal years 1912 and 1913 should the bill H. R. 29346 be amended to reduce the rate at 75 years of age from $36 to $30 per month?—A. The increase in the disbursement for pensions is estimated at $25,000,000 for the fiscal year 1912 and at $50,000,000 for 1913.

Q. What is the estimated appropriation required for the payment of pensions under the laws as they now exist for each of the next 10 fiscal years; what would be the increase in the disbursements for pensions should the bill H. R. 29346 become a law as it passed the House of Representatives; and what would be the increase in the disbursements should this bill (H. R. 29346) be amended to reduce the rate at 75 years of age from $36 to $30 per month?—A.—

Fiscal years.	Estimated appropriation for pensions under existing laws.	Estimated cost of H. R. 29346 without Senate amendment.	Estimated cost of H. R. 29346 with Senate amendment.
1912	$153,000,000	$183,000,000	$178,000,000
1913	150,000,000	210,000,000	200,000,000
1914	147,500,000	200,000,000	195,000,000
1915	145,000,000	195,000,000	190,000,000
1916	142,500,000	190,000,000	185,000,000
1917	140,000,000	185,000,000	180,000,000
1918	137,500,000	180,000,000	175,000,000
1919	135,000,000	175,000,000	170,000,000
1920	132,500,000	170,000,000	165,000,000
1921	130,000,000	165,000,000	160,000,000
	1,413,000,000	1,853,000,000	1,798,000,000

It is therefore estimated that the total increased cost of the bill, as it passed the House of Representatives, would be, for the first 10 years, $440,000,000; and, if amended, $385,000,000.

The increased cost in the disbursements for pensions for the first year under such a bill would be limited to the number of certificates which the Bureau of Pensions would be able to issue during that period. The full force of the bill would not be felt, however, until the second year after its enactment. It is believed that it would require about two years to adjudicate the claims which would be immediately filed after the passage of such a bill. A large percentage of the certificates issued in the second year would carry on an average one year's arrears of pension, as the bill provides that the increased rates shall commence from the date of filing the application. While the death rate of the beneficiaries under such a bill would be high—something over 6 per cent per annum the first year and an increasing rate thereafter—the reduction in the disbursements would be largely overcome by the increased rates to which those remaining on the rolls would be entitled on account of having attained the next higher age specified in the bill.

Q. What is the estimated cost for the first year of the bill (S. 4183) for the creation of a Civil War volunteer officers' retired list?—A. The estimated cost of this bill, with the proposed amendment making the maximum retired pay $900 per year and the minimum $450 per year, is $8,170,500. The amount of pension per year received by the officers who would be entitled to retirement under the proposed bill is estimated at $3,208,170. The pension of an officer would terminate when his name was placed upon the retired list, and this would make the cost of the bill over and above the pensions now received by such officers for the first year about $4,962,300. This estimate is based upon the pensions recieved under the laws as they now exist and not the amounts to which the officers would be entitled should the bill H. R. 29346 become a law.

Q. What would be the increased cost if the limitation as to the date of marriage of Civil War widows should be removed?—A. It is estimated that the removal of the limitation as to the date of marriage of Civil War widows would add about 25,000 pensioners to the roll, which would make the increase cost due thereto for the first year, $3,600,000.

Very respectfully, R. A. BALLINGER, *Secretary.*

CIVIL WAR OFFICERS' RETIRED LIST.

Mr. PENROSE. I ask unanimous consent for the present consideration of the bill (S. 4183) 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.

It is a bill in which there is very widespread interest all over the country.

The Secretary proceeded to read the bill.

Mr. OVERMAN. I object.

The VICE PRESIDENT. Objection is made.

CONSTITUTION OF ARIZONA.

Mr. BACON. I ask permission to say a word, somewhat personal to myself, which will not occupy two minutes, and that is that I do not want my vote in favor of the admission of the two Territories of Arizona and New Mexico to be considered as in any manner approving of the Arizona constitution. I utterly disapprove of it, but I voted for the admission, feeling that the people of the Territory are the arbiters of their own destiny. Even if we excluded the Territory on this ground, they could afterwards make a constitution containing those provisions, but I do not wish to be understood as approving in any manner the peculiar features of that constitution, and I am sure that I reflect the sentiments of other Senators as well as my own.

NOMINATION OF WILLIAM WARNER.

Mr. WARREN. Mr. President, the Senate has before it the nomination to an important position of a Senator, a distinguished Member of this body whose term expires at noon to-day. I desire to ask unanimous consent that we now proceed to consider the nomination as in executive session. I make this request in order to prevent confusion and loss of time and to avoid disturbing the harmony of the present course of events.

The VICE PRESIDENT. Is there objection to the request of the Senator from Wyoming? The Chair hears none.

Will the Senator from Wyoming send up the nomination?

Mr. STONE. May I inquire who it is the Senator from Wyoming refers to?

Mr. KEAN. It is the colleague of the Senator from Missouri.

Mr. WARREN. It is the nomination of the Senator from Missouri [Mr. WARNER] to be civilian member of the Board of Ordnance and Fortification, vice Thomas J. Henderson, deceased.

Mr. STONE. When I made the inquiry I thought possibly the Senator had already stated it, and that I had overlooked it.

Mr. WARREN. If I have consent, I wish to move the confirmation of the nomination.

The VICE PRESIDENT. The consent has been granted.

The Secretary will report the nomination.

The Secretary read as follows:

THE WHITE HOUSE, *March 4, 1911.*

I nominate WILLIAM WARNER, of Missouri, for appointment as civilian member of the Board of Ordnance and Fortification, vice Thomas J. Henderson, deceased.

WM. H. TAFT.

The VICE PRESIDENT. The Senator from Wyoming moves that the Senate agree and concur in the nomination and confirm the same.

Mr. STONE. May I have just a moment to make a statement?

The VICE PRESIDENT. Certainly.

Mr. STONE. I have served here in the Senate six years with my colleague whose term is about to expire. For many years we have been warm personal friends. Though our political affiliations are different, that harmony of personal intercourse has never been in the least disturbed. Our official relations have been as agreeable as they could be. I am delighted that this honor has been conferred upon my colleague, and I hope the confirmation of the appointment will be made without—as I have no doubt it will be—the thought of an objection from any source. He will be an ornament and an efficient incumbent of the office to which he has been nominated.

The VICE PRESIDENT. The question is, Will the Senate advise and consent to the confirmation of Senator WILLIAM WARNER? [Putting the question.] It is unanimously carried.

NOTIFICATION TO THE PRESIDENT.

Mr. HALE submitted the following resolution (S. Res. 388), which was considered by unanimous consent and agreed to:

Resolved, That a committee of two Senators be appointed by the Vice President to join a similar committee appointed by the House of Representatives to wait upon the President of the United States and inform him that the two Houses, having completed the business of the present session, are ready to adjourn unless the President has some other communication to make to them.

Mr. HALE. I am called from the Chamber and will not be able to act. I ask the Chair in making up the committee not to appoint me.

The VICE PRESIDENT. The Chair appoints the Senator from New Hampshire [Mr. GALLINGER] and the Senator from Mississippi [Mr. MONEY] as the committee on the part of the Senate.

THANKS TO THE VICE PRESIDENT.

Mr. MONEY. Mr. President, I send to the desk, to be read, a resolution to which I call attention.

The PRESIDING OFFICER (Mr. BACON in the chair). The Secretary will read the resolution.

The Secretary read the resolution (S. Res. 386), as follows:

Resolved, That the thanks of the Senate are hereby tendered to Hon. JAMES S. SHERMAN, Vice President of the United States and President of the Senate, for the dignified, impartial, and courteous manner in which he has presided over its deliberations during the present session.

The PRESIDING OFFICER. The question is upon agreeing to the resolution which has been read from the desk.

Mr. GORE. Mr. President, I wish to say that if I could be actuated by a feeling of resentment, a justified resentment, I should interpose an objection to the resolution just submitted, but I hope, sir, that I am incapable of being influenced by motives and considerations of that character. If the ruling which was directed at myself this morning had related to any other Senator, I should have resisted this resolution, but inso-

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