

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate March 3, 1909.*

## CONSUL.

A. Donaldson Smith to be consul at Mersine, Turkey.

## RECEIVER OF PUBLIC MONEYS.

William A. McClure to be receiver of public moneys at Dickinson, N. Dak.

## PROMOTIONS IN THE ARMY.

## COAST ARTILLERY CORPS.

First Lieut. Benjamin H. Kerfoot to be captain.

Second Lieut. Thomas A. Terry to be first lieutenant.

## PROMOTIONS IN THE NAVY.

Professors of Mathematics Walter S. Harshman, Frank B. Littell, and Paul J. Dashiell to be professors of mathematics, with the rank of lieutenant-commander.

## APPOINTMENT IN THE NAVY.

Harold C. Daniels to be a second lieutenant in the Marine Corps.

## POSTMASTERS.

## ARKANSAS.

Lyman S. Roach, at Texarkana, Ark.

## GEORGIA.

Sarah J. Anthony, at Shellman, Ga.  
John S. King, at Rochelle, Ga.

## INDIANA.

John C. Jenkins, at Fortville, Ind.  
John H. Kimble, at Brookville, Ind.

## NEW MEXICO.

William Rely, at Carrizozo, N. Mex.

## TENNESSEE.

William E. Byers, at Tracy City, Tenn.  
James H. Christian, at Smithville, Tenn.  
Susanah E. Farley, at Whiteville, Tenn.  
William L. Green, at Spring Hill, Tenn.  
John Redd, at Bolivar, Tenn.  
Joel F. Ruffin, at Cedar Hill, Tenn.

## TEXAS.

J. F. Bain, at Humble, Tex.

## WISCONSIN.

W. H. Schallert, at Johnson Creek, Wis.

## HOUSE OF REPRESENTATIVES.

WEDNESDAY, *March 3, 1909.*

[Continuation of legislative day of Tuesday, February 23, 1909.]

The recess having expired, the House (at 11 o'clock and 50 minutes a. m.) resumed its session, and was called to order by the Speaker.

## COPYRIGHT.

The SPEAKER. The pending question is the motion made by the gentleman from New Hampshire [Mr. CURRIER] to suspend the rules and agree to the amendments which were read, and pass as amended the bill (H. R. 28192) to amend and consolidate the acts respecting copyright, which bill was read last evening. The Clerk will report the title of the bill.

The Clerk read the title of the bill.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

H. R. 28059. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1910, and for other purposes; and

H. R. 27053. An act entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1910.

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 House to bills of the following titles:

S. 8899. An act entitled "An act granting pensions and increase of pensions to soldiers and sailors of wars other than

the civil war, and to certain widows and dependent relatives of such soldiers and sailors; and

S. 6055. An act to amend section 691 of subchapter 7, building associations, of the Code of Law for the District of Columbia.

The message also announced that the Senate had passed, without amendment, bill of the following title:

H. R. 28055. An act to authorize the Secretary of War to donate one condemned brass or bronze cannon and cannon balls to the soldiers' plot in Forest Hill Cemetery, Scranton, Pa.

The message also announced that the Senate had passed, with amendments, bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 28376. An act entitled "An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1909, and for prior years, and for other purposes."

The message also announced that the Senate had passed without amendment House concurrent resolution 76, as follows:

## House concurrent resolution 76.

*Resolved by the House of Representatives (the Senate concurring).* That the Speaker of the House and the President of the Senate be authorized to cancel their signatures to H. R. 21896, "An act to amend section 86 of an act to provide a government for the Territory of Hawaii, to provide for additional judges, and for other judicial purposes," and that the bill be reenrolled, with the correction in section 23, line 2, after the word "and," strike out the word "eight" and insert "nine," so that the sentence shall read: "Section 23. That this act shall take effect and be in force on and after the 1st day of July, 1909."

## GOVERNMENT FOR HAWAII.

The SPEAKER announced the cancellation of his signature to H. R. 21896, "An act to amend section 86 of an act to provide a government for the Territory of Hawaii, to provide for additional judges, and for other judicial purposes," in accordance with House concurrent resolution 76.

## MILITARY ACADEMY APPROPRIATION BILL.

Mr. HULL of Iowa. Mr. Speaker, will the gentleman from New Hampshire [Mr. CURRIER] yield to allow me to present a conference report? It will take probably twenty minutes to pass it.

Mr. CURRIER. Mr. Speaker, understanding that it will not take more than about twenty minutes to pass the bill and desiring to have a full House when the copyright matter comes up, I will yield to the gentleman.

Mr. HULL of Iowa. Mr. Speaker, I submit a conference report on the bill (H. R. 28059) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1910, and for other purposes, and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Iowa presents a conference report on the Military Academy appropriation bill and asks unanimous consent to read the statement in lieu of the report. If there be no objection, it will be so ordered.

There was no objection.

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. 28059) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1910, 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 14, 16, 18, 20, and 26.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 11, 12, 13, 15, 19, 22, 23, 25, 29, and 30, and agree to the same.

Amendment numbered 7: 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 amount proposed in said amendment insert "one thousand;" and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of amount proposed in said amendment insert "three;" and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of

amount proposed in said amendment insert "twenty-six thousand eight hundred and seventy-three;" and the Senate agree to the same.

Amendment numbered 10: 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: In lieu of amount proposed in said amendment insert "one thousand five hundred;" and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of matter proposed in said amendment insert "for five small electric motors, at one hundred dollars each, five hundred dollars;" and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of amount proposed in said amendment insert "twenty-four thousand and thirty-three;" and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of amount proposed in said amendment insert "eight hundred and two thousand nine hundred and eighty-six;" and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of amount proposed in said amendment insert "one thousand five hundred dollars," so that the amendment will read: "For preserving and marking Revolutionary forts, redoubts, and batteries, and other historic sites, situated within the limits of the West Point Military Reservation, one thousand five hundred dollars;" and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of amount proposed in said amendment insert "twenty-eight thousand five hundred and thirty-five;" and the Senate agree to the same.

J. A. T. HULL,  
A. B. CAPRON,  
WM. SULZER,

*Managers on the part of the House.*

N. B. SCOTT,  
J. A. HEMENWAY,  
MURPHY J. FOSTER,

*Managers on the part of the Senate.*

The Clerk read the statement, as follows:

STATEMENT.

Statement of the conferees on the part of the House on the act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1910:

Amendment No. 1 simply changes one word; and the House recedes.

Amendments Nos. 2, 3, and 4 relate to the six sergeants authorized by the bill as it passed the House. The Senate amendments do not increase the number of sergeants, but designate one as stable sergeant and the other five simply as sergeants; and the House recedes.

Amendments Nos. 5 and 6 simply change the sections of the bill retaining the language as adopted by the House; and the House recedes.

Amendment No. 7 relates to the pay of a stenographer and typewriter in the adjutant's office; and the House recedes and agrees to the same with an amendment fixing the pay at \$1,000 a year.

Amendments Nos. 8 and 9 only relate to the totals.

Amendment No. 10 provides for the paying of expenses of the members of the Board of Visitors. The House recedes and agrees to the amendment by fixing the amount \$1,500 in place of \$2,000.

Amendment No. 11 is intended to authorize the Board of Visitors to attend the graduation at the academy in addition to their present duties; and the House recedes.

Amendments Nos. 12 and 13 are verbal; and the House recedes.

Amendment No. 14 relates to the purchase of a typesetting machine; and the Senate recedes.

Amendment No. 15 provides for a cylinder press; and the House recedes.

Amendment No. 16 provides for a paper-cutting machine; and the Senate recedes.

Amendment No. 17 provides for electric motors; and the House recedes and agrees to the same with an amendment providing for 5 electric motors in place of 6.

Amendment No. 18 is for closets for stock and office furniture; and the Senate recedes.

Amendment No. 19 is verbal; and the House recedes.

Amendment No. 20 is the insertion of new words in the total; and the Senate recedes.

Amendment No. 21 is simply the total for current and ordinary expenses; and the House recedes.

Amendments Nos. 22 and 23 are verbal corrections; and the House recedes.

Amendment No. 24 is simply the total for the Military Academy; and the House recedes and agrees to same with an amendment.

Amendment No. 25 is an increased appropriation for repairs to ordnance laboratory and other buildings; and the House recedes.

Amendment No. 26 is for the development of a plan of landscape improvements; and the Senate recedes.

Amendment No. 27 is for preserving and marking the Revolutionary forts, etc.; and the House recedes from its disagreement and agrees to the same with an amendment reducing the amount appropriated from \$3,200 to \$1,500.

Amendment No. 28 is a total; and the House recedes and agrees to the same with an amendment.

Amendment No. 29 is authorizing the Secretary of War to permit Mr. Demetrio Castillo, jr., of Cuba, to receive instruction at the Military Academy; and the House recedes.

Amendment No. 30 authorizes the appointment by the President of J. Randolph Peyton, late a cadet at the Military Academy at West Point, to a position as second lieutenant in the army; and the House recedes.

J. A. T. HULL,  
A. B. CAPRON,  
WM. SULZER,

*Conferees on the part of the House.*

Mr. HULL of Iowa. Mr. Speaker, I simply call the attention of the House to the fact that in the conference the following items were dropped:

Pay of stenographer and typewriter in the adjutant's office, \$900 a year, was dropped by the Senate; expenses of the Board of Visitors, reduced \$500; typesetting machine, \$3,700.

Mr. SLAYDEN. How much is that item increased over the House appropriation?

Mr. HULL of Iowa. You mean for the clerk? I think about \$100 a year.

Mr. SLAYDEN. No; the expenses of the Board of Visitors.

Mr. HULL of Iowa. The item is now \$1,500, instead of \$1,000 as we passed it in the House, and instead of \$2,000 as passed by the Senate. The total amount dropped out of the Senate amendment is \$9,900.

Mr. SLAYDEN. Before the gentleman leaves that amendment (No. 11) about the expenses of the Board of Visitors, I want to call the attention of the House to what has been done in that matter.

Mr. HULL of Iowa. How much time does the gentleman want?

Mr. SLAYDEN. About three or four minutes.

Mr. HULL of Iowa. I yield to the gentleman four minutes.

Mr. SLAYDEN. Mr. Speaker, last year the House of Representatives, on the recommendation of the Committee on Military Affairs, after giving the subject consideration for three or four months, amended the statute governing the Board of Visitors to the Military Academy. By that amendment there was substituted for the old junketing board, which was composed of citizens from all over the country and of Members from the House and Senate, a very efficient subcommittee from each of the two committees of Congress charged with the duty of framing the bill for the support of the Military Academy. The amendment also provided that they should go at a season of the year when the academy was at work, and not when it was on parade. Now, in obedience to that law a joint committee did go to West Point in January, conferred with the authorities of the academy, got such information as was essential for the intelligent formation of the Military Academy bill, and returned. The total expenses of that Board of Visitors in January to the Military Academy were less than \$400; I think about \$360. When we came to the making of the bill, the committee, over my protest, made the appropriation for the next visit \$1,000, which I stated then, and now believe, to be two and one-half times as much as it should



have been. The Senate increased that amount by another thousand dollars. It appears that the conference committee have reduced that by \$500, so that as the report has been brought into this House it authorizes the expenditure of \$1,500, when experience within the last ninety days has shown that less than \$400 is all that is required.

Now, Mr. Speaker, the purpose of the amendment of the statute suggested by the Senate is to provide a junketing entertainment in the way of an unnecessary visit to the Military Academy. I regret to say that after having given it some thought I can see no other reason for the amendment than that the month of June is a desirable season to visit the Military Academy, and that there are a great many entertainments there at that period.

The academy bill has been made and will soon be passed. This second visit is wholly unnecessary. I fail to see how it can be justified. I think, sir, that this conference committee on the part of the House should have resisted that amendment as wholly unnecessary—as an inexcusable waste of public money. It is a yielding to the recommendation of the superintendent of the academy, who, as has been suggested to me, submitted a report—by the way, without authority in law—and had the report printed—by what authority I do not know—in which he recommended that there should be a return to the old system of a miscellaneous board taken from all over the country, and composed of distinguished visitors rather than mere working Members of Congress.

Now, Mr. Chairman, for fear that I may not get another opportunity, I want to say a few words in reference to the second amendment that this conference committee reports. I think it is the last amendment on the bill. That proposition is to put a young man on the retired list of the army who, while a student at the academy, had the misfortune to lose his leg. I feel exceedingly sorry for him. The committee considered it, and unanimously reported that there ought not to be any such legislation.

The young man was not an officer in the army; he was a student at the Military Academy enjoying the bounty of his Government. He was within three months of graduation. He had received an excellent education and was perfectly equipped, so far as scholastic training goes, to make his way in the world.

A short time before graduating he had the misfortune to fall ill and to lose his leg. I want to say that if any student at that academy hereafter gets the measles, and as a result loses his eyesight, or if a student catches cold and tuberculosis ensues, under the precedent established by this legislation, which I assume will be enacted, those young men can be put on the retired list of the army.

Mr. Speaker, I move that the House conferees be instructed to further insist upon the rejection of the amendments of the Senate.

Mr. HULL of Iowa. Mr. Speaker, the amendment the gentleman from Texas addressed himself to is in regard to the Board of Visitors. That board has the same power on the first visit as it had in the last Congress. The law is not changed in this respect. The only change under the law is practically an authorization for them to return to West Point a second time. I know that it is the general feeling that the June visit is more of a junket than a business proposition, but in almost all institutions and graduations there are distinguished visitors. I was not in favor of the June meeting, but I can see little harm, and the academy is unanimously for it, and the Senate insisted on it. It is hardly large enough to quibble over.

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

Mr. HULL of Iowa. Certainly.

Mr. ANTHONY. The gentleman says that he can see but little harm in the visit. Can he see any practical good?

Mr. HULL of Iowa. A great many believe that there is a great deal of good in it. For myself I have no particular feeling on the subject. I have been there repeatedly at the June meetings, and the gratification that the students have, and the men there, seems to me to be of more benefit than Congress receives.

Mr. SMITH of Michigan. I would like to ask the gentleman from Iowa, if this conference report is adopted, how many cadets will be allotted to each Member of Congress?

Mr. HULL of Iowa. That was beaten in the Senate and is not in conference. Now, as to the second amendment the gentleman speaks of, there was a cadet who served in the academy about three and a half years, and who, on a practice march, had trouble come to him from a diseased knee. The doctors at the academy treated him for rheumatism. His father took him

home and had other eminent physicians called in, and they decided that it had been neglected so long that it was imperative to remove the leg. The academy authorities and the Secretary of War reported that this injury was received in line of duty. Frankly, I doubt that very much. But it is true that on their report that it was injured in line of duty, if the young man had known of his rights, he could have applied for examination, and, standing high in his class as he did, he would undoubtedly have passed the required educational qualifications and, under the law, would have been entitled to a commission as a second lieutenant, and then been retired.

I do not believe that such a case is likely to happen again. There has none happened like it within a hundred or more years, and while I do not like this way of legislating, yet we have got to recognize the rights of another body under their rules of proceeding, and when we do, we have got to meet their propositions.

I think I am not violating a confidence to say that every member of the House Military Committee believes this young man should have some relief, and it is before us now on the proposition to give him his second lieutenantcy, which he fairly earned by his standing in his classes, which he would have received had it not been for this accident, which compels him to go with the loss of a leg, nearly up to the hip joint; and we could not, as conferees, stand out and hold up this Congress on a matter of that character. I hope the conference report will be adopted.

Mr. GAINES of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. HULL of Iowa. Yes.

Mr. GAINES of Tennessee. We have not heard anything the gentleman has said, and I would like to know where this young man was when he was injured.

Mr. HULL of Iowa. He was on a practice march with the other cadets.

Mr. GAINES of Tennessee. And the gentleman says they had to cut his leg off?

Mr. HULL of Iowa. I do not know whether it was an accident or the development of some disease he had, but this is true, that all the military authorities report him as injured in line of duty; and if injured in line of duty and he had passed his examination at the final examination, he would have been commissioned and retired.

Mr. GAINES of Tennessee. What was he doing when he was injured?

Mr. HULL of Iowa. He was on duty, in the line of duty; obeying the orders of his officers.

Mr. GAINES of Tennessee. Is it the fact that he was injured?

Mr. HULL of Iowa. I do not know. That is what they reported; but I do know this: Immediately a disease of the knee-joint developed, that the army surgeon at West Point treated him for rheumatism, when that was not what was the matter with him at all, and the injury ran on until it resulted in the loss of his leg. In my judgment, whether it was an injury or not, it was at least malpractice by an army officer.

Mr. GAINES of Tennessee. Are there any precedents for this?

Mr. CAPRON. No.

Mr. HULL of Iowa. If we adopt this conference report, he gets his commission and retirement.

I yield five minutes to the gentleman from New York [Mr. SULZER].

Mr. SULZER. Mr. Speaker, the conferees on the part of the House have had a full and fair conference regarding all matters in dispute between the two Houses on the Military Academy appropriation bill. In my opinion, having been one of the conferees, I believe that this conference report is just and fair and a substantial victory for the House; and I trust the motion of the gentleman from Texas [Mr. SLAYDEN] will not be adopted, but that the conference report will be accepted by the House. It will be a serious mistake to send this bill back to conference.

Now, just a few words in regard to the provision in this bill to place Cadet J. Randolph Peyton on the retired list of the army. This young man was a cadet at the academy. He was serving his last year. He stood near the head of his class. He is a bright, smart, earnest young man, and would have graduated with honors except for the injury he received in the line of duty. The Secretary of War certifies to this fact and favors this legislation. His leg had to be amputated by reason of this accident, and he did not report to the academy to pass his final examination. Had he reported, no doubt he would have passed, and passing the examination successfully, he would have been, of course, placed on the retired list of the army.

This provision simply corrects a mistake—a technical error of judgment—and retires this young man who lost his leg in the service of his country and places him on the retired list as a second lieutenant. I believe that this relief should be granted. It is only fair and just. I do not believe that any Member of this House who understands all the facts in the case should seriously object to placing the name of this young man Peyton on the retired list of the army as a second lieutenant. It ought to be done as a matter of right. This is all I care to say at present, and, I repeat, I trust the conference report as presented by the conferees will be unanimously adopted.

Mr. HULL of Iowa. Mr. Speaker, I yield two minutes to the gentleman from Kansas [Mr. ANTHONY].

Mr. ANTHONY. Mr. Speaker, this report should go back to conference. I can not see one single logical reason for an additional junket to West Point. After the subcommittee from the Military Committees of the House and Senate made its trip there this winter it came back with a fund of information which enabled us for the first time to intelligently report a Military Academy bill to the House. Now, all they want of this second junket to West Point is to afford an excursion for a lot of political and military "has beens." It was recommended by the superintendent of academy, it is true; but he recommended it in a way that was an insult to the membership of this body, and I want to say that in all decency his recommendation should be disapproved of. For the first time in the history of this body, because of the adoption of the visiting-committee plan, as recommended by the gentleman from Texas [Mr. SLAYDEN], the present Board of Visitors was able to bring to the committee a comprehensive report from the Military Academy, and I believe that we should now stand by a system which has worked well. I hope that the motion of the gentleman from Texas will prevail.

Mr. HULL of Iowa. Mr. Speaker, I yield two minutes to the gentleman from Indiana [Mr. HOLLIDAY].

Mr. HOLLIDAY. Mr. Speaker, I shall vote for the approval of this conference report and hope the House will adopt it. I desire to say, as emphatically as I can, that I am not at all satisfied with the amendments. We have made some progress along the proper lines. While we have not been able to entirely eliminate the junket, as the gentleman from Kansas [Mr. ANTHONY] has so properly designated it, we have reduced the appropriation, and I think by patience and perseverance in the course of time we will be able to eliminate all the expenses and unnecessary features connected with this institution.

I want to say one word about this placing a boy upon the retired list. This young man is entitled to the sympathy of every man in this House, but I want to call attention to the fact that there are hundreds of schoolboys all over the United States who have been injured in the last year who would like to go upon the retired list and be taken care of by the Government of the United States during the rest of their lives. This young man was not a soldier or a sailor. He had never borne arms for his country. He was simply acquiring an education at the expense of the Government and something got the matter with him and the Senate decided to place him upon the retired list. I think that the report should go through. This item is not of large enough importance to hold it up, but we want the public to know and we want the people to know that if any man wants to get on the retired list all he has got to do is to get a little "pull" at the other end of the Capitol.

We want to so awaken public opinion that this thing of putting men, who have never been soldiers or sailors, upon the retired list some time in some way in the remote future will be stopped.

Mr. PAYNE. May I ask the gentleman a question?

Mr. HOLLIDAY. Yes.

Mr. PAYNE. Why did not you strike out these two provisions? Both of them are new legislation by the Senate, and if the House stands out they are bound to strike out those provisions.

Mr. HOLLIDAY. I am opposed to them; I think we ought to strike them out, but I was not on the conference committee.

Mr. PAYNE. Why did not the conferees strike it out?

Mr. HOLLIDAY. I say to the gentleman that I was not on the conference committee.

The SPEAKER. The time of the gentleman has expired.

Mr. HULL of Iowa. Mr. Speaker, I yield one minute additional to the gentleman from Texas [Mr. SLAYDEN].

Mr. SLAYDEN. Mr. Speaker, the suggestion of the gentleman from New York [Mr. PAYNE] is wise and pertinent. If the House makes a stand on this and rejects the report, in my judgment both of these items will be stricken out; certainly that which puts upon the retired list of the Army of the United States a young man who had enjoyed unusual benefits from the Government, which proposes to retire him under three-quarters pay of a lieutenant of the army, should go out. This

precedent is dangerous. As I said a moment ago, if any young man becomes physically incapacitated from any illness whatever while at the Military Academy, if this precedent be established, he will have that as a basis to operate on, and he can be taken from the school and put upon the retired list of the army and live in comfort for the balance of his life without having rendered to the Government one hour's service.

Now, that is exactly the case in this instance. This young man has received a fine education. He has been supported, clothed, fed, and educated at public expense. He has never been for a single minute in the service of the Government of the United States, and now it is proposed to pension him at the rate of three-quarters of the pay of a lieutenant of the army. I hope the report will be voted down.

Mr. HULL of Iowa. Mr. Speaker, I yield two minutes to the gentleman from Florida [Mr. SPARKMAN].

Mr. SPARKMAN. Mr. Speaker, of course I can not state everything connected with this matter in two minutes, but I can give the House an idea of its provision by a brief statement of some of its leading features. I agree fully with the remarks made by the gentleman from New York [Mr. SULZER], who has stated briefly the facts.

It is true that when Mr. Peyton entered the academy at West Point he was in good health and remained so until within a few weeks of the time when he would have graduated but for an injury or trouble which subsequently made it necessary to amputate his limb. It is further a fact that immediately after a forced march, commonly known as a "practice march," he was found to be diseased to such an extent as to immediately incapacitate him for further service or studies in the academy. This disease was diagnosed by the surgeons there as acute articular rheumatism of the left knee, and was treated accordingly, but he did not recover, and a short time thereafter was permitted to go to his home in Florida, where eminent surgeons at once diagnosed his trouble as that of tuberculosis of the knee, which diagnosis was afterwards confirmed by other eminent physicians, one of whom, I think, was in New York. It is further stated that the disease might have been cured if it had been taken in time, but it had progressed so far by the time he reached Florida that it became necessary to amputate his limb, which was done between the knee and the hip. It was thought by some of the physicians attending him that if he had been properly treated in the beginning he might have been cured and hence the amputation rendered unnecessary.

I contend, then, that inasmuch as the disease which resulted in the loss of his limb had its inception in the line of duty, and inasmuch as he would have graduated but for this within a very few weeks, that he should be treated as if he had been regularly graduated and had become an officer; and that is the purpose of the provision inserted in this bill and now under consideration. If adopted, it will place him on the retired list with the grade into which he would have graduated.

It has been said that there are no precedents for this action; but that is a mistake, as Congress has already at different times passed several bills of a similar nature. Of course these came from the Naval Committee; but Congress passed them, nevertheless, and there is no reason why this young man should not be treated as others similarly situated have been treated.

Since the precedents have been established—which are not numerous, and in the nature of things can not be numerous—there is no earthly reason why this young man should not be treated as others have been treated. It has been said that he has a good education, given him by the Government, and that that ought to suffice. But I ask if there is a man here who, for the sake of obtaining such an education, would be willing to suffer the loss Mr. Peyton has suffered? No amount of education can compensate for the loss he has sustained, nor will the relief we are seeking to give repay him.

The SPEAKER. The time of the gentleman has expired.

Mr. HULL of Iowa. Mr. Speaker, on the amendment relating to the Board of Visitors we preserve all the benefits that have come to us from the amendment adopted last year by the House on the suggestion of the gentleman from Texas [Mr. SLAYDEN]. There is no change in that feature of the law. The Board of Visitors are to go there at a time when they can see the necessities of the institution and report to each House of Congress before the preparation of the Military Academy bill, and that this year has been of great benefit to us. There was no surrender on that proposition. It is simply the addition of an additional trip. It was thought by some Members of the House, and I think all the Members I have talked with except one or two on the Board of Visitors this year, that a visit by the same committee representing the House and Senate at the graduation exercises at the academy would be of great benefit to the academy at least. It is a small matter and costs



but a small sum, and if these Members of the Board of Visitors want to go back in June, for one I am willing that they should.

Now, the second amendment does present a more serious proposition. It is a proposition to place a cadet upon the retired list, and if there ever was a case that would justify such action, this case is one of them.

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

Mr. HULL of Iowa. In just a minute. This House has by a direct vote done this very same thing for one or two cadets in the navy that were on a practice cruise and injured, not commissioned, not in the navy, but by a vote practically without opposition in the House and in the Senate passed a bill placing the cadets upon the active list and retiring them on account of the injuries.

The department reports that this boy was injured while on a practice march. The worst feature of it was that the army surgeon treated him for rheumatism and allowed the disease to eat into the bone until the bone became so diseased that he lost his leg. It was malpractice, if nothing else. The Secretary of War reports that he was injured in line of duty. The superintendent of the academy and all the authorities there report that he was injured in line of duty, and if he had known his rights when his leg was removed, and as soon as he had recovered sufficiently to travel had gone back to the academy and taken the examination in his studies, under the law, if he had passed that examination, he would have been entitled to commission and immediate retirement. But he did not know his rights. His father did not know them.

Mr. MADDEN. Will the gentleman yield?

Mr. HULL of Iowa. Yes.

Mr. MADDEN. Does not the gentleman think he is doing an injustice to the young man by placing him on the pension roll? Does he not think that the fact that the placing of this young man on the pension roll will be a premium on indolence, and take away from him all of the incentive to use the intelligence he possesses for the purpose of developing himself for future manhood and for giving him that place in life that he ought to have?

Mr. HULL of Iowa. Mr. Speaker, as the young man is perfectly willing to take that chance, I am willing for him to have it, and I now move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the Chair announced that he was in doubt.

The House divided; and there were—ayes 170, noes 60.

So the conference report was agreed to.

#### COPYRIGHT LAWS.

The House resumed consideration of the bill (H. R. 28192) to amend and consolidate the acts respecting copyright.

The SPEAKER. The gentleman from New Hampshire [Mr. CURRIER] is entitled to twenty minutes and the gentleman from Tennessee [Mr. GAINES] to twenty minutes.

Mr. CURRIER. Mr. Speaker, as a general proposition, I agree that important bills ought not to pass this House without ample opportunity for discussion and amendment. But it sometimes happens that the advantages to be gained by immediate action are so great that the House is willing to waive the right to long debate and to amendment in order that action may be secured. It is not unusual that bills of great consequence are passed in this House under suspension of the rules. More than one great appropriation bill has been passed under suspension at this very session. In the last session one of the most important bills in recent years, the currency bill, was passed under a rule which provided that only one single amendment could be offered, and that was an amendment that no Member wanted.

I moved last night to suspend the rules, because if this action can not be taken now this bill dies at noon to-morrow. Certainly nothing can be lost in making the one effort that can be made to pass the bill. I knowing, after long investigation, how serious the conditions are to-day, how imperative is the demand for immediate relief, feel that I should not discharge my duty properly did I not make every possible effort to secure action on this bill at this session.

Mr. HARRISON. What protection have you given the owners of mechanical devices?

Mr. CURRIER. I will come to that in one moment.

Mr. GAINES of Tennessee. The House ought to know just what this bill is. It is a very important bill, with 64 sections. I know nothing about it myself, and I want to know something about it, and I hope the gentleman will be listened to in explaining the bill.

Mr. CURRIER. Let me say that for three years the House committee and the Senate committee have been investigating this matter. There are many technical and troublesome questions involved. For a long time it seemed that it would be impossible to get an agreement in either committee. To-day both committees are unanimously for the bill as we have it now. It does seem, with the reorganization of committees soon coming, so that we will be compelled again to go over this matter unless action is taken now, that this bill ought to pass under suspension of the rules if any bill is to be so passed.

Mr. STEPHENS of Texas. I desire to inquire, Does it make any provision for the owners of these musical instruments?

Mr. CURRIER. It does.

Mr. COCKRAN. I hope we may have order. It is a very important bill, and I would like to have it explained.

The SPEAKER. The Chair has hope, but not much faith.

Mr. CURRIER. Let me say—

The SPEAKER. The Chair has frequently seen the House agonized over a hundred dollars of expenditure. Here is a bill that effect every household in the country. Business will not proceed until the House is in order and keeps in order.

Mr. CURRIER. Let me say to the gentleman that there is no legislation in this country on the subject of the mechanical reproduction of music. The courts have invariably held—the Supreme Court held last winter in the case of White-Smith Publishing Company v. Apollo Company—that under the law as it now stands any reproducer by mechanical means of music may appropriate the copyrighted music of any composer without compensation. The composers of this country have received not one dollar for the use of their music by reproducing devices, of which millions and millions have been sold. I doubt if there is a Member of this House who has not received letters from his constituents begging him for some legislation on this question. It is very difficult to solve that question, gentlemen, for this reason: While we desired to give to the composer some compensation for such use of his music, we felt that there was great danger that unless that proposition was safeguarded a great musical trust would be formed. The preliminary steps in the formation of such a trust had already been taken. We have solved it in this way, and we have solved it, we believe, so as to be fairly satisfactory to both interests. First, we allow the composer to prohibit the reproduction of his music by mechanical means; but if the composer reproduces his music by mechanical means, or if he permits anybody else to reproduce it by mechanical means, then everyone who desires may reproduce it upon payment to the composer of 2 cents on each mechanical reproducing device.

Mr. COOPER of Wisconsin. Will the gentleman permit a question?

Mr. CURRIER. Certainly.

Mr. COOPER of Wisconsin. Does the gentleman look upon that which the composer disposes of for 2 cents as a property right of the composer?

Mr. CURRIER. It becomes a property right when Congress creates that property right. It is not a property right now by law.

Mr. COOPER of Wisconsin. Well, is it not an invention of the composer?

Mr. CURRIER. Let me say to the gentleman from Wisconsin, there is no property right in writings. The courts have held again and again that the composer or the inventor has no natural rights in his writings or discoveries, but such rights as he has are purely statutory rights.

Mr. COOPER of Wisconsin. One more question and that is all. Does the gentleman know of any other national statute which requires any man who invents anything or composes anything to dispose of it at a price fixed by Congress under the law?

Mr. CURRIER. Let me say that I do not. Let me say also that it is the only possible way to solve this question with fairness to the composer and to the public alike, and we have the power to do it.

Mr. HARRISON. I understand from the gentleman that this bill gives the composer a property right.

Mr. CURRIER. It does.

Mr. HARRISON. What penalty does it provide for infringement, other than the levying of 2 cents a copy?

Mr. CURRIER. It provides for injunction proceedings, and the court may award treble the amount found by the jury and grant an injunction to restrain further interference.

Mr. HARRISON. Those are only civil remedies. There is no criminal punishment, is there?

Mr. CURRIER. We have given no criminal remedy for this kind of an infringement.

Mr. UNDERWOOD. How long does this right last to the composer?

Mr. CURRIER. That goes into the question of term; and will the gentleman wait a moment until I dispose of this first matter?

Mr. UNDERWOOD. Certainly.

Mr. HUGHES of New Jersey. As I understand, under the terms of this bill—and this constitutes my chief objection to it—the most popular composer in the country can not get more under that section than the merest tyro.

Mr. CURRIER. Oh, the gentleman is absolutely mistaken. That works automatically. The merest tyro may compose something, and they would only be able to sell two or three hundred copies of the reproducing device. In the case of a popular piece of music they would sell from one to two million copies. Take a popular song, and they should sell 2,000,000 copies, 2,000,000 of these reproducing devices, which would give to the composer, at 2 cents each, \$40,000.

Mr. HUGHES of New Jersey. Still it is true that the price is the same to each.

Mr. CURRIER. The committee, after a long investigation, felt that was the only way it could be done. And let me say that it amounts to about 5 per cent probably on the selling price, covering the whole field.

Mr. GRIGGS. Do I understand the gentleman to say that both sides have agreed to this proposition?

Mr. CURRIER. It is absolutely unanimous.

Mr. GAINES of Tennessee. I see on page 8 you say that some great music monopoly is going to attempt to take charge of something.

Mr. CURRIER. Oh, if I had the time—that is all stated in the report.

Mr. GAINES of Tennessee. Is there anything in this bill that prevents that monopoly?

Mr. CURRIER. Absolutely.

Mr. GAINES of Tennessee. What?

Mr. CURRIER. The provision that any person may reproduce without any authority upon the payment of the royalty.

Mr. SULZER. It treats everybody alike.

Mr. CURRIER. May I state, in answer to the question which was asked sometime ago about this matter of controlling property rights, the first great copyright case decided in this country was the Wheaton case, and in deciding that case the Supreme Court say this about copyrights:

No one can deny that when the legislature are about to vest an exclusive right in an author or inventor, they have the power to prescribe the conditions on which such right shall be enjoyed, and that no one can avail himself of such right who does not substantially comply with the requisitions of the law.

While we can not legislate out of existence any existing right, for that would impair the obligation of a contract, we are not legislating regarding existing rights; we are creating new rights, and we may attach to those new property rights any restrictions that we please. [Applause.]

I reserve the balance of my time.

Mr. BARTHOLDT. Do I understand the gentleman to say that there is a complete agreement between the composers on one side and those who want to reproduce music mechanically on the other?

Mr. CURRIER. I think practically so. I can not speak for all the people of the country. There was a complete agreement in the committee.

Mr. GAINES of Tennessee. If there is anyone on this side or anyone in the Chamber who is opposed to this bill I will yield him some time.

Mr. COOPER of Wisconsin. I should like to say a word.

Mr. GAINES of Tennessee. I yield to the gentleman two minutes.

Mr. COOPER of Wisconsin. I shall vote against this bill, if for no other reason, because no legislation so important and so long and so earnestly contested ought to be passed by the House of Representatives at this late hour in the session. Nor do I believe, as a matter of principle, that we ought to say to a man, like the former resident of my district—now dead—who composed the Sweet By and By, that he shall not be allowed to dispose of what his genius has created on any terms that may please him. We would not have it but for his genius. God gave him the genius, and if he wants to dispose of a composition to this or that maker of phonographs, he ought to have the right to do so upon his own terms, instead of being compelled by a law of Congress to receive as compensation only 2 cents on each disk or record.

Mr. HINSHAW. Will the gentleman yield?

Mr. COOPER of Wisconsin. Yes.

Mr. HINSHAW. At the present time he has no security whatever.

Mr. COOPER of Wisconsin. Well, that is all wrong.

Mr. HINSHAW. This will provide for him an adequate remedy and compensation for the use of his composition.

Mr. COOPER of Wisconsin. But it fixes the price by law. Does any farmer want the law to fix the price that he shall receive for a bushel of wheat? Does the man who invents a sewing machine want the law to declare the price at which he shall dispose of it? Shall the law say to an inventor that if he dispose of county rights it must be at a price fixed in the letter of the law?

Mr. STEPHENS of Texas. Is it not better for the composer to get something rather than nothing?

The SPEAKER. The time of the gentleman from Wisconsin has expired.

Mr. GAINES of Tennessee. I will yield the gentleman two minutes more, as he seems to be opposed to the bill.

Mr. COOPER of Wisconsin. I am opposed to it. I know that the composer gets nothing now. The original provision of the Constitution and the copyright laws enacted in accordance with it never contemplated an invention like the phonograph which, in large measure, deprives the composer of his right to make money through the sale of printed copies. But because he has not heretofore had a remedy for this wrong, we would not now be justified in declaring by law that he shall have as compensation a royalty of only 2 cents a record.

Mr. REEDER. This bill protects composers in the products of their ingenuity; but does not the gentleman think it would be better to curtail it a little in order to prevent the creation of a monopoly?

Mr. COOPER of Wisconsin. You are not obliged to sing a song nor to buy a phonograph. Create a monopoly of a work of musical genius!

Mr. REEDER. That is all the purpose of this regulation—to prevent monopoly.

Mr. COOPER of Wisconsin. A composer ought to have the right to dispose of the products of his brain on his own terms.

Mr. REEDER. The sole purpose of this regulation is to prevent monopoly.

Mr. BARTHOLDT. Under the present conditions he receives nothing at all.

Mr. COOPER of Wisconsin. I know that, and it is because the Constitution was created and the copyright law passed before the invention of the phonograph. That is the reason why he now receives nothing at all. It is the phonograph which is depriving him of what he would have received if it had not been invented. We are attempting now to pass a law that will help him some, but at the same time we propose to have Congress fix his royalties by statute.

Mr. BARTHOLDT. If the composer is satisfied, why should not the gentleman be satisfied? I asked the gentleman from New Hampshire in charge of the bill, and he said that there was an agreement between the reproducers and the music composers.

Mr. COOPER of Wisconsin. Does the gentleman wish to establish the precedent of having Congress fix the price? Shall we say to Mark Twain or to any other author that by law Congress has fixed the compensation, the royalties, that he shall receive? It is the principle to which I object.

The SPEAKER. The time of the gentleman has expired.

Mr. GAINES of Tennessee. Mr. Speaker, unless there is some other Members who desire to speak against the bill, I yield seven minutes to the gentleman from New York [Mr. SULZER].

The SPEAKER. The gentleman from New York is recognized for seven minutes.

Mr. SULZER. Mr. Speaker, this bill codifies and reforms the copyright laws of the United States—a consummation earnestly desired by the people most vitally interested. Take it all in all, I believe this comprehensive proposition is one of the most important measures that have been presented to the Federal Legislature in a quarter of a century. For more than three years the Committee on Patents of the two Houses of Congress have been laboring incessantly—in season and out of season—to formulate and codify a new copyright law that will be abreast of the times and do substantial justice to all interests concerned—to labor and to capital; to the authors and the dramatists and the composers; to the publishers and the bookbinders; to the typesetters and the lithographers; to the schools and the churches and the colleges; to the importers and the manufacturers; and last, but not least, to those whose brain and whose genius produce the stories and the dramas and the songs of America. [Applause.]

This copyright bill is the favorable culmination of this long struggle of years for justice to all concerned. I stand for that principle, and as a member of the Committee on Patents I refused to consent to the report of the bill until I honestly believed substantial justice had been done to those most vitally



affected; and I think I can consistently say the measure under consideration, in its present form, meets with the approval of every interest most seriously to be considered. [Applause.]

Mr. GAINES of Tennessee. What about the monopoly?

Mr. SULZER. Mr. Speaker, my friend from Tennessee asks what about the monopoly? I am glad the gentleman makes this inquiry. I stand here and declare that this bill effectually destroys the mechanical device monopoly. There is a monopoly to-day composed of these mechanical device manufacturers. For years these manufacturers of records and disks and perforated rolls, reproducing the songs and the works of the composers and the authors of America, have been making them regardless of the authors' consent, and without paying a nickel of royalty for the privilege. That is unjust. That is the injustice I denounced. This bill changes all that. This bill recognizes the property right of the author or the composer in his work and in his creation—something never granted by Congress heretofore—compels the manufacturer to pay a royalty for the right to manufacture these devices, and gives all manufacturers equal rights by complying with the law. This is a giant stride along the highway of honesty and a long step in advance along the road of progress. No favoritism is shown and no monopoly can be created. All manufacturers by paying a royalty fixed by this bill to the author or composer will have the same rights and the same privileges. So even-handed justice is done to all concerned and there can be no monopoly. All things considered I think the composers' rights in this bill are amply safeguarded.

I am most friendly disposed to the authors and composers of America. I am the man that made the stand for their rights. I fought their battle in the committee for three years, and I have won their fight. I would give them greater rights if I could, but the provision in this bill to protect their interests is the best I was able to secure for them, and they are, so I am informed, entirely satisfied with the bill as amended and now before the House. Of course many of the vital questions in dispute have been compromised. To secure a favorable report and immediate action in this Congress, this had to be done. All legislation is more or less of a compromise, and this is especially so in a measure of so complicated a character and affecting so many interests, directly and indirectly, as the bill under consideration. It is conceded by all who have given the present copyright laws the most superficial investigation that they are wholly inadequate to meet the requirements of modern civilization. Great progress has been made since the existing copyright laws were enacted years ago, and the courts have frequently declared that these ancient copyright laws are imperfect in definition, confusing in phraseology, and inconsistent in construction. They fail to give the protection essentially demanded by modern conditions, are difficult of interpretation, and impossible of intelligent administration. Attempts to improve them by amendments have proved futile, and have only made them more incomprehensible and unsatisfactory. This bill marks progress. It is a great step in advance. No legislative body in the world has yet taken such a forward movement along the line of protecting the rights of composers and authors as the measure under consideration.

This copyright compilation is a monumental work—the result of much care and labor—and, so far as I am concerned, a labor of love, because I have, from the very beginning, labored for justice to every interest affected along equitable and economical and utilitarian lines, ever bearing in mind the true welfare of the people.

So I think I can justly say this bill is in the interest of all the people. It is a fair and a just measure. It may not be absolutely perfect. It would not be the work of finite man if it were destitute of some defect. But if there be defects in it, they can speedily be remedied when the bill becomes a law and all its provisions more carefully studied and scrutinized. I want to see it pass the Congress to-day. I know that it will be a grave mistake if this House votes down this bill after the struggle we have had to get a favorable and a unanimous report. Do not now defeat it. If you do defeat this measure, it will delay copyright legislation for years, and the people of the country, when they realize it, will be sadly and grievously disappointed. In my judgment we never can get a fairer and a better and a more equitable bill than the measure now presented. Its defeat will be a mistake and most discouraging to every friend of intelligent copyright legislation. I appeal to the Members of this House to stand by the unanimous report of its Committee on Patents and pass this bill and help make it a law ere we adjourn. I appeal to my friends—

The SPEAKER. The gentleman's time has expired.

Mr. CURRIER. Mr. Speaker, I yield three minutes more to the gentleman.

Mr. SULZER. Mr. Speaker, let me again urge the importance of enacting this bill into law at this time. I appeal to my friends and urge them to vote for this bill. Delay is dangerous. Now is the opportune time for the friends of honest and just and up-to-date copyright legislation to stand together. I shall be crestfallen if this momentous measure is defeated in the house of its friends. If we pass the bill through the House now, it will go to the Senate to-day. The Senate Committee on Patents has reported favorably an identical bill, and will substitute immediately the House bill for the Senate bill and forthwith send it to the President, and it will become a law before we adjourn. [Applause.] I can say this with the utmost confidence. I am advised the Senate will pass this bill if we do. Again I say in behalf of all concerned let us rise to the occasion and pass the bill.

I have received innumerable letters and telegrams from authors, from composers, from manufacturers, from labor organizations—from all concerned, in fact—urging me to do everything in my power to pass this bill and make it a law before we adjourn. The exigency of the time demands the immediate enactment of this legislation. If we do not pass the bill to-day, I predict that the next Congress will never be able to appoint patent committees that will be able to agree again on a bill so fair and so just and so satisfactory to every interest concerned as the pending measure. This bill does justice to all interests concerned, and, as my time is exhausted, I want to reiterate that I hope every Member of this House who favors an honest, a just, an adequate, an equitable, an up-to-date, an intelligent, and a comprehensive code of copyright laws will cast his vote for this bill and aid to place it on the statute books of our country. [Applause.]

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 28376) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1909, and for prior years, and for other purposes, disagreed to by the House of Representatives; had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon; and had appointed Mr. HALE, Mr. GALLINGER, and Mr. TELLER as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment joint resolution of the following title:

H. J. Res. 225. Joint resolution authorizing the selection of a site and the erection of a pedestal for the Alexander Hamilton memorial in Washington, D. C.

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 House to the bill (S. 9421) granting pensions and increase of pensions to certain soldiers and sailors of wars other than the civil war and to certain widows and dependent and helpless relatives of such soldiers and sailors.

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 House to the bill (S. 9278) entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of wars other than the civil war and to certain dependent relatives of such soldiers and sailors."

The message also announced that the Senate had passed the following order:

Ordered, That Mr. CLARKE of Arkansas be substituted for Mr. McLAURIN as a member of committee of conference on the bill (S. 2982) to codify, revise, and amend the penal laws of the United States.

#### GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. TAWNEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 28376, the general deficiency appropriation bill, disagree to the Senate amendments, and ask for a conference.

Mr. UNDERWOOD. Mr. Speaker, I would like to ask the gentleman a question, and that is whether there are any legislative amendments put on this bill by the Senate?

Mr. TAWNEY. No legislative amendments that I know of. I will say to the gentleman from Alabama that there are some amendments, but amendments that involve merely appropriations, as far as I know.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to take from the Speaker's table the general deficiency appropriation bill, disagree to the Senate amendments, and ask for a conference. Is there objection?

There was no objection.

The SPEAKER announced the following conferees on the part of the House: Mr. TAWNEY, Mr. VREELAND, and Mr. BRUNDIDGE.

## COPYRIGHT LAWS.

The House resumed consideration of the bill (H. R. 28192) to amend and consolidate the acts respecting copyright.

Mr. CURRIER. Mr. Speaker, I yield five minutes to the gentleman from Massachusetts [Mr. WASHBURN].

Mr. WASHBURN. Mr. Speaker, this bill now before the House is the result of over three years of careful study and investigation. It comes into this House unanimously reported by the Committee on Patents, and it has been reported in the Senate unanimously by the Senate Committee on Patents.

Mr. GAINES of Tennessee. Does the gentleman mean by that that every member of the Patent Committee of the House favored this bill?

Mr. WASHBURN. That is what I mean.

Mr. GAINES of Tennessee. And not simply a majority?

Mr. WASHBURN. Every member of the committee favored the bill. The principal subject of difficulty in this whole discussion, Mr. Speaker, has been over what is known as the "canned-music" provision. Under the law as it now stands, the productions of composers can be reproduced upon mechanical instruments without any possibility of compensation to the composers. Originally those interested in this legislation were divided into two parties, one of whom thought that the composer should have no protection and the other of whom thought that the composer should have the absolute control over his productions. The provision in the bill upon this point recognizes the absolute right in the composer to control his production, and that if he himself reproduces it, or if under his authority it is reproduced upon mechanical instruments, then all makers of mechanical instruments shall have the same right upon the same terms, which are fixed in the law. I am well within the facts in saying that this provision as it now stands gives substantial satisfaction to the composers, who are eagerly pressing for some legislation, and also to the makers of mechanical instruments, who have heretofore been opposed to any legislation.

I doubt if any act ever submitted to this House has had more careful, expert attention than this, or is more satisfactory than this to all of the parties in interest. I now yield to the gentleman from Tennessee.

Mr. GARRETT. Why is it that this bill, having the unanimous report of the committee, a bill in which there seems to be no politics, was not brought in before the closing hours of this session, so that we might have known something about it?

Mr. WASHBURN. The reason is, Mr. Speaker, that the subcommittee of the Committee on Patents was not able to report to the full committee so that this bill could go on the calendar at an earlier day than that on which it was reported, February 22.

Mr. EDWARDS of Georgia. Will the gentleman yield for a question? I wish to ask the gentleman how, in his opinion, will this bill affect the price of music commonly known as "church music?"

Mr. WASHBURN. Church music is excluded; it will not be affected at all; or any performance given for charitable or educational purposes and not for profit.

Mr. HARRISON. Has the gentleman heard the argument advanced by the gentleman from Wisconsin a few moments ago, that this takes away a property right? Will the gentleman not state that this creates a property right where none now exists?

Mr. WASHBURN. The statute which we are now attempting to enact creates a right which has never existed before, and in creating it Congress has the right to impose such conditions upon its enjoyment as it sees fit.

Mr. HARRISON. And in creating the 2-cent rate, does not Congress mean to impose a penalty as well as to give a royalty?

Mr. WASHBURN. The penalty is imposed by the triple royalty provided for in the bill.

Mr. HARRISON. I am trying to answer the objection advanced, that it fixes the price of men's brains. Will not the gentleman concede that instead of doing that it really imposes a penalty as well as gives a royalty?

Mr. WASHBURN. That is substantially so.

Mr. GARRETT. It revises the entire copyright law of the country?

Mr. WASHBURN. It is a codification of the whole copyright law, and it has been carefully considered by experts on all sides of the question and is substantially satisfactory to them as it stands. I now yield back the balance of my time.

Mr. GARRETT. Satisfactory to everybody?

Mr. WASHBURN. Yes; substantially.

Mr. GAINES of Tennessee. Mr. Speaker, I now yield three minutes to the gentleman from Pennsylvania [Mr. WILSON].

Mr. WILSON of Pennsylvania. Mr. Speaker, the bill under consideration is a proposed codification of the present laws re-

lating to copyrights, together with some changes and amendments that have become necessary as a result of changed conditions by the introduction of mechanical devices. As the law stands to-day the author or composer whose products are used by the manufacturers of mechanical devices receive no compensation whatever for the reproduction of their works. By the proposition contained in this bill the author or composer is given an exclusive right in his or her production, unless in the exercise of the exclusive right the person owning the copyright proposes or undertakes to produce it by a mechanical device or permits some one else to produce it by that process, and when that is permitted by the author or composer, then a new property right is created and qualified under this bill.

That new property right is created by law. As a matter of fact there is no property right existing in any production, in any invention, in any discovery, except the right that is prescribed by law under the provisions of the Constitution. It is proposed by this law, then, to create a new property right concerning the reproduction of compositions, mechanical or otherwise, by mechanical devices, and when so reproduced, if this bill is enacted into law, either by the author himself or by some one else by his permission, then anyone who desires to manufacture these mechanical devices has the right to proceed to manufacture them under this law by paying the royalty of 2 cents per roll or 2 cents per record to the composer; and in addition to that there is a penalty clause attached to it. The penalty is three times the amount that is provided as a royalty, or, in other words, the penalty of 6 cents per record or roll is provided as a penalty. And in the event of there being any question that the manufacturer of the roll or the record is insolvent or likely to be insolvent, and thereby unable to pay the royalty, the right of injunction is permitted to restrain him from continuing to reproduce. I favor the passage of the bill. [Applause.]

Mr. GAINES of Tennessee. I now yield three minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, the measure before us is one of very great importance. It is true that it comes with the unanimous report of a very distinguished committee. It is also true that many measures come into the House with a unanimous report of a distinguished committee. But is that a reason why the House should not consider the measure? No one pretends that the House this morning is able to give consideration to this bill, which is 60 or 70 pages long, and which, as the Speaker just remarked, affects the home life of every home in America. There has been a controversy going on for years relating to the subject-matter of this bill. If the committee has now concluded its work, if the committee has now prepared a unanimous report, there will be time enough in the next Congress to consider it. We would not take the judgment of the Committee on the Revision of the Laws in regard to a codification of the penal code. Why should we take the judgment of the Committee on Patents in regard, not merely to a codification, but in regard to a new law, and under a controverted proposition concerning the copyright and trade-mark laws?

Mr. Speaker, a vote "no" at this time is not a vote against the principles of this bill, but is a vote against the expediency of passing a great bill without knowledge and without consideration. Gentlemen here may be willing to go on the principle of trading for a pig in a poke, but I prefer to know something concerning the measures before I vote for them. All wisdom will not expire with this Congress, and all time for consideration will not end to-morrow noon. We have Congresses to come, and we can legislate in the future. [Applause.]

Mr. GAINES of Tennessee. Mr. Speaker, I yield two minutes to the gentleman from Pennsylvania [Mr. OLMSTED].

Mr. OLMSTED. Mr. Speaker, my friend from Wisconsin [Mr. COOPER], who opposes this bill, takes pride in a constituent who composed that beautiful hymn tune called "In the sweet bye and bye." Now, if my friend from Wisconsin, with his beautiful voice, should warble that beautiful tune into a phonograph, and somebody should therefrom produce a disk and sell that disk by thousands all over the country, the constituent of the gentleman from Wisconsin would not, under existing law, receive a cent. That is considered a great injustice. Under this law, if passed, that song could not be sung into a phonograph and disks produced therefrom except by the consent of the composer. If he consents, he receives what he does not now get, namely, 2 cents per disk. It is greatly in the interest of the constituent of the gentleman from Wisconsin. I am surprised that my friend should want such a complete monopoly as he suggests in such a production. Upon his theory enacted into law, as I understand it, a mother, having purchased it in the form of sheet music, could not teach that song to her child,



and he, in turn, sing it to others, except by the permission of the composer, although he himself had produced it and sold it in the form of sheet music. This bill does not go as far as that, but gives to the composer a right he never had before, a source of revenue and profit he never had before; and yet I understand from the chairman of the Committee on Patents that the disk producers are generally willing to concede it. I think we are just as prepared to vote on it now as we would be six years hence. A vote "no" postpones a settlement of this controversy. A vote in the affirmative closes it and settles it now and, I trust, for the sweet by and by. [Applause.]

Mr. GAINES of Tennessee. I now yield two minutes to the gentleman from Indiana [Mr. CHANEY].

Mr. CHANEY. Mr. Speaker, I am promised two minutes from my colleague from Tennessee [Mr. GAINES] and one minute from my colleague from New Hampshire [Mr. CURRIER], the chairman of the committee, making three minutes in all. I only wish that I might have a half hour in which to explain this measure, for we have spent much time and study of the propositions embraced in the bill. For three years the Committee on Patents of the House and the Committee on Patents of the Senate have been studying this copyright question, have had numerous hearings, and heard many arguments. We find our copyright laws are mere pieces of patchwork, unphilosophical and unsystematic, and without any real arrangement by which a copyright may be secured to the people who ought to be entitled to a copyright under the existing civilization. We have endeavored to keep in mind two things in the study of this question.

You will find on page 7 of the report that we have taken into consideration how much the proposed legislation will stimulate the producer and so benefit the public; and, second, how much will the monopoly granted be detrimental to the public. The granting of exclusive rights must always take into consideration these two principles, and we have endeavored to follow that out in the study of the question of copyright which has been given by the two committees. We do not want to put it in the power of persons to establish an unholy monopoly to the detriment of the composer and of the public regarding musical compositions which may be reproduced in talking and singing machines. The bill provides against this, and it was the last dispute to be satisfied. All are now agreed upon what we have done in respect of this subject. The report sets forth the kernel of each section of the bill, and a perusal of this report makes extended explanation unnecessary.

The committees met for quite a while in joint session and heard everybody who had anything to say concerning the question of copyright in all its phases. No person who had any interest in the question was excluded from the hearings, and everything they had to say was heard and respectfully considered.

Now, I want to suggest that, after the committee had prepared a report touching the questions involved as complete as the report we have in this case, Members who are interested in the subject, both those who favor this legislation and those opposed, should study the report and see if we have not embodied everything that ought to be considered in the question of copyright legislation.

Now, this report was prepared and submitted for printing on the 22d of February; it has been, therefore, long enough before the House for everybody to have a chance to know what the legislation proposed contains. We have endeavored to provide for those things not provided for in the law as it stood before. The bill is certainly a good one and ought to pass.

Mr. GAINES of Tennessee. I understand I have two minutes remaining; I yield one minute to the gentleman from New York [Mr. DRISCOLL].

Mr. DRISCOLL. Mr. Speaker, I have not expressly joined the combine to reform the rules of the House, but there is one rule that ought to be made and enforced, and that is that no important bill should be brought before the House for consideration without a reasonable notice. The Members ought to have at least forty-eight hours' notice for the consideration of a bill like this before they are required to vote on it. My opinion in this regard has been growing and becoming more fixed by years of experience and observation in this body. This is an important measure, and I have no doubt the committee has given it long and careful consideration, and its report and recommendation are entitled to great weight on the part of the membership of this House. However, the Members are responsible for legislation and can not shift that responsibility on the committee. There are people in my district who are interested in this bill and interested in legislation on this subject, and a bill of this importance, which affects so many people in their homes and also affects many business interests, should not, in my judgment, be rushed through during the closing hours of

Congress. If it is not the best measure that can be devised and recommended, it should not pass. If it is a meritorious measure, no great harm or damage will be done if it is allowed to stand until the beginning of the next Congress.

I have on several previous occasions complained of the practice which has obtained lately of forcing important legislation through Congress without sufficient time for consideration, and without any notice of the time when it is to be brought up for consideration, and I shall vote against this bill as a protest against this kind of legislation.

Mr. CURRIER. I yield one minute to the gentleman from Pennsylvania [Mr. FOCHT].

Mr. FOCHT. Mr. Speaker, as a member of the committee which had under consideration this bill I wish to take issue with the gentleman from Illinois with respect to the extent and length of consideration of this measure. We gave consideration during nearly the whole of last session and a large part of this session. Hearings were held, both sides thoroughly considered, and this bill has had the approval of all who know anything on the subject; and I believe that by a favorable consideration of this bill there will be recognition given to the labor and the skill of those men who create these songs and those who create these mechanical appliances. I therefore trust that the bill will be favorably considered as presented.

Mr. CURRIER. I yield fifteen seconds to the gentleman from North Dakota [Mr. GRONNA].

Mr. GRONNA. Mr. Speaker, in what little can be said in fifteen seconds, I desire to state that as I understand this bill it is to protect the product of the author and the artist; musical compositions, both as to sheet music and mechanical devices. I believe there is a great deal in what the gentleman from Illinois has just said, that so important a bill as this should be thoroughly considered. I believe, however, that I have given this matter consideration and acquired information that will permit me to vote for the bill. As I now understand the bill it will not create a monopoly, but simply give protection to honest labor.

Mr. CURRIER. Mr. Speaker, the gentleman from New York has said that Members of the House have had no opportunity to consider this bill and report before voting on it. I believe, Mr. Speaker, there has been a most unusual opportunity to consider this report. More than a week ago I had sent to every Member of this House a copy of the bill and report, and the report is so full that it discusses in detail every section of the bill.

Mr. DRISCOLL. Will the gentleman yield?

Mr. CURRIER. No. "The gentleman" has only a minute. The gentleman from Pennsylvania [Mr. OLMSTED], quoting me, has said the manufacturers of these devices were all in accord. I wish to say that while they are all in accord with the essential principle involved, as to some of the details they are not in accord.

Mr. Speaker, I now desire to ask unanimous consent to offer an amendment correcting the phraseology. Line 4, page 27 of the bill, amend by striking out the words in that line "of this act," and transpose the word "work" from before to after the word "copyright," so that it will read "copyright work," and so forth.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. CURRIER. Mr. Speaker, I ask for a vote.

The question was taken; and the rules were suspended, and the bill was passed. [Applause.]

#### OMNIBUS CANNON BILL.

The SPEAKER laid before the House the bill (H. R. 28304) granting certain obsolete ordnance for ornamental purposes, with Senate amendments, which were read.

Mr. HULL of Iowa. Mr. Speaker, I move that the House concur in the Senate amendments.

The question was taken, and the motion was agreed to.

#### REPORTS OF HOSPITAL FOR FOUNDLINGS.

Mr. SMITH of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill S. 8520.

The bill was read, as follows:

A bill (S. 8520) requiring reports of the Hospital for Foundlings to be made to the Commissioners of the District of Columbia.

Be it enacted, etc., That section 4 of "An act incorporating a hospital for foundlings in the city of Washington," approved April 22, 1870 (16 Stat., p. 92), which provides that "it shall be the duty of the president and directors to report to the Secretary of the Interior the condition of said institution on the 1st day of July in each year," is hereby amended by substituting the words "Commissioners of the District of Columbia" for the said words "Secretary of the Interior."

The SPEAKER. Is a second demanded?

Mr. SIMS. I demand a second.

The SPEAKER. Under the rules a second is ordered.

Mr. SIMS. Mr. Speaker, I will state that I have demanded a second simply so that if any person wanted opportunity to have the bill explained I would be able to yield to them.

Mr. SMITH of Michigan. Mr. Speaker, this bill provides that the report be made to the Commissioners of the District instead of to the Secretary of the Interior. The Secretary of the Interior has twice made a report that they had nothing to do with this institution, and for that reason this request is made. I yield to the gentleman from Vermont to make a request.

Mr. FOSTER of Vermont. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. FOSTER of Vermont. Mr. Speaker, I rise for the simple purpose of placing in the RECORD my report in connection with House joint resolution No. 257. In this connection it is but proper that I should say that the body of the report is an article prepared by Hon. Henry W. Hill, of Buffalo, N. Y. This article was prepared by Mr. Hill with so much care and is so full of historic interest that I took the liberty of incorporating it in full in the report. This statement is due to Mr. Hill, and I am glad to make it. The report is as follows:

[House of Representatives, Report No. 2169. Sixtieth Congress, second session.]

#### TERCENTENARY CELEBRATION OF DISCOVERY OF LAKE CHAMPLAIN.

Mr. FOSTER of Vermont, from the Committee on Foreign Affairs, submitted the following report, to accompany H. J. Res. 257.

The Committee on Foreign Affairs, to whom was referred House joint resolution 257, submit the following report:

In the month of November, 1906, a joint resolution for the appointment of a commission for the celebration of the three hundredth anniversary of the discovery of Lake Champlain was adopted by the senate and house of representatives of the State of Vermont, containing the recital that—

"Whereas the discovery of Lake Champlain was an event in history fully as important as many others that have been recognized by various States as well as by the National Government; and

"Whereas the three hundredth anniversary of such discovery will occur on July 4, 1909, it is hereby

*Resolved by the senate and house of representatives*, That this event should be observed in a fitting manner and bring about an observance commensurate with its importance, there is hereby provided a commission, consisting of the governor, who shall be chairman ex officio, and six other members to be appointed by the governor before January 1, 1907, one of whom shall act as secretary. Said commission is hereby empowered to adopt such measures as in its judgment may be reasonable or necessary to bring about the fitting observance of such event. And as the interests of the State of New York and of the Dominion of Canada are allied with those of Vermont in such observance, it is hereby recommended that said commission confer with the proper authorities of New York and Canada to ascertain what action they, or either of them, will take with Vermont in making the observance of this event successful and a credit to all, and that the commission report the result of such efforts, together with its recommendations, to the general assembly of 1908.

which resolution was approved by Governor Fletcher D. Proctor on November 15, 1906; and thereafter Governor Proctor appointed as members of such commission Walter E. Howard, of Middlebury; Horace W. Bailey, of Newbury; R. W. McCuen, of Vergennes; Lynn M. Hays, of Essex Junction; Walter H. Crockett, of St. Albans; M. D. McMahon, of Burlington; and thereafter, on April 15, 1907, on motion of Senator Henry W. Hill, of Buffalo, the senate of the State of New York adopted the following resolution, which was concurred in by the assembly on April 16, 1907:

"Whereas the discovery of Lake Champlain by Samuel Champlain on July 4, 1609, antedates the discovery by the whites of any other portion of the territory now comprising the State of New York, and was an event worthy of commemoration in the annals of the State and Nation; and

"Whereas the State of Vermont in 1906 appointed a commission, consisting of the governor of that State and six other commissioners, to confer with commissioners to be appointed on the part of New York and the Dominion of Canada, to ascertain what action, if any, ought to be taken by such States and the Dominion of Canada for the observance of such tercentenary; Therefore

*Resolved (if the assembly concur)*, That a commission consisting of the governor, who shall be chairman ex officio, two citizens to be designated by him, the lieutenant-governor, the speaker of the assembly, two senators to be designated by the lieutenant-governor, and two members of the assembly to be designated by the speaker, be appointed to represent the State of New York at such conference, with power to enter into negotiations with the commissioners representing the State of Vermont and those representing the Dominion of Canada for the observance of such tercentenary, and that such commission report the results of their negotiations, together with their recommendations thereon, to the legislature of 1908."

The New York commission appointed under the foregoing resolution consisted of Governor Charles E. Hughes, Lieutenant-Governor Lewis Stuyvesant Chanler, Senators Henry W. Hill and John C. R. Taylor, and Assemblymen James W. Wadsworth, jr., speaker of the assembly, Alonson T. Dornay, James A. Foley, and Frank S. Witherbee, and John H. Booth.

That commission, together with the Vermont commission, during the summer of 1907, made a tour of Lake Champlain, held several joint and separate meetings, and the New York commission formulated its report and transmitted it to the New York legislature of 1908, a copy of which is annexed hereto, in the conclusion of which report they recommended as follows:

#### SIGNIFICANCE OF THE ANNIVERSARY OF 1909.

"Your commission respectfully submit the foregoing report to the consideration of the legislature of New York. The anniversary which we

desire shall be suitably observed has great significance. Important as it is to the student of history, it makes a wider and stronger appeal to that large body of our citizens whose forefathers fought in the wars of the Champlain region or were among the pioneers who transformed it from the wilderness.

"But chief of all the considerations which we urge upon your attention is the international character of the proposed celebration. The history of the Champlain Valley belongs to the history of three great nations, whose cordial relations we believe will be promoted by the suitable observance of this significant date.

#### RECOMMENDATION.

"To that end your commission, after careful investigation, reaches the conclusion that the three hundredth anniversary of the discovery of Lake Champlain should be suitably celebrated by New York State; and to that end we respectfully recommend the enactment of the following bill."

Thereafter a bill was prepared and submitted to the legislature, which was amended in some respects, and subsequently enacted and became chapter 149 of the New York Laws of 1908, providing in substance for a celebration of the tercentenary of the discovery of Lake Champlain by Samuel Champlain in the month of July, 1609, which celebration, by the terms of the bill, is to occur in the month of July, 1909, at various points in the Champlain Valley.

The commission appointed thereunder consisted of H. Wallace Knapp, Mooers, N. Y., chairman; Henry W. Hill, of Buffalo, secretary; Walter C. Witherbee, Port Henry, treasurer; James J. Frawley, New York City; James Shea, Lake Placid; James A. Foley, New York City; John H. Booth, Plattsburg; John B. Riley, Plattsburg; Louis C. Lafontaine, Champlain; Howland Pell, New York City.

This commission was empowered under the last-mentioned statute to enter into negotiations and cooperate with the State of Vermont, the Government of the United States, the Dominion of Canada, and the Province of Quebec, and either or all of them, in such tercentenary celebration, and appropriated by chapter 466 of the New York Laws of 1908 the sum of \$50,000 for that purpose.

The Vermont commission made its report to the legislature of Vermont, held in the fall of 1908, also recommending, among other things, that a proper celebration be held in conjunction with the State of New York, the Government of the United States, and the Dominion of Canada, a copy of which report is annexed hereto. Subsequently the State of Vermont made an appropriation of \$25,000 to enable that State to participate in the tercentenary celebration.

The commission appointed thereunder consisted of Governor George H. Prouty, chairman; Lynn M. Hays, of Burlington, secretary; Walter H. Crockett, of St. Albans; Rev. John M. Thomas, of Middlebury; Horace W. Bailey, of Rutland; W. J. Van Patten, of Burlington; Frank L. Fish, of Vergennes; Arthur L. Stone, of St. Johnsbury; and F. O. Beaupre, of Burlington.

The facts warranting federal appropriation are briefly set forth in the report of the New York and Vermont commissions, and in amplification thereof the following additional facts are respectfully submitted to the consideration of the President and the Congress of the United States:

Long before its discovery by Samuel Champlain, in July, 1609, Lake Champlain was the resort and battle ground of the savage Algonquin, Huron, and Iroquois nations who peopled its islands and circumjacent beautifully shaded and picturesque shores. It was a paradise for the aborigines, whose native customs and adventurous but precarious life were a startling revelation to such an explorer as Champlain, coming as he did from the refinements of French life of the sixteenth and seventeenth centuries. Still, he was hospitably received and escorted to and through the lake, then known as "Caniaderiguarunte," which signifies the "gate of the country." The lake was also known as "Mer des Iroquois," and traversed by the warring Indian tribes, whose canoes formed picturesque flotillas in those early days on the blue waters of the lake.

Had Champlain been gifted with the poetic imagination of a Homer or a Virgil, he might have cast into an epic the story of his explorations and discoveries, which were quite as thrilling as those of the Iliad, the Odyssey, or the Æneid. Other poets have dwelt upon the beauties of this lake and have sung of the tragic events that have occurred on its waters.

The Champlain Valley is one of the historic portions of the American Continent. Its Indian occupation was succeeded by that of the French, and in turn by the English. From its discovery, in July, 1609, to the battle of Plattsburg, in September, 1814, Lake Champlain was the thoroughfare of many expeditions and the scene of many sanguinary engagements. Noted French, British, and American officers visited it and stopped at its forts, from St. Anne on the north, founded at Isle La Motte in 1665, to St. Frederic, founded in honor of the French secretary of foreign affairs, Frederick Maurepas, by Marquis de Beauharnais, governor-general of Canada, at Crown Point in 1731, and Fort Carillon, founded at Ticonderoga in 1766, on the south.

The grants of some of its islands and adjacent shore lands under French seigniories were the subject of a long conference between the French and British Governments, challenging on the one side the consideration of such officials as Marquis de Beauharnais and others under Louis XV and Louis XVI, and on the other side such statesmen as Lord Dartmouth, Edmund Burke, and Sir Henry Moore under the British Crown. But few, if any, occupations were made under French seigniorial grants, and the controversy finally ended after the Seven Years' French and Indian war, which terminated with the capture of Ticonderoga and Crown Point by the British in 1759, and the later sovereign control by the Americans during the Revolution.

The Champlain Valley was the scene of important military and one naval engagement during the Revolutionary war, and permission has been obtained from the War Department to raise from the waters of Lake Champlain the *Royal Savage*, at Valcour Island, the flagship of Benedict Arnold during that engagement. The history of Ticonderoga and Macdonough's victory at the battle of Plattsburg, in September, 1814, are of such national importance as to merit federal consideration during the forthcoming celebration of the discovery of the lake.

For two hundred years or longer the Champlain Valley was the highway between Albany on the south and Quebec on the north, through which surged the tides of war and travel, until every prominent point and important island in the lake was marked by some notable event worthy of historic mention. The proposed celebration of the discovery of the lake will commemorate some of these important events. Sewell



S. Cutting, D. D., in a poem read at the University of Vermont in 1877, thus describes some of these events. He says:

I shift my theme, nor yet shall wander far;  
My song shall linger where my memories are.  
Dear Lake Champlain! Thou hast historic fame—  
The world records it in thy very name.  
Not English speech these savage wilds first heard,  
Not English prowess that first these waters stirred;  
Primeval forests cast their shadows dark  
On dusky forms in craft of fragile bark,  
When first the paleface from the distant sea  
Brought hither conquering cross and fleur-de-lis.  
On frowning headlands rose the forts of France—  
Around them villages, and song, and dance.  
Four generations came and passed away,  
Of treacherous peace and sanguinary fray,  
When hostile armies hostile flags unfurled,  
To wage the destiny of half the world.

No part of the United States can vie in comparison with Lake Champlain and its environs for historic importance and the ultimate significance of the national and international events occurring in that valley. "Every bay and island of the lake and nearly every foot of its shore have been the scene of some warlike movement—the midnight foray of the predatory savage, the bloody scout of frontier settlers, the rendezvous of armed bands, or the conflict of contending armies." These stirring events cover a period of centuries—from the traditional history of the Indians to the close of the war of 1812.

From the earliest periods of settlement in Canada, New England, and New York the valley of Lake Champlain, both as watercourse or highway, served as a thoroughfare by which, in hostile times, predatory excursions were directed against both the French and English frontiers, and over which captives were conveyed into unenviable captivity. This was the route traversed by delegations engaged in diplomatic relations between the French and English colonists, and was used by agents employed to arrange an exchange of captives. The valley was a highway of commerce, particularly in the operations of the fur trade. Its Indian name, meaning "door of the country," was an apt designation, for into it there marched the flower of contending armies of France, England, and the United States, who struggled persistently for its control. The destinies of the United States and Canada and of England's colonial policy were largely decided by what occurred in the Champlain Valley.

An unjust historical perspective is often created by placing too high value upon the significance of figures. Large armies do not always count for as much in their influence upon the course of the world's history as events more hidden from view and surrounded with less of glamour. The one more easily bewitches the eye, but the other is more likely to appeal to reason. The history of the Champlain Valley exhibits in relief momentous martial and naval engagements and in intaglio the deeds of individuals and collections of men pregnant with far-reaching results in the evolution of the continent of North America.

Samuel Champlain laid the foundations of New France at Quebec in 1608, and in 1609 led an expedition into the Richelieu River, accompanied by a retinue of Algonquian and other Canadian Indians. At the falls of Chambly he abandoned the vessel in which he had sailed, and by portaging and canoeing reached the entrance of a great lake, which he named Lake Champlain. Its confines constituted one of the hunting grounds of the well-organized Iroquoian Confederacy. The Iroquois were then at great enmity with the Algonquians and the Canadian Hurons.

On the night of July 29, 1609, Champlain fell in with one of the hunting parties of the Iroquois. They spent the night in parleying and uttering defiance at one another, and on the morning of July 30 the now well-known battle of Champlain took place at or near the site of Ticonderoga, as is generally believed by the best historians. The significance of this battle is attested by the alienation of the Iroquois from the French and their affiliation with the Dutch and English, and was one of the embryonic factors which, under development, ultimately saved northern New York and a large contiguous territory to English instead of French interests.

France claimed the region by right of discovery, but England sought to repress her by the limitations of treaty. In 1731 France violated the compact of peace by the erection of Fort St. Frederic on the peninsula, known better as "Crown Point." The Iroquois, as claimants of territorial ownership, in June, 1737, protested against the French occupation. In 1739 the French commandant promised the Iroquois that France would not encroach or settle south of Fort St. Frederic, but he claimed for his king all the watershed of the St. Lawrence, inclusive of Lake Champlain and Lake George. In 1742 the fort, having been enlarged, was the strongest work held by the French in Canada—Quebec and Louisburg only excepted. The five years' war, familiarly known as "King George's war," involved the subjects of France and England in conflict, both in Europe and in America. A nominal peace was established by the treaty of Aix-la-Chapelle, in 1748. But soon the Acadian and other boundary contentions between the two Crowns were in ferment.

France practiced subtlety in her diplomatic negotiations, strengthened her frontier posts, and inoculated her Indian allies with hatred of her English colonial neighbors. In 1755 she built Fort Carillon, afterwards Ticonderoga, and thus advanced her outposts. Henceforth, and in a seven years' war, Fort Carillon and Ticonderoga bore the brunt of frontier aggrandizement. In August of that year Dieskau occupied Crown Point with 700 regulars, 1,600 Canadians, and 700 Indians. In 1756, 2,000 men of France were engaged on Fort Carillon; in 1757 it was garrisoned with 9,000 men under the Marquis de Montcalm. On July 8, 1758, Abercrombie, with regulars and provincials, unsuccessfully stormed its works and lost nearly 2,000 men. In the same year Robert Rogers, the intrepid ranger, lost 125 out of a total of 180 men. Upon the evacuation of the region by the French in 1759 General Amherst took possession of Ticonderoga in July, and of Crown Point in August. In 1760 Amherst assembled an army of 15,000 men at Crown Point, and in August of that year Colonel Haviland, with about 3,300 men, opened fire upon the French post at Isle aux Noix, forced the French commander, Bourlamaque, to withdraw, and captured the garrison that remained behind.

For a time after the treaty of Paris, in 1763, the region rested in comparative quiescence. England's acquisition by treaty of the vast domain of Canada eradicated the long-standing imbroglios with France in North America; but the intercolonial wars had schooled the English-American colonists in the arts of prowess and of war. The colonists also had greater freedom to consider internal interests, being now relieved from the erstwhile collisions with the French. A narrow

colonial policy lent itself toward the growth of a spirit of resentment in the colonies, and England's determination to enforce obedience to her will by the employment of military authority served only to fan the slumbering embers into a conflagration. It was under these conditions in May, 1775, that the audacious Ethan Allen, accompanied by only about 83 men, surprised the English garrison at Fort Ticonderoga, and that Seth Warner took Crown Point, in each case without bloodshed. When De la Place, the English officer at Ticonderoga, asked Allen by what authority he demanded the fort's surrender, he replied with those now memorable words: "By the authority of the Great Jehovah and the Continental Congress." The personality of Allen was and is yet a subject of academic controversy, but his action in this affair is a landmark in the romantic history of America.

Benedict Arnold has been execrated for his treason to his country, yet his name is connected with one of the greatest of patriotic services during the American Revolution. On October 11, 1776, he engaged in an extraordinary naval battle on Lake Champlain against the overwhelming odds of the British fleet under Sir Guy Carleton. This battle is in our naval annals of the Revolution what Bunker Hill is to our military history—"a battle wherein glory and renown were gained in defeat." Spears, the naval historian, has characterized it thus: "Not only was the moral effect of this battle quite as great in the courage it gave the Americans, and the pause for thought it gave the enemy; it served to head off a victorious invading British army bound for Albany and the subjugation of northern New York. It taught the British that the Americans were not only willing, but they were able fighters. In spite of the tremendous odds against them, at the last they had proved themselves as unyielding as the rocks that echoed back the roar of the conflict."

Burgoyne made an unsuccessful attack upon the American occupants of Fort Ticonderoga in June, 1777, but with 7,000 men had forced the abandonment of Crown Point in that month; and in July, having erected a battery on Mount Defiance, which commanded Fort Ticonderoga, forced the Americans to evacuate it on the night of the 6th. The termination of the American Revolution, save for internal controversies between New York and Vermont, ended the storm and stress period in the Champlain Valley for many years, until our second war with Great Britain.

From September 6 to 11, 1814, various land engagements took place about Plattsburg. The British forces, numbering about 11,500 troops and including many of Lord Wellington's veterans, were under Sir George Prevost, governor and commander in chief in British North America; the Americans, commanded by Macomb and Bissell, numbered 4,500 men. On September 11, 1814, the American Navy on the lake, commanded by Thomas Macdonough, defeated the British squadron under the command of Commodore George Downie. This naval battle was crucial in bringing the war of 1812 to a termination. The success was acclaimed by the American people everywhere by rejoicing, bonfires, and illuminations, and was sung in the folk and war ballads of the day. Congress recognized its national significance by officially thanking the whole force engaged, and by voting gold medals to Macdonough, Henley, and Cassin, and a silver medal to each of the other commissioned officers. In this victory the United States gained prestige for the demands of the treaty of peace, and an estoppel was put upon England's endeavor to get possession of the northeast corner of the State of Maine.

If the lake itself was the door of the whole northern country, Larabee's Point, on the Vermont side, opposite Fort Ticonderoga, was a side door to New England, and from that side door the New England frontiers suffered repeatedly the havoc of Indian devastations. But there are other places, besides those hitherto mentioned, whose historic associations are inseparable from a narration of the landmarks of the Champlain Valley. At Burlington, Vt., the first steamboat on the lake was launched in 1808 and bore the name of that State. This was only a year after Fulton's steamer, the *Clermont*, first plied the Hudson from New York to Albany. Shortly thereafter, during the period of our second war with Great Britain, Burlington was a garrisoned post and a base of supplies.

On the Isle La Motte (named from Pierre de St. Paul, sieur de la Motte-Lussiere, a captain of the famous Carignan regiment), the French built a fort in 1666, which was named Ste. Anne, and in July of that year, while garrisoned by several companies of the regiment above alluded to, was invested by hostile Mohawks, whose depredations included the death of Captains de Traversy and de Chazy. In October, 1666, M. de Tracy, governor-general of New France, guided and assembled an expedition on the Isle La Motte for the purpose of chastising the Iroquois. Twelve hundred combatants, borne by a fleet of 300 bateaux and canoes, and strengthened by two pieces of artillery, were engaged. They penetrated to the remotest hamlets of these Indians and planted the arms of France in token of taking formal possession of the whole northern part of New York. The French remained undisturbed from the Mohawks for nearly a quarter of a century. Fort Ste. Anne became a Jesuit mission station, and was visited by Bishop Laval in 1668. In August, 1690, Capt. John Schuyler camped there during his return from a foray into Canada. Gens. Philip Schuyler and Richard Montgomery met on the island in September, 1775, during their advance against St. Johns and Montreal, and laid there the plans for that invasion of Canada. Now the shrine of Ste. Anne, on the west side of the island, is visited annually by thousands of devout pilgrims.

Maj. Robert Rogers and 142 men came into Missisquoi Bay in the autumn of 1760, secreted their boats and some provisions, and went off on an expedition against the St. Francis Indians, near the village of Three Rivers, which they burned. Earlier in that year this same intrepid ranger had landed at the place called Rouses Point, near which he was attacked by a superior body of French from the Isle aux Noix. The French were defeated and their commander was slain. Swanton, in Vermont, at an early period formed a considerable settlement of the French and Indians, being then "probably the largest in the Champlain Valley with the exception of Crown Point." At the mouth of Otter Creek, the largest river in Vermont, where Fort Cassin was built, the American squadron was fitted out in 1814 for battle against the English navy. This fort was named for Lieutenant Cassin of our navy, who, with Captain Thornton of the United States Artillery, in May, 1814, had defended the American fleet then building there from attempted destruction by the British.

A little to the north of Rouses Point are the ruins of Fort Montgomery, built by error in what was then Canadian soil, and often called on that account "Fort Blunder," but corrected by international boundary concessions. Rouses Point is a place of commercial interest and the most important port of entry on this frontier. Near by is Point au Fer, fortified in 1776 by the patriot General Sullivan, but occupied by the British in June of the next year and relinquished by them only as late as 1788. At Valcour Island, off Bluff Point and Hotel Champlain, the scene of Arnold's naval battle of 1776, the wreck of the *Royal*

*Savage* lies under water to this day as a reminder of the beginnings of our national naval adventures. At the head of the lake to the south, near the present Whitehall, Maj. Israel Putnam, in August, 1758, was engaged in watching the enemy's maneuvers, and had a fierce encounter in the forest with French and Indians. He was captured, tied to a tree by the Indians, who made preparations to roast him alive. Only the stern interposition of the French officer, Marin, prevented them from dispatching him thus cruelly and robbing the patriot cause of one of its bravest leaders during the American Revolution.

The New York and Champlain commissions have concluded contracts with Mr. L. O. Armstrong, of Montreal, to present Indian pageants on Lake Champlain during the tercentenary celebration. These will be presented by 150 native Indians, descendants of the original tribes that occupied portions of the Champlain Valley at the time of its discovery by Champlain. They will reproduce the battle of Samuel Champlain with the Iroquois, and also present a dramatic version of Longfellow's *Hwatha* on floating barges anchored on the waters of the lake at various places where exercises are to be held.

It is desirable that the United States detail national troops and the States of New York and Vermont regiments from the national guard to present military pageants at Ticonderoga, Plattsburg, and Burlington. The two commissions have decided to hold formal exercises on July 5, 1909, at Crown Point, on July 6 at Fort Ticonderoga, on July 7 at Plattsburg, on July 8 at Burlington, and on July 9 at Isle La Motte, at each of which places Indian pageants will be presented.

The proposed celebration of the discovery of Lake Champlain may also include a celebration of such colonial, national, and international events occurring since the discovery of the lake as to make it eminently proper that the Government of the United States officially participate in the exercises commemorating these historical events. Historical addresses and other literary exercises are to be held, and it is important that the United States Government invite and entertain representatives of the Republic of France, the Kingdom of Great Britain, and the Dominion of Canada. The celebration is of national and international importance, and the committee recommends that the resolution do pass.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken, and the motion was agreed to and the bill was passed.

#### WASHINGTON HOME FOR FOUNDLINGS.

Mr. SMITH of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (S. 8187) to change the name of the Washington Hospital for Foundlings.

The bill was read, as follows:

*Be it enacted, etc.*, That the act entitled "An act for incorporating a hospital for foundlings in the city of Washington," approved April 22, 1870, be, and the same is hereby, amended by changing the name of said institution to the Washington Home for Foundlings.

The question being taken, the rules were suspended and the bill passed.

#### WALTER F. ROGERS.

Mr. SMITH of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (S. 6852) for the relief of Walter F. Rogers, executor of the estate of Sarah Edwards, late owner of lot No. 116, square No. 628, 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 SPEAKER. Is that bill on the Private Calendar?

Mr. SMITH of Michigan. Yes.

Mr. MANN. Oh, well, Mr. Speaker, is it the intention to request the passage of bills on the Private Calendar?

The SPEAKER. No; the Chair supposed it was business in order on District day.

Mr. SMITH of Michigan. It seems to me it is business in order. It is on the Private Calendar, and if there is any objection, I will withdraw the bill.

The SPEAKER. Would it be in order on Monday, an ordinary District day?

Mr. SMITH of Michigan. Yes; it seems to me it would. That is my understanding.

The SPEAKER. Does the gentleman recollect any private bills being passed on District day?

Mr. MANN. The gentleman's bill would be reached in regular order anyway—a Senate bill on the calendar.

The SPEAKER. The Chair has no recollection of the Private Calendar being considered on District day.

Mr. SMITH of Michigan. Then I withhold the bill for a moment—

The SPEAKER. The gentleman withdraws his motion?

Mr. SMITH of Michigan. Yes.

The SPEAKER. The bill is withdrawn.

#### PENSIONERS OF THE METROPOLITAN POLICE FUND.

Mr. SMITH of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 23973) for the relief of pensioners of the Metropolitan police fund.

The SPEAKER. Is that on the Union Calendar?

Mr. SMITH of Michigan. Yes.

The SPEAKER. The gentleman from Michigan moves to suspend the rules, discharge the Committee of the Whole House

on the state of the Union from the further consideration of the following bill, and pass the same.

Mr. MANN. Mr. Speaker, this bill is on the House Calendar, although it ought to be on the Union Calendar.

The SPEAKER. It has been transferred to the Union Calendar.

The bill was read, as follows:

*Be it enacted, etc.*, That the amount withheld from pensioners of the police fund on account of deficiencies in said fund during the period from June 1, 1894, to May 31, 1896, is authorized to be paid, and the Commissioners of the District of Columbia are hereby authorized and directed to adjust and settle all claims for said deficiencies in the payment of allowances made by them to pensioners of said police fund, and report to Congress their conclusions for consideration. In case of death of any beneficiary under the provisions of this bill the amount due such beneficiary shall be paid to the legal representatives thereof.

With the following amendment:

Strike out of lines 10 and 11, page 1, the words "and report to Congress their conclusions for consideration," and insert a period after the word "fund," in line 10.

The SPEAKER. Is a second demanded?

Mr. SIMS. I demand a second.

The SPEAKER. A second is ordered.

Mr. SMITH of Michigan. I yield to the gentleman from Massachusetts [Mr. KELIHER].

Mr. KELIHER. Mr. Speaker, this bill is to appropriate money from the treasury of the District of Columbia to meet an obligation of long standing on account of the failure to pay amounts due from the police pension fund because of depleted condition of that fund between June 1, 1904, and May 31, 1906.

Prior to 1885 there was no authorized police pension fund in the District. The members of the force made up a fund from voluntary contributions on the part of members. They also held police picnics, they sold abandoned property, and the money derived from these sources was turned into a fund which was sufficient to meet all claims for pensions made against it until 1894.

In a period running from June, 1894, to May, 1896, there occurred a deficiency totaling over \$16,000, and in 1896, in order to preclude a repetition of such deficiency, Congress passed an act authorizing the turning into that fund of the money from the sale of dog licenses in the District, and later on, in 1901, it passed another act increasing that fund by diverting such part of the money that comes from the fines imposed in the police court. Now, within the time I mentioned, from June, 1894, to May 30, 1896, the fund was, as I said, not sufficient to meet the drafts made upon it for the purposes for which it was provided, and a deficiency of \$16,000 resulted, made up of sums that ranged from \$20 to \$300 or \$400.

Mr. FINLEY. Will the gentleman yield?

Mr. KELIHER. Yes.

Mr. FINLEY. Do I understand the gentleman to say that on account of legislation depleting or reducing the fund which otherwise would have been sufficient for the purpose there arose this deficiency?

Mr. KELIHER. No; I mean to say that Congress recognized the desirability of providing a pension fund, and it compelled the deduction of \$1 a month from policemen's pay and authorized the use of the dog-license money, and so forth; but that scheme, not being scientifically devised, resulted in a deficiency. Now, it is to pay up that deficiency that resulted in those years that this measure is offered.

Mr. FINLEY. That was done by act of Congress.

Mr. KELIHER. Yes.

Mr. HARRISON. Will the gentleman yield?

Mr. KELIHER. Certainly.

Mr. HARRISON. Does the gentleman know of any semi-official means being employed to make up the police fund?

Mr. KELIHER. The "gentleman from Massachusetts" has no knowledge of any other means by which the police fund is made up other than the compulsory deduction from the policemen's salary, the money from the collections from the dog licenses in the District, and a sufficient part of the sum that comes from the fines imposed in the police court. These make this fund a practical working one to-day.

Mr. HARRISON. Has not the gentleman heard anything about a scheme that has been operated around the District whereby certain men representing themselves as collectors for the police pension fund have foisted on an unsuspecting individual, for \$25, the so-called "official history of the police department," worth about \$2, at a liberal calculation?

Mr. KELIHER. The "gentleman" has no knowledge of any such thing happening, and I am sorry to learn that anybody in the District is gullible enough to purchase such a work.

Mr. HARRISON. One of the commissioners has informed me that the scheme has the semi-official patronage of that body, and that one-third of it is turned into the police pension fund.



Mr. KELIHER. Such a scheme ought to be prohibited. From my understanding the sources of supply to the present fund are ample to supply its purposes, but the proposition contained in the pending measure applies directly to a condition which existed many years ago and aims to meet an obligation of the District which is fifteen years old—to pay what is due to the widows and the children of these policemen. It is an obligation, and I want to quote the statement of Auditor Petty of the District, who said of a similar bill:

This amount is the difference between what the Government promised to give and that which it actually paid, and is therefore an undeniable debt of honor.

Mr. Speaker, this bill has the approval of the three commissioners of the District; it is approved by the auditor of the District, and it seems to me that it ought not invite any opposition. Congress recognized the necessity for provision of such a fund; and simply and solely because the scheme in operation was inadequate to meet the obligation that Congress wished to fulfill, because the scheme was not scientifically devised and did not sufficiently meet requirements, we ask that \$16,711 be appropriated out of the treasury of the District. I might add, Mr. Speaker, that there are moneys every year coming from the police fines beyond the amount required to supply this pension fund that are covered back into the treasury. As I said at the start, the amount is only \$16,000, and as it has the indorsement of everybody who has officially to do with the matter, I hope there will be no opposition to it on the floor.

Mr. SIMS. Mr. Speaker, I was not on the subcommittee that investigated the matter, but the gentleman from Massachusetts was the minority member of that committee. I demanded a second for the purpose of yielding to any gentleman who might wish to oppose the bill. If there is no one who wishes to oppose the bill I will not occupy any further time.

The SPEAKER pro tempore (Mr. PARKER). The question is on suspending the rules and agreeing to the amendments and passing the bill.

The question was taken, and the rules were suspended, and the bill was passed.

#### ROAD ON THE BANK OF ANACOSTIA RIVER.

Mr. SMITH of Michigan. Mr. Speaker, I move to suspend the rules, discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (S. 671) to construct a road along the south bank of the Anacostia River, and pass the same.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That within ninety days after the passage of this act the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute proceedings to condemn the land that may be necessary for a road along the Anacostia River beginning in Glesboro Manor near the center of Omaha street extended and on the right of way of the outfall sewer; thence northeast along or near the line of said outfall sewer to the grounds of the Government Hospital for the Insane, connecting through the grounds adjacent to said hospital as hereinafter provided; thence from the north side of said grounds through the Barry farm northeastwardly and adjacent to the southwest side of the Alexandria branch of the Baltimore and Ohio Railroad to Howard avenue; said right of way to have a width of 90 feet south of the hospital grounds and to have a width of 60 feet through the Barry farm; the said proceedings to be had under and in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia: *Provided, however*, That one-half of the amount found to be due and awarded as damages for and in respect of the land condemned for the said road, together with the costs and expenses of the proceedings, shall be assessed by the jury as benefits, under the provisions of section 491g of said subchapter 1 of chapter 15 of said Code of Law.

SEC. 2. That the Secretary of War is hereby authorized and directed to open for use as a public thoroughfare a 90-foot strip of land from 35 to 100 feet westward of the right of way of the Alexandria branch of the Baltimore and Ohio Railroad Company through the grounds adjacent to the Government Hospital for the Insane, said strip to be hereafter under the control of the Commissioners of the District of Columbia.

SEC. 3. That the sum of \$600 is hereby appropriated, one half out of the revenues of the District of Columbia and the other half out of any money in the Treasury not otherwise appropriated, to provide the necessary funds for the costs and expenses of the condemnation proceedings taken pursuant hereto, and a sufficient amount to pay for the land taken hereunder is hereby appropriated, one-half to be paid out of the revenues of the District of Columbia and one half out of any money in the Treasury not otherwise appropriated.

The SPEAKER pro tempore. Is a second demanded?

Mr. SIMS. I demand a second.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. SIMS. I certainly am.

The SPEAKER pro tempore. A second is ordered. The gentleman from Michigan is entitled to twenty minutes and the gentleman from Tennessee to twenty minutes.

Mr. SMITH of Michigan. Mr. Speaker, I yield such time as he desires to the gentleman from New York [Mr. OLCOTT].

Mr. OLCOTT. Mr. Speaker, this is a bill that has already passed the Senate. It is in accord with the general system for

the development of that part of the District. It was first objected to, I would say, by the Secretary of the Interior, also by the superintendent of the insane asylum, on the ground that it might possibly do some damage to that institution, but since then the plan has been changed to some extent, and the Secretary of the Interior and the superintendent of the asylum are anxious and desirous that the bill should pass. The commissioners recommend its passage strongly. There is considerable of a settlement about there, and the people will be enabled to use the road to their several destinations, which will be something like 2 miles instead of 7, as they have to travel now. As far as I can find out, it would be advantageous to a great many people and it would be disadvantageous to none.

The commissioners are desirous of the bill passing, the Secretary of the Interior desires it, the superintendent of the hospital is not averse to it, and a steel manufactory that makes a great many of the projectiles for the United States Army will be able to bring their product and to carry their supplies in a direct and easy way, instead of by a circuitous and hilly, if not mountainous, road. There is no possible objection to the bill, and I hope it can be passed.

Mr. SULZER. How much will this improvement cost?

Mr. OLCOTT. Mr. Speaker, the cost for condemnation proceedings is limited by the bill to \$600, and the estimate of the commissioners is that the property to be taken by condemnation will cost \$15,000.

Mr. SULZER. And the people generally are in favor of it?

Mr. OLCOTT. Yes; and the people will pay for it, except in so far as it goes through government land. I reserve the balance of my time.

Mr. SIMS. Mr. Speaker, this is a bill to authorize the construction of a road or a street 90 feet wide away over beyond the asylum grounds, contiguous to a gun factory down there, a manufacturing institution, and to bring those people into the city of Washington. The object of this bill is indirectly to bring about in this District that which should never be brought about, and that is to make it the home of manufacturing concerns. The taxes in the District of Columbia are less than in any city of the United States. Manufacturers would like to come here and bring their laborers, and get them out from under the control of the state laws, and place them where the President and the army and the navy have control, where any kind of labor trouble that comes along may be dealt with exclusively by the military authorities of the United States.

To pass such bills here is to encourage manufacturers to come to the District, to fill up all the outlying space around here where the Government of the United States pays one-half of all expenses, and very soon if that be done we will have another Pittsburgh as far as smoke and population is concerned.

Mr. OLCOTT. Will the gentleman yield?

Mr. SIMS. Certainly.

Mr. OLCOTT. Is it not a fact that everything that is manufactured there is used by the Government of the United States?

Mr. SIMS. I do not care who it is used by. It is a factory, a private concern.

Mr. DALZELL. It is there now.

Mr. SIMS. I know it is there, and I do not want any more to come and I do not want to spend money to build streets for factories that do come and locate here. I say there is no need of that road out there, if it was not for that factory. That factory has made it necessary, and it will cost thousands, many thousands of dollars to build and maintain a 90 foot street down there for the benefit of a manufacturing concern that has not come here for any charitable purpose, that has not come here to aid the Government of the United States, but has come here to take advantage of conditions here that exist in no State in the Union. I do not think that we ought to build these streets at vast expense to the Government, to help these factories and indirectly encourage manufacturing in the District, where one-half of the burden of taxation is paid by the people of the United States who do not live here, and where those who do pay here pay it upon a mandatory assessment of only two-thirds of the value of the property.

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

Mr. SIMS. Yes.

Mr. MANN. Does the gentleman say that the purpose behind the laying out of this road is to invite manufactures and smoke nuisances and everything of that kind into the District?

Mr. SIMS. The factory came there, and the people who are with it, brought there on account of it, are the people who are asking for this road, and it would never have been asked for if they had not gone there, and they never would have gone there for any other purpose than to escape the laws of the States of the Union and to be there under the eye of the capital and under the care of the military of the United States, the army

and navy, and of Congress; away from all the possibilities that may come about by means of labor strikes or the labor laws of the different States of the Union. That is why it is here, and I am not in favor of taxing the people of my country—my State and yours—to build 90-foot avenues to factories in this District, because others will come and others will have the right to demand the same. We are making a precedent here which will return to plague the gentlemen who come here in after years.

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

Mr. SIMS. Certainly.

Mr. MANN. Will the opening of this road be likely to encourage other factories in that locality?

Mr. SIMS. Oh, it is not a matter whether it is in that locality or not; they can put them up in some other locality and come here to Congress and make a similar request.

Mr. OLCOTT. Will the gentleman yield?

Mr. SIMS. Certainly.

Mr. OLCOTT. Does not the gentleman think, because I know he is familiar with the locality—

Mr. SIMS. In a general way.

Mr. OLCOTT. Does not the gentleman think that entirely apart from the place where the government projectiles are manufactured that that road will be most advantageous in the general road-plan system of Washington and the District of Columbia?

Mr. SIMS. I am not criticising the manner of its laying out, the artistic features of it; but why is it wanted at all? If that factory had not gone there and carried those people there, it never would have been asked for. It is directly the fruit of that factory being placed there.

Mr. OLCOTT. Does not the gentleman know it is a continuation of a street which is now in actual use, which goes to Omaha avenue, and if continued along will make for Anacostia a most desirable roadway in the District—

Mr. SIMS. But we are not here appropriating money to build roads where nobody else except manufacturing plants want them.

Mr. OLCOTT. No; but the gentleman must know, surely, there is a considerable population there in what is known as "Talbot's subdivision."

Mr. SIMS. Perhaps so; but the gentleman will be kind enough to admit that if it were not for the gun factory here this bill would not be here and would not be reported on at all.

Mr. OLCOTT. I am not satisfied as to that. I know perfectly well that the Commissioners of the District of Columbia say that it is a road that would have to be built and one that will unquestionably be needed in the future, as it is needed now.

Mr. SIMS. Some day or other; perhaps that is true. Now, we have declined to authorize the building of 90-foot avenues all over this city, where they have been laid out where there was really any necessity, but where there were no people to speak of—

Mr. OLCOTT. But has not the gentleman supported bills for the building of several large avenues?

Mr. SIMS. Supported them?

Mr. OLCOTT. I think you have before.

Mr. SIMS. No; never authorizing any new ones; if I did, I do not remember them. I am absolutely opposed to building these roads where the people are not demanding it. I want to absolutely discourage the gun factory. I want it to leave here. It is not a public institution; it is not a government institution. You might just as well have a soap factory here 4 or 5 miles away from the center of the city and build them an avenue. Why do we want to fill up this capital with manufacturing plants? Why do we want to bring people here from everywhere by encouraging those who do come here by spending public money to build avenues to their places of location? I do not know anything about the people who have built that gun factory. It is not a personal matter at all, but I do not think that the Representatives of the people who stand here on this floor should encourage this city to become a great manufacturing city.

Why, of course you can do so. You can fill it up. Let them be filled up like other manufacturing towns. Let the people of the locality pay the taxes and build the roads. Does anybody believe a 90-foot asphalted street would have to be built to that location in many years to come if it was not for that factory located there? This is indirectly inviting every manufacturing concern who can get a location in the District of Columbia to come here and be taxed less than anywhere on earth, less than in any State, and the people of the United States pay one-half of the street and other local improvements around it.

Now, why has not this bill been considered in the Committee of the Whole, as it ought to be? No such bill should ever pass under suspension of the rules. It is a bad precedent in the way

of legislation. This is a bill of no great public importance. This is not a bill required to be passed in order that the Government may live for six weeks or six months or a year. It is purely a local matter. And yet there are bills on this calendar of a general nature that are not being considered; and a bill that will probably directly and indirectly call for many thousands of dollars is being put through here under suspension of the rules for the benefit of a firm that ought not, in the first place, to be here at all. And conditions should be made so bad for this manufacturing concern that no like concern would ever come here again. I say that it is bad legislation. It is worse to consider it under a motion to suspend the rules. It ought to go over and be considered by the Committee of the Whole, subject to amendment, with sufficient time to discuss it and understand it.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Michigan. Mr. Speaker, I yield four minutes to the gentleman from Kansas [Mr. CAMPBELL].

Mr. CAMPBELL. Mr. Speaker, this bill simply provides for a road into a section of the District of Columbia that is now inhabited by a great number of people that have no direct road. It requires 7 miles of travel over a very rough country to reach that section of the District, and this bill simply provides a roadway that will enable the people to reach that part of the District in about 2 miles. The purpose is to cut off about 5 miles of travel over a rough road and to give the people living there, or who want to go there, an opportunity to get to the same place in a little over 2 miles over a level road.

It is true that the people who live there work in a projectile factory. It is true that they are not department clerks. It is true that they are not clerks in the department stores of Washington or business houses here. But it is just as true that they are men and women who have their homes in the District of Columbia and earn their living at hard labor. They send in to the city for the things they eat and wear, and in order to have a delivery wagon reach them it is necessary now to travel about 7 miles.

Mr. FINLEY. Will the gentleman yield?

Mr. CAMPBELL. I yield to the gentleman from South Carolina for a question.

Mr. FINLEY. About how many people will be benefited or accommodated?

Mr. CAMPBELL. I do not know exactly the number, but there is a large number of people living down there.

Mr. FINLEY. Large is a comparative term. About how many? Five hundred or a thousand?

Mr. CAMPBELL. I should say that there are 300 to 500 people in the immediate vicinity of the end of the road, and then farther up the hillside, in a considerable village, I should say there were two or three thousand people.

Mr. FINLEY. About what will the extension cost?

Mr. CAMPBELL. It is estimated that it will cost about \$15,000.

Mr. FINLEY. Is that a reasonable cost, considering the number of people to be accommodated?

Mr. CAMPBELL. It is the only way to accommodate them, I will say to the gentleman.

Mr. FINLEY. I asked the question from the standpoint of practicability. Is the cost reasonable, considering the number of people to be accommodated, in the gentleman's opinion? Of course that is all he can answer.

Mr. CAMPBELL. I should say so. If I lived out there I should think that I, as one of the citizens of that part of the District of Columbia, was entitled to this road. I understand that there are about 400 men employed in that projectile factory. That would make a population of something like 2,000 in connection with that industry, who live at the end of the proposed road. And in addition to that there are a large number of people living at the end of this proposed road. I hope the bill will pass.

Mr. SMITH of Michigan. Mr. Speaker, how much time have I left?

THE SPEAKER pro tempore. The gentleman has fourteen minutes left.

Mr. SMITH of Michigan. I yield to the gentleman from Pennsylvania.

Mr. BRODHEAD. Mr. Speaker, for the first time I find myself not in sympathy with my ranking member on the District Committee, the gentleman from Tennessee [Mr. SIMS], whom I consider one of the hardest working and most valuable members of that committee. I am in favor of the passage of this bill. It appears to me to be a proper thing to do to open this road over there in Anacostia. It is in the District of Columbia. There is quite a settlement living at that end of the Dis-



tract, and at the present time they have no adequate means of ingress or egress. Whether that projectile factory was located there or not, it seemed to me a very wise thing for the District of Columbia to be properly opened up and properly developed. It is not altogether right to say that we must wait until a very large number of people live in a particular place in this District before we give them good roads. Nor do I clearly understand it to be the policy of Congress to forbid the erection of manufactories in the District. It may be a good thing to prohibit them; but if it is, the best way to do would be to pass a law directly and absolutely prohibiting their erection. But at the present there is nothing in the law preventing manufacturing establishments coming here, and this particular one referred to is one of the least objectionable. I was one of a small number of the Committee on the District of Columbia to go over to the locality of this proposed road, and I found it exceedingly hard traveling, going uphill and downhill for seven and a half miles to reach the end of the proposed new road, about 3 miles away, and yet most of the time we were traveling one could see where the road ought to be built—that is, on the level, where it is planned. Surely we should not oppose the development of that portion of the District merely because the new road will reach a manufacturing establishment which is now making projectiles for the Government. By the way, it is making them by means of machinery that is worked by electricity, the cleanest manufacturing establishment I ever saw.

The mere fact that this section of the District has an establishment over there now in active operation is no reason why it should not have a road for the people of the District of Columbia as well as for all others who wish to go to this establishment or to this section of the District. I am in favor of the bill.

Mr. SMITH of Michigan. Does the gentleman desire to consume any more of his time?

Mr. SIMS. If you are going to yield to no other person.

Mr. SMITH of Michigan. I do not know that I am.

Mr. SIMS. If you are going to close in one speech?

Mr. SMITH of Michigan. Yes.

Mr. SIMS. Then I will use the rest of my time. How much time have I remaining?

The SPEAKER pro tempore (Mr. PARKER). The gentleman has five minutes.

Mr. SIMS. Now, Mr. Speaker, it is clear from the statement made on this matter that the gun factory when it located there knew that hill was steep; they knew that it was hard to get to the city of Washington, but they were relying upon influences in this House, or perhaps at the other end of the Capitol, to have the Government of the United States expend money to build a 90-foot street in order that they could get their people to the city. This is a private concern; I do not care if it is manufacturing projectiles. We may just as well have a projectile factory because the Government is buying projectiles. We might just as well have an armor-plate manufactory because the Government is buying armor plate; we might just as well have a powder manufactory because the Government buys powder.

Now, the facts are—and you gentlemen who pay so little attention to the business of the House may find that the time may come to annoy you with another Buck Stove and Range case before the courts of the District of Columbia. They are led up to by such measures as this, giving a public street to manufacturers who want to get away from state courts and state jurisdiction, where the judge can not read the riot act every time a laboring man says a word in opposition to monopolists.

Mr. OLCOTT. Mr. Speaker, will the gentleman yield to me?

Mr. SIMS. Certainly.

Mr. OLCOTT. Does the gentleman not know that there were a good many people living in that part of Anacostia before the gun factory ever went there?

Mr. SIMS. I know, and the gentleman knows, that if it had not been for the gun factory this bill would not be here.

Mr. OLCOTT. I know nothing of the kind.

Mr. SIMS. I believe it, and you believe it.

Mr. OLCOTT. I do not believe it.

Mr. SIMS. Who had it come here?

Mr. OLCOTT. The commissioners had it come here, as a commissioners' bill, and they said they ought to have that road.

Mr. SIMS. Oh, well, it makes no difference. The gun factory has been the sole cause of getting that road there. You will put factories all over this District under such encouragement as this. If that gun factory was not there, and the influence of the gun factory was not behind this bill, it would not be here to-day.

Mr. GAINES of Tennessee. Whose gun factory is it?

Mr. SIMS. I do not know and I do not care. It does not belong to the Government. It is a private institution that wants

to get under the flag of the United States, in the capital of the United States; where judges are appointed where they do not live and are not responsible to the votes of the people; and will put strikers in prison and put stripes on their bodies when they do not act to suit the preconceived ideas of gentlemen who may occupy those positions in this District. I say, outside of any political matter, do not encourage factories to come here. You do not allow a power plant here to emit black or gray smoke for over one minute. If we build 90-foot avenues to factories in this District, our constituents pay half the bills. Show me another avenue that is being built to-day by public taxation to any other point in the District of Columbia, as far from the center of this city as this is, that will cost \$15,000, according to the gentleman's statement, and it will far exceed that, in order to make more valuable private property at public expense. I do not know these gentlemen; I do not know their politics; I do not care anything about it; but we never will do a worse thing in our lives than indirectly to say to every manufacturing concern in this country: "Locate here; get away from your state laws and state courts and state juries. Then your labor laws of your different States will not be worth the paper they are written on. Your eight-hour law will not apply to them here." This is not a government concern, but a private concern.

This is brought up here under a motion to suspend the rules. It ought to be debated three or four hours in Committee of the Whole; and whenever a bill like this is undertaken to be put through at the closing hours of a Congress, on a motion to suspend the rules, it is a very suspicious circumstance, and that, if nothing else, ought to defeat the bill.

Mr. Speaker, I have no personal interest in this matter, but from every standpoint of local and civic pride I am opposed to this bill. I will never consent to this or any other measure like it.

Mr. SMITH of Michigan. Mr. Speaker, how much time have I? The SPEAKER. Ten minutes.

Mr. SMITH of Michigan. I yield the balance of my time to the gentleman from New York [Mr. OLCOTT].

Mr. OLCOTT. Mr. Speaker, it seems to me that there is a vast amount of undue excitement that has arisen in the mind of the gentleman from Tennessee [Mr. SIMS]. This is a plain proposition, and is as meritorious as any that ever came before us relative to laying out streets. It is merely a question of continuing an already existing avenue for about 2 miles, largely through government land, on a flat surface where a road on a level grade can be properly built, to a place that is fairly populous. In the immediate vicinity of the end of this route there are something like 2,000 people. It is an outlying district, where people of small means can go and live. The laying out of this road is to enable them to go on a level road instead of going up and down a high hill, and to enable them to get to their destination by traveling 2 miles instead of 7.

The possibility of this being for the benefit of supposed manufactories that may sometime come here is to me an absurdity. The only objection that was ever made, when this bill was first introduced some two or three years ago, was from the superintendent of the insane asylum, because he thought it would interfere with the proper care of the insane people in that institution, and the Secretary of the Interior agreed with him. The line of the road has been changed and has been put a little nearer the tracks of the Baltimore and Ohio road. It is laid out through lands belonging to the Government Insane Asylum, which land is worth little, and the line of the road has been so arranged that it will in no way interfere with the institution. The superintendent of the asylum has withdrawn his objection, the Secretary of the Interior has withdrawn his objection; and every one who knows anything about it and who has seen the contour of that land knows that it is an important matter for the people who live at the western terminus of the road that it should be built.

Why, because there happened to be a factory where government projectiles are manufactured, we have all of this demagogic utterance from the gentleman from Tennessee passes my belief. I want to say in connection with the suggestion he made to me that had it not been for this particular factory the road would not have been suggested, he is entirely in error. The Commissioners of the District of Columbia told me that it was a road that should have been built years ago, and the wonder is that it had not been provided for before.

Mr. COLE. Will the gentleman state what kind of a road this is to be?

Mr. OLCOTT. A macadamized road, in connection with the road that runs along the Anacostia River. Mr. Speaker, I ask for a vote on the bill.

The SPEAKER pro tempore. The question is on suspending the rules, discharging the Committee of the Whole House on the state of the Union, and passing the bill.

The question was taken; and the Chair being in doubt, the House divided, and there were 52 yeas and 30 noes.

Mr. SIMS. Mr. Speaker, to save demanding the yeas and nays, I make the point that no quorum is present.

The SPEAKER. Does the gentleman insist on his point of no quorum?

Mr. SIMS. If the gentleman from Michigan, in charge of the bill, will withdraw it for the present until other matters can be taken up, I will withdraw the point of no quorum.

Mr. SMITH of Michigan. I can not do that.

The SPEAKER. The gentleman from Tennessee makes the point that no quorum is present. A number of Members have come in, and the Chair will count. [After counting.] One hundred and ninety-six Members present; a quorum.

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

The SPEAKER. The gentleman from Tennessee demands the yeas and nays. All those in favor of taking the vote by yeas and nays will rise. [After counting.] Thirty-one Members have arisen, not a sufficient number. The yeas and nays are refused, the rules are suspended, and the bill is passed.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment bill and joint resolution of the following titles:

H. R. 28411. An act to grant two cannons to Ohio Northern University, at Ada, Ohio; and

H. J. Res. 261. Joint resolution authorizing the President of the United States to invite the International Congress of Applied Chemistry to hold its eighth meeting in the United States of America in the year 1912.

#### LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. BINGHAM. Mr. Speaker, I submit the following conference report on the legislative, executive, and judicial appropriation bill.

The Clerk read the report, as follows:

#### CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 23464) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1910, 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 46, 62, 63, 64, 65, 66, 67, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 209, and 210.

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered sixty and agree to the same.

Amendment numbered 61: That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: Strike out the matter inserted by said amendment of the House, omit the matter inserted by said amendment of the Senate, and insert the following: "and after the third of March, nineteen hundred and nine, the compensation of the President of the United States shall be seventy-five thousand dollars per annum; a sufficient sum to pay the increase in the compensation of the President herein authorized from March fourth to June thirtieth, nineteen hundred and nine, inclusive, is hereby appropriated."

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

HENRY H. BINGHAM,

F. H. GILLET,

L. F. LIVINGSTON,

*Managers on the part of the House.*

F. E. WARREN,

J. A. HEMENWAY,

H. M. TELLER,

*Managers on the part of the Senate.*

Mr. CLARK of Missouri. Mr. Speaker, I want to ask the gentleman a question.

Mr. BINGHAM. I will make a statement to the House. The figures finally agreed upon are \$31,978,484. The Senate added \$664,234. The Senate yielded \$344,500; and the House agreed to \$319,734. That is in the entire bill, the body of which was adopted a few days ago. The Senate in the subject-matters

that have been in dispute for the past few days has yielded in every item of disagreement excepting that we fix the compensation of the President at \$75,000, a complete agreement throughout the entire line, and I therefore ask for the adoption of the report.

Mr. CLARK of Missouri. I would like to ask the gentleman a question. This fixes the President's salary at \$75,000?

Mr. BINGHAM. It does.

Mr. CLARK of Missouri. When the House agreed to that \$75,000, it had a positive provision, put in on a motion of the gentleman from Illinois [Mr. MANN], I think, that the \$75,000 should be for everything, traveling expenses and all. Now, I understand that that proviso, or whatever it was, is taken out of this bill. Is it?

Mr. BINGHAM. The traveling expenses are statutory—not living the life of a year's appropriation, but statutory. We felt that the House having expressed itself for the \$75,000, we could make concession to the Senate in the change, if you call it a change, running until the close of the fiscal year, leaving it for the House to determine. The conferees gave the President in the concession to the Senate \$75,000 annual compensation. The question of traveling expenses being statutory, the House by future legislation can take care of it.

Mr. KEIFER. If the gentleman will permit, I would like to make a suggestion to the gentleman from Missouri. Under the Constitution of the United States we have no right to grant any emolument of any kind, whether traveling expenses or not, and I will read the clause of the Constitution on the subject. It is clause 6, section 1, Article II:

The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

It seems to me that if we should undertake to grant anything in the way of traveling expenses or other things in addition to the \$75,000, it would be in violation of this provision of the Constitution. But that question is not involved here now.

Mr. CLARK of Missouri. That is exactly what they did do. Mr. KEIFER. I agree to that, but I do not agree that we had a right to do it.

Mr. BINGHAM. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, I hardly think the point made by the gentleman from Ohio [Mr. KEIFER] will hold water. Whatever may have been the theory of the Constitution, or whatever may have been the provision of the Constitution, we have done the thing which the gentleman says we can not do. During the present term of the present Executive we have provided by law for \$25,000 traveling expenses, and have paid a large portion of it.

Now, then, as to the conference report. The conference report, as I understand it, sustains the position of the House on every item except in reference to the President's salary. The increases in the Department of State, the increases in the salary of the judges and all those other officers go out.

Now, as to the increase of the President's salary. As that item came to the House it provided for an increase to \$100,000 a year, and, although it had an amendment which on its face would appear to include the traveling expenses in the \$100,000, as a matter of fact that amendment, either intentionally or unintentionally, was drawn to give a wrong impression, because in truth under the Senate amendment the President was to receive \$100,000 compensation and in addition to that \$25,000 a year if Congress should follow the law providing for traveling expenses. As it passed the House it provided for \$75,000, to include traveling expenses. I take it, as a matter of fact, that if the Chief Executive travels as much as I hope he will travel, he will use a large share of the \$25,000 for traveling expenses. I think it is wise for the Chief Executive to travel throughout the country. I believe it is for his benefit and for the benefit of the country if he comes in contact with the people in the different parts of the country, and I believe that he is much more likely to travel if his traveling expenses are paid out of the Treasury than he is if he has to put his hand into his own pocket and pay those expenses. So, on principle, it seems to me it would be advisable to pay the traveling expenses out of a separate fund. The House did indicate its desire to give the President \$75,000 a year compensation. The amendment which I offered was offered after that vote had been taken, and while it seems to me it is not desirable for the President himself to have the salary increased at a time when the Treasury is almost empty, yet the House having expressed its opinion on that, I think we might well adopt the conference report, meeting the Senate on this one item halfway, reducing the proposed salary of the President from \$100,000 to \$75,000, increasing it \$25,000 over that now



received, and allow, if the Congress shall so desire, the \$25,000 for traveling expenses.

Mr. GAINES of Tennessee. My understanding was that we gave him \$50,000, that the \$75,000 was made up of \$50,000 salary and the \$25,000 traveling expenses allowable under the general law. Now, it seems that he is to get \$75,000 salary exclusive of the \$25,000 traveling expenses, which will make practically \$100,000 he can spend.

Mr. MANN. Mr. Speaker, when the House voted on the proposition for \$100,000 it defeated it. It then voted on the proposition of compensation to the President of \$75,000, and that was passed. I then offered the amendment which provided that that should include the traveling expenses, because the Senate amendment had not then been voted upon to include the traveling expenses. I wish to call what seemed to me to be a bluff on the part of that distinguished aggregation at the other end of the Capitol.

Mr. GAINES of Tennessee. Does the conference report provide that we shall give him \$50,000 in addition to the traveling expenses?

Mr. MANN. The conference report provides that the compensation of the President of the United States shall be raised from \$50,000 to \$75,000 and eliminates all question in regard to traveling expenses. If Congress chooses to pay the traveling expenses now authorized by law, Congress has that power.

Mr. GAINES of Tennessee. Will not Congress be compelled next session to give him \$75,000 and \$25,000 traveling expenses?

Mr. MANN. It will not be compelled legally, but morally I should think it would be.

Mr. OLLIE M. JAMES. Has not the \$25,000 traveling expenses already been appropriated for?

Mr. MANN. No.

Mr. OLLIE M. JAMES. It is in conference, is it not, and will be appropriated for?

Mr. MANN. Yes; it is in conference.

Mr. OLLIE M. JAMES. And will be appropriated for?

Mr. MANN. Yes.

Mr. OLLIE M. JAMES. Certainly; there is no doubt about that; and that is why I am opposed to this as well as to the \$25,000 for traveling expenses.

Mr. BINGHAM. There is nothing in this bill that carries traveling expenses.

Mr. GAINES of Tennessee. I know; but to give the President \$75,000 by this bill and then obey the statute law by giving him \$25,000 traveling expenses will make \$100,000 per year he can spend.

Mr. MANN. The sum and substance of the conference report is that the salary of the President is increased from \$50,000 to \$75,000, an increase of 50 per cent, and that all the other increases in the salaries proposed by the Senate and the new offices proposed by the Senate, which were in dispute, go out.

Mr. ADAIR. When this bill came from the Senate, was it not stated on the floor of the House, and understood by the House, that the \$100,000 included traveling expenses?

Mr. MANN. I can not say what was stated on the floor of the House or understood by the House, but I have stated to the House it did not include traveling expenses, and offered an amendment to cinch the matter.

Mr. ADAIR. But when Members voted upon the proposition they understood it provided \$75,000 for both—

Mr. MANN. I did not so understand it.

Mr. ADAIR. I think the gentleman did understand it, because he offered an amendment.

Mr. BINGHAM. Mr. Speaker, I yield five minutes to the gentleman from Georgia [Mr. LIVINGSTON].

Mr. STEPHENS of Texas. The question which I asked the gentleman from Illinois was, How many years has it been since Congress doubled the salary of the President before, from \$25,000 to \$50,000?

Mr. LIVINGSTON. The gentleman from Pennsylvania has yielded me five minutes.

Mr. STEPHENS of Texas. Will the gentleman kindly state if we double it every twenty years; and we have done it—

Mr. LIVINGSTON. Mr. Speaker, I can not hear a word the gentleman says, there is so much noise here.

Mr. STEPHENS of Texas. That is what we are doing.

Mr. MANN. The gentleman and I will not be interested in what they are doing forty years from now.

The SPEAKER. Two or three Members address the Speaker and begin to talk. The gentleman from Georgia is entitled to the floor.

Mr. LIVINGSTON. Mr. Speaker, we have had this in conference for a couple of months, and the House has kept up with

it. We have made our regular reports. The conference committee of the House this morning, I think, has kept faith with the House with every instruction which you have given us. We found that the question of traveling expenses of the President had been appropriated for until the 30th day of next June. Your conference committee nor this House can not undo it. That is a question of fact. Mr. Taft can get the benefit of that from the 4th day of March until the 30th day of June in spite of all that you and I can do or the committee on conference.

Mr. UNDERWOOD. Will the gentleman yield?

Mr. LIVINGSTON. I have only five minutes. However, I will answer a question.

Mr. UNDERWOOD. I will ask the gentleman from Pennsylvania to yield me five minutes—

Mr. LIVINGSTON. That is all right—

Mr. UNDERWOOD. Then I will ask the gentleman. The question I want to be informed on—

Mr. LIVINGSTON. The gentleman must not make a speech. I have only five minutes. Ask your question.

Mr. UNDERWOOD. I am trying to state—

Mr. LIVINGSTON. I do not want the gentleman to make a statement; ask your question.

Mr. UNDERWOOD. Then I will ask the gentleman from Pennsylvania to yield to me.

Mr. LIVINGSTON. I have only five minutes.

Mr. KIMBALL. Mr. Speaker, I desire to ask the gentleman from Georgia a question.

Mr. LIVINGSTON. Oh, just a question. I will answer it.

Mr. KIMBALL. State to the House the various items of expenditure connected with the maintenance of the White House outside of the President's salary.

Mr. LIVINGSTON. Every one of them has been read over and over here in the House.

Mr. KIMBALL. But it would come with greater emphasis if the gentleman on the committee would state it to us here.

Mr. LIVINGSTON. We have stated it positively and it has been printed in the RECORD and you will find it here, every item of expense.

Mr. KIMBALL. What is the aggregate amount?

Mr. LIVINGSTON. The aggregate amount was stated at \$293,000. We can not be responsible for men who do not sit in their seats and listen to what is going on. But, Mr. Speaker—

Mr. OLLIE M. JAMES. Will the gentleman yield?

Mr. LIVINGSTON. Let me finish this statement. We found that to be the condition, in regard to traveling-expense matter, that it was already appropriated for until the 30th day of June. Now, being a committee on the legislative, executive, and judicial appropriation bill, we had no right to go into the question of traveling expenses, and have left it entirely on the outside. It is for this House to give him the \$25,000 traveling expenses or not to do it. We have not touched on it in the report, and nothing that we say or do touches that question of traveling expenses.

Mr. FINLEY. Will the gentleman permit a question?

Mr. LIVINGSTON. Put your question.

Mr. FINLEY. Did not the House cut out traveling expenses?

Mr. LIVINGSTON. No; we did not.

Mr. FINLEY. Did not we vote to eliminate the traveling-expense amount?

Mr. LIVINGSTON. No; that amendment was offered after the vote of the House, and we had been instructed.

Mr. OLLIE M. JAMES. Was not that amount of \$290,000 for the maintenance of the White House increased \$12,000 by this Congress for an automobile, and therefore was not the salary—

Mr. LIVINGSTON. No; we have not increased it a cent.

Mr. OLLIE M. JAMES. Did you not increase it for an automobile \$12,000?

Mr. LIVINGSTON. Was not that done by the House?

Mr. OLLIE M. JAMES. Certainly. I am talking about the House.

The SPEAKER. The time of the gentleman from Georgia [Mr. LIVINGSTON] has expired.

Mr. LIVINGSTON. I would like to have three minutes more.

Mr. BINGHAM. I yield to the gentleman from Georgia [Mr. LIVINGSTON] three minutes.

Mr. LIVINGSTON. The conferees are not chargeable with the \$12,000 that you gave for automobiles. It was stated on the floor of the House that it was in lieu of carriages and horses. The debate on the floor was on that very question, and the conferees had nothing to do with it. You gave him the \$12,000.

Mr. OLLIE M. JAMES. Will the gentleman yield right there?

Mr. LIVINGSTON. Yes.

Mr. OLLIE M. JAMES. And when the provision for \$35,000 came before the House for carriages and horses for the White House I moved to strike out the \$12,000 of that sum, in order to keep faith with the statement on the floor when the sum of \$12,000 was voted that it would be taken out of the regular appropriation for carriages and horses usually provided, and it was voted down.

Mr. LIVINGSTON. I know. The House did it. That matter was closed by the House, and the conferees did not reopen it.

Mr. SIMS. And they would not even take the yeas and nays when I asked for one.

Mr. LIVINGSTON. The conferees have done one thing. They have carried out all your instructions, and your amendment, offered by the gentleman from Illinois [Mr. MANN], was after the vote was taken, and your conferees felt, rather than to have that bill defeated, we should do that much. We can simply say that \$75,000 is his salary, no more and no less.

Mr. GAINES of Tennessee. Will the gentleman yield?

Mr. LIVINGSTON. Yes.

Mr. GAINES of Tennessee. When we go to appropriate next session of Congress for the next fiscal year, will not Congress be compelled to appropriate the \$25,000 for traveling expenses?

Mr. LIVINGSTON. I never heard of Congress being compelled to do anything.

Mr. GAINES of Tennessee. Is not that now the law, and will it not be the law then? We have not repealed it, have we?

Mr. LIVINGSTON. It is the law, but there is no power to force Congress to appropriate.

Mr. GAINES of Tennessee. We have not repealed it, have we?

Mr. LIVINGSTON. We have not repealed it. You will have to repeal it to get rid of the law.

Mr. GAINES of Tennessee. Then the President will get the \$75,000 and the \$25,000 traveling expenses?

Mr. LIVINGSTON. Unless you repeal it; and that is a matter for the House and not for the conferees.

Mr. GAINES of Tennessee. Giving \$75,000 now is a matter for the House, too.

Mr. LIVINGSTON. You have done that. What the conferees did was to conform their action with your action.

Mr. BINGHAM. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. KEIFER].

Mr. KEIFER. Mr. Speaker, I have no disposition to delay the House in the consideration of this matter. I only desire, if I can, to try to show that this conference report is entirely proper and logical. It is claimed that there is no provision in it prohibiting the granting of traveling expenses to the President of the United States in the future. If there were in this conference report such a provision, it would not bind future Congresses. If traveling expenses are "emoluments" as that word is used in the Constitution of the United States (par. 6, sec. 1, Art. II), then the Constitution prohibits granting them at any time. If the traveling expenses that the gentleman from Illinois [Mr. MANN] and the gentleman from Missouri [Mr. CLARK] refer to are mere expenses incident to the presidential office, and not a part of his salary, then we may appropriate for them in the future as we have in the past. Nothing we can enact into law will bind any future Congress. The conference committee's report is exactly right. That committee had nothing to do with what the future Congresses might choose to do in relation to appropriating money for traveling expenses.

It seems to me that we are doing the right thing in making the salary of the President of the United States \$75,000, \$25,000 more than hitherto. That \$25,000 extra and as salary the President may expend, if he chooses, in traveling or in any other way. My understanding is that the appropriations made for the past few years of \$25,000 each year for traveling expenses did not give the President the right to control the \$25,000 any further than to use it in paying traveling expenses. Now, if this conference report is agreed to, he will have a salary of \$75,000, and it may be proper to argue to the next Congress that there is no constitutional power to give him traveling expenses, or that it is not expedient to do it, in addition to the \$75,000. I think the conference report ought to be adopted as it is presented. [Cries of "Vote!"]

Mr. BINGHAM. Mr. Speaker, there are but four minutes left, and I yield them to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. Mr. Speaker, on this side of the House, when this matter was up before, I think the understanding was that the \$25,000 traveling-expense money would be molded into and combine the \$25,000 that is to make up the \$75,000—the President's salary.

Mr. LIVINGSTON. Now, if the gentleman will permit me, the gentleman from Illinois told him a moment ago that he

made the amendment to meet the bluff from the Senate. It was nothing but a bluff.

Mr. GAINES of Tennessee. As the matter comes back here, as I understand it, that \$75,000 is clean-cut salary, exclusive of the \$25,000 for traveling expenses, practically giving in dollars and cents the President a hundred thousand dollars of money to use in the course of a year.

Mr. LIVINGSTON. It does not do anything of the kind.

Mr. GAINES of Tennessee. Well, why does it not?

Mr. LIVINGSTON. Because there is no \$25,000 in the bill.

Mr. GAINES of Tennessee. Well, it will be in another bill, because the general statute of the country allows and provides for \$25,000 for the traveling expenses of the President. Now, when your next Congress undertakes to repeal this "traveling expense" statute or want to refuse to appropriate this \$25,000 expense money you will be met with the argument that this expense money is an "emolument" of the President—part of his "compensation"—and in that way defeat the repeal of this statute, and in morals and law impel Congress to make the \$25,000 appropriation. The Constitution ordains:

The President shall, at stated times, receive for his services a compensation, which shall neither be increased or diminished during the period for which he shall have been elected, and he—

Now listen—

shall not receive within that period any other emolument from the United States or any of them.

Now, then, if this \$25,000 is construed as being a part of his "compensation," how can Congress raise or reduce it after Judge Taft becomes President? It will be so argued by some that we can not reduce it.

Mr. LIVINGSTON. But the \$25,000 is not appropriated, for the President only spent \$9,000.

Mr. GAINES of Tennessee. It is not the President's money; it is money he has in trust, I have contended from the start. I proposed by amendment in a bill here to buy the President an "executive car" and pay for hauling it, to stop him from getting passes from the railways and lift him from their grasp and above suspicion. My amendment went out on a point of order, but it started the move, and this statute was soon enacted. I was the first man in this House who opened his mouth against the "free-pass abuse;" and, thank God, as a result it has been exterminated by a law. Now you are trying to fix it by law that the President will not only get \$75,000 as his own money, but also \$25,000 to cover his traveling over the country. He must and should travel over the country in the discharge of his duties, and the \$25,000 was expense money; and when this matter was up here last we said that "expense" money should become a part of this "compensation." The plan was to wipe out this "expense" money statute.

Mr. LIVINGSTON. Well, I have already asserted it on the floor, and I repeat it once more, that as touching the mileage and transportation question there is nothing of it here, and the Senate agreed under the express vote that was had in the House that the President should have \$75,000 only.

Mr. GAINES of Tennessee. Is there any way now that we can stop the \$25,000 being paid the President for traveling expenses?

Mr. LIVINGSTON. Yes; a concurrent resolution will stop it.

Mr. GAINES of Tennessee. I mean in this conference report.

Mr. LIVINGSTON. It is not in the bill, I beg the gentleman to remember. We have not put anything in there about mileage.

Mr. GAINES of Tennessee. What bill is that in? Are you not providing that the President shall be paid \$75,000 for salary and also \$25,000 for expense money.

Mr. LIVINGSTON. No; we do not.

Mr. GAINES of Tennessee. That is not the way I understand it. I want the \$75,000 to cover everything.

Mr. BINGHAM. I yield five minutes to the gentleman from Missouri [Mr. CLARK].

Mr. CLARK of Missouri. Mr. Speaker, I think that the conferees on the part of the House are entitled to the thanks of the House for accomplishing so much as they did accomplish. [Applause.] They have saved the country about \$300,000 per annum, as the House desired they should do. If this thing is finally agreed to all around, I want all Members to understand just exactly what they are doing. The President's salary remained at \$25,000 a year until the 4th of March 1873, when it was raised to \$50,000. It stayed that way until last Congress, when they voted this \$25,000 for traveling expenses. I understand that the President only used eight or nine thousand of the \$25,000. The proposition originally in the Senate was to increase the President's salary to \$100,000. We defeated that proposition. Then the gentleman from Indiana [Mr. WATSON]



performed his great coup, and came in with the \$75,000 proposition.

Mr. LIVINGSTON. That is what the House did.

Mr. CLARK of Missouri. And the House agreed to the \$75,000.

Mr. LIVINGSTON. That is right.

Mr. CLARK of Missouri. Then the gentleman from Illinois [Mr. MANN], not satisfied with that, added to that amendment as a kind of vermiform appendix, in the shape of an amendment which made it so clear that a wayfaring man, though a fool, could not misunderstand the proposition, that the House was willing to give \$75,000 to the President, and not one cent more. That is the only way that they got that \$75,000 proposition through this House. Well, now, I agree with the gentleman from Georgia, that no difference what we do about this, the President will draw from this fund for traveling expenses to the 1st day of July.

Mr. LIVINGSTON. That is right.

Mr. CLARK of Missouri. That much I think is certain. But back of this there is an item in the sundry civil bill that restores this \$25,000 of traveling expenses.

Mr. LIVINGSTON. If the gentleman will pardon me, Mr. HALE stated on the floor of the Senate yesterday that that would be taken out of the sundry civil bill, and his statement has been confirmed to-day.

Mr. CLARK of Missouri. If they take it out, then there is no kick about this.

Mr. MACON. None at all.

Mr. LIVINGSTON. And we are authorized by the Senate conferees to make that statement on the floor of the House.

Mr. CLARK of Missouri. Now, I serve notice on the floor of the House, so that all men may hear it, that if they bring that sundry civil bill in here with that \$25,000 for traveling expenses in it I will have a roll call on every amendment that there is, in order to defeat that bill in the House. [Applause on the Democratic side.]

One other word, and then I am through with it. When we had the squabble here about the \$12,000 for automobiles I believe that I could have won out on that proposition if the gentleman from Minnesota [Mr. TAWNEY] had not stated that the \$12,000 for automobiles would be subtracted from the \$35,000 for horses and carriages.

Mr. MANN. Will the gentleman yield?

Mr. CLARK of Missouri. Certainly.

Mr. MANN. It seems to me proper to suggest, in explanation of the statement of the gentleman from Minnesota, that I am informed that no part of that \$35,000 has been used recently for the purchase of horses at all. Horses have been purchased out of another fund.

Mr. CLARK of Missouri. Well, they put that in now.

Mr. MANN. That is in explanation of the statement of the gentleman from Minnesota [Mr. TAWNEY], who I think did not understand that when he first made the statement to the House.

Mr. CLARK of Missouri. But what I was driving at is this, that they got the \$12,000 for automobiles on that statement, and then, lo and behold, when they came in here the next time with the bill they had the same old \$35,000 item for horses and carriages. I do not accuse the gentleman from Minnesota of double dealing about it, because I do not think he would, but I do not like that way of doing things.

Now, it is settled that the President shall have \$75,000; but if they bring the sundry civil bill in here with that \$25,000 in it for traveling expenses, I intend to fight it by every means known to this parliamentary body—what is left of it.

Mr. GARRETT. Or any part of the \$25,000?

Mr. CLARK of Missouri. Yes; or any part of it.

Mr. MADDEN. If the gentleman will allow me, he remembers the fact that an amendment was offered on the floor of the House to reduce the \$35,000 to \$23,000, and that the House voted down the amendment.

Mr. CLARK of Missouri. I know it; of course it did.

Mr. MADDEN. Then it is hardly fair to state that the gentleman from Minnesota was responsible for the action of the House.

Mr. CLARK of Missouri. I did not say that he was, but I did say that it turned out that they got the \$12,000 and the \$35,000, too.

Mr. GAINES of Tennessee. And the gentleman from Minnesota opposed that amendment.

Mr. OLLIE M. JAMES. And voted it out by tellers, too.

Mr. CLARK of Missouri. I want to repeat that I think our conferees won a great victory over the Senate, on which I believe they ought to be congratulated.

Mr. BINGHAM. I yield five minutes to the gentleman from Massachusetts [Mr. GILLET] and shall ask him at the end of that time to move the previous question.

Mr. GILLET. I think the House understands this question thoroughly now. I was going to correct some misapprehensions that have been expressed, but I think the gentleman from Missouri has stated the facts exactly. Therefore I move the previous question now.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The question being taken on agreeing to the conference report, on a division (demanded by Mr. OLLIE M. JAMES) there were—ayes 123, noes 75.

Accordingly the conference report was agreed to.

#### RECOGNIZANCES IN THE JUVENILE COURT.

Mr. CAMPBELL. Mr. Speaker, I ask unanimous consent to discharge the Committee on the District of Columbia from the further consideration of the bill (S. 8518) empowering the juvenile court of the District of Columbia to issue executions on forfeited recognizances, and that the bill be considered in the House at this time.

The bill was read, as follows:

*Be it enacted, etc.*, That the juvenile court of the District of Columbia shall have power to issue execution on all forfeited recognizances upon motion of the proper prosecuting officer, and all writs of fieri facias or other writs of execution issued by said court shall be directed to and executed by the marshal of the District of Columbia. And any recognizance taken in the juvenile court, after being forfeited, may be transmitted to the clerk's office of the supreme court of the District of Columbia and therein docketed in the same manner as forfeited recognizances taken in the police court are now docketed, and thereupon shall have the same effect as if taken in said supreme court; and said lien shall continue as long as such judgment, decree, or recognizance shall be in force or until the same shall be satisfied or discharged.

The SPEAKER. Is there objection?

Mr. GARRETT. Mr. Speaker, reserving the right to object, I should like to ask what this is?

Mr. CAMPBELL. Mr. Speaker, if I can have the attention of the House, I will explain the purpose of this bill. There is now no power in the juvenile court of the District of Columbia to issue process for the collection of forfeited recognizances.

The purpose of this bill is to give the courts that power. The act creating the courts by an oversight omitted empowering the courts to collect forfeited bonds and recognizances. This simply fills in that omission.

Mr. GARRETT. Is this the unanimous report of the committee?

Mr. CAMPBELL. It is a unanimous report of the subcommittee; it did not reach the full Committee on the District of Columbia.

Mr. SMITH of Michigan. This is a very meritorious bill, and I hope the gentleman from Tennessee will not object.

Mr. GARRETT. Has it passed the Senate?

Mr. CAMPBELL. It has.

Mr. GARRETT. Was the Senate bill considered by the subcommittee?

Mr. CAMPBELL. It is an exact copy of the House bill, and was considered by the subcommittee and a report prepared, but not considered by the whole committee.

Mr. GARRETT. I will yield to my colleague on the committee [Mr. SIMS].

Mr. SIMS. Mr. Speaker, this bill has not been considered by the committee, and therefore I know absolutely nothing about it. If the gentleman from Kansas makes the statement that the House is willing to accept, I will not be discourteous to my own committee and object, but, as I say, it has not been considered by the committee as a committee; it may have been by the subcommittee, and they may have made a report, but there is nothing by which I can inform myself of the matter contained in the bill. I might do an injustice by objecting to it.

Mr. CAMPBELL. I am glad the gentleman from Tennessee has made that statement.

Mr. SHACKLEFORD. Mr. Speaker, I was a member of the subcommittee, but being engaged elsewhere I could not attend, and, like my colleague, the gentleman from Tennessee, I do not know what this bill contains. I think it is a bad policy for bills to come along at the last end of a session, interfering with our inauguration ceremonies, and I feel that it is improper to legislate in that way. Nobody knows what the bill contains. We have to take the word of two or three members of the committee, and every other member must vote without knowing or having the remotest idea of what he is voting for. I shall have to object.

The SPEAKER. Objection is heard.

#### BUILDING ASSOCIATIONS, DISTRICT OF COLUMBIA.

Mr. SMITH of Michigan. Mr. Speaker, I call up the conference report on the bill (S. 6055) to amend section 691 of subchapter 7, "Building associations," of the Code of Laws for

the District of Columbia. I ask that the statement be read in lieu of the report.

There was no objection.

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 House to the bill (S. 6055) to amend section six hundred and ninety-one of subchapter seven, building associations, of the Code of Law for the District of Columbia, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House numbered one, and agree to the same with an amendment as follows: Strike out the words "one hundred," in line 4 of said amendment, and insert in lieu thereof the words "two hundred and fifty;" and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered two, and agree to the same with amendments as follows: Page 3, line 5, strike out all after the word "act" down to and including the word "act" in line 7, with amendments as follows: On page 3 of the bill, in lines 4 and 5, strike out the words "except corporations organized under and availing themselves of the privileges of this act;" and in line 10, after the word "act," insert the following: "Provided, That building associations heretofore organized and in actual operation before the passage of this act need not be incorporated;" and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered three, and agree to the same with amendments as follows: Strike out the words "the District of Columbia or," in line 3 of said amendment, and insert in the same line, after the word "Territory," the words "except the District of Columbia;" and also strike out the word "twenty," in line 11 of said amendment, and insert the word "ten;" and the House agree to the same.

S. W. SMITH,  
J. HAMPTON MOORE,  
J. DAVIS BRODHEAD,  
*Managers on the part of the House.*  
J. H. GALLINGER,  
W. P. DILLINGHAM,  
THOMAS S. MARTIN,  
*Managers on the part of the Senate.*

The Clerk read the statement, as follows:

STATEMENT.

Statement to accompany the report of the committee of conference on the disagreeing votes of the two Houses on S. 6055, an act to amend section 691 of subchapter 7, building associations, of the Code of Law for the District of Columbia.

Amendment No. 1, as amended in conference, limits the expense of examination of any building association to \$25 for the first \$500,000 or fractional part thereof of assets and \$10 for each additional \$250,000 or fractional part thereof, thus reducing the maximum cost of examination, as proposed by the original House amendment.

Amendment No. 2, as amended in conference, relieves from the necessity of incorporation all building associations heretofore organized and in actual operation before the passage of this act, thus accomplishing in better and clearer phraseology the same purposes as were accomplished by the exceptions in page 3, lines 3, 4, 5, 6, and 7 of the act, as passed by the Senate.

Amendment No. 3, as amended in conference, makes every building association, incorporated or unincorporated, organized and existing under the laws of any State or Territory, except the District of Columbia, and doing business in the District, subject to the provisions of section 691 of the District Code, as amended by this act, and requires all such foreign associations to keep on deposit with the Comptroller of the Currency securities amounting to not less than 10 per cent of its capital and surplus, as security for its depositors and creditors.

To these amendments as thus amended the Senate agrees.

S. W. SMITH,  
J. HAMPTON MOORE,  
J. DAVIS BRODHEAD,  
*Managers on the part of the House.*

The report was agreed to.

BILLS ON THE PRIVATE CALENDAR.

Mr. MANN. Mr. Speaker, I ask that the House proceed to the order made by the House making it in order to call up Senate bills on the Private Calendar not objected to.

The SPEAKER. The Clerk will report the first Senate bill.

LAPENE & FERRE.

The Clerk read as follows:

S. 2886. An act for the relief of the legal representatives of the late firm of Lapene & Ferre.

Mr. MANN. Mr. Speaker, to save time, I object.

Mr. MACON. I join with the gentleman from Illinois in the objection.

The SPEAKER. The Clerk will report the next bill.

STEWART & CO.

The Clerk read as follows:

S. 3843. An act for the relief of the legal representatives of Stewart & Co. and A. P. H. Stewart.

The SPEAKER. Is there objection?

Mr. MACON. I object.

Mr. FINLEY. I object.

The SPEAKER. The Clerk will report the next bill.

NAPOLEON B. GIDDINGS.

The Clerk read as follows:

S. 4690. An act for the relief of the legal representatives of Napoleon B. Giddings.

The SPEAKER. Is there objection?

Mr. MANN. I object.

Mr. MACON. I object.

ACCOUNTS OF TREASURER UNITED STATES.

The Clerk read as follows:

S. 4049. An act authorizing a credit in certain accounts of the Treasurer of the United States.

Mr. SHACKLEFORD and Mr. MACON objected.

OMAHA TRIBE OF INDIANS.

The Clerk read as follows:

S. 2901. An act authorizing the Omaha tribe of Indians to submit claims to the Court of Claims.

Mr. MANN and Mr. STAFFORD objected.

ROBERT MORGAN GILSON.

The Clerk read as follows:

S. 3952. An act to restore to the active list of the United States Marine Corps the name of Robert Morgan Gilson.

The SPEAKER. Is there objection?

Mr. MACON. Mr. Speaker, I reserve the right to object to that bill. If the gentleman who fathers it desires to explain it, I will be glad to hear him.

The SPEAKER. Is there another objection?

Mr. BUTLER. Mr. Speaker, there is but one objection, and I ask that that bill may be passed without prejudice, so that an amendment may be offered to it by the gentleman from Vermont, who is not now in his seat.

Mr. MANN. I object.

Mr. MACON. Mr. Speaker, I said I would reserve the objection, if the gentleman cared to explain it. I want to give the gentleman a chance to explain the bill.

Mr. MANN. I am willing for the gentleman to reserve the objection. There is no reason given in this report for this reinstatement. If there be a reason, we might not object.

Mr. MACON. The report shows that he resigned, and now he wants to be reinstated without giving any reason for the resignation or cause for the reinstatement.

Mr. BUTLER. The reason for the retirement has been stated in the House. At one time an objection was reserved, and the explanation was made and will be made again when the gentleman from Vermont offers the amendment.

Mr. BARTLETT of Georgia. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BARTLETT of Georgia. I desire to know whether under the rule the objection is to be made before the bill is read or after. Some of us were trying to find out what the bills were, so that we could know whether to object or not.

The SPEAKER. I suppose it would save time if the bill was not read, but does the gentleman demand the reading of the bill?

Mr. BARTLETT of Georgia. No; not this bill.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. MACON. There were two objections, Mr. Speaker.

The SPEAKER. Then the Clerk will report the next bill.

Mr. BUTLER. Were there two objections?

Mr. OLLIE M. JAMES. No; I think not. The gentleman from Illinois objected to the bill going over.

Mr. BUTLER. I can not hear the parliamentary situation.

The SPEAKER. The parliamentary situation is that objections are asked for. One gentleman objects, and then there



seems to be a disposition for disorder and talk. Is there objection?

Mr. MACON. I object.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the bill may be passed without prejudice.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the bill may be passed without prejudice. Is there objection?

There was no objection.

MARY S. FERGUSSON.

The Clerk read as follows:

S. 6529. An act for the relief of Mary S. Fergusson.

The SPEAKER. Is there objection?

Mr. MANN and Mr. MACON objected.

ELLA M. COLLINS.

The Clerk read as follows:

S. 1750. An act to reimburse Ella M. Collins, late postmaster at Goldfield, Nev., for money expended for clerical assistance and supplies.

The SPEAKER. Is there objection?

Mr. STAFFORD and Mr. MACON objected.

GARRETT R. BRADLEY.

The Clerk read as follows:

S. 1752. An act to reimburse Garrett R. Bradley, late postmaster at Tonopah, Nev., for money expended for clerical assistance.

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

The Clerk read as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Garrett R. Bradley, late postmaster at Tonopah, Nev., out of any money in the Treasury not otherwise appropriated, the sum of \$442.14, to reimburse him for money expended for necessary clerical assistance.

The SPEAKER. The question is on the third reading of the Senate bill.

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

GEORGE Q. ALLEN.

The Clerk read as follows:

S. 4435. An act for the relief of George Q. Allen.

The SPEAKER. Is there objection?

Mr. MANN and Mr. MACON objected.

WILLIAM BOLDENWECK.

The Clerk read as follows:

S. 890. An act for the relief of William Boldenweck, assistant treasurer of the United States at Chicago.

The SPEAKER. Is there objection?

Mr. MACON and Mr. STAFFORD objected.

ORVILLE AND WILBUR WRIGHT.

The Clerk read as follows:

S. R. 119. A joint resolution authorizing the Secretary of War to award gold medals to Orville Wright and Wilbur Wright.

The SPEAKER. Is there objection?

Mr. MACON. I object to that.

Mr. COLE. Mr. Speaker, I hope the gentleman will not object.

Mr. OLLIE M. JAMES. There is but one objection.

The SPEAKER. The Chair hears but one objection. The Clerk will report the joint resolution.

The Clerk read as follows:

Joint resolution (S. R. 119) authorizing the Secretary of War to award gold medals to Orville Wright and Wilbur Wright.

*Resolved, etc.*, That in recognition and appreciation of the great services of Orville Wright and Wilbur Wright, of Ohio, rendered the science of aerial navigation in the invention of the Wright aeroplane, and for their ability, courage, and success in navigating the air, the Secretary of War be, and he hereby is, authorized and directed to cause to be struck and presented to Orville Wright and Wilbur Wright appropriate gold medals with suitable emblems, devices, and inscriptions, to be determined by him; and that to enable the said Secretary to carry this resolution into effect a sufficient sum of money is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The committee amendment was read, as follows:

Page 1, line 21, after the word "money," insert the words "not to exceed three hundred dollars."

The amendment was agreed to.

The joint resolution as amended was ordered to be read a third time, was read the third time, and passed.

CLAIMS ARISING UNDER NAVY DEPARTMENT.

The next business under the order was the bill (S. 4033) to satisfy certain claims against the Government arising under the Navy Department.

The SPEAKER. Is there objection?

Mr. MACON. Mr. Speaker, I object.

Mr. MANN. Mr. Speaker, this is a long bill and there is no chance of it becoming a law. There are a lot of amendments, and probably no chance of its becoming a law at this session, and I think I shall object.

Mr. MACON. There are 28 propositions, and I object.

MADISON COUNTY, KY.

The next business under the order was the bill (S. 5349) for the relief of Madison County, Ky.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury and the Commissioner of Internal Revenue be, and are hereby, authorized and required to audit and adjust the claim of Madison County, State of Kentucky, for internal-revenue taxes on dividends on shares of stock or bonds owned by said county in the Louisville and Nashville Railroad to the extent that such taxes were deducted from any dividends due and payable to said county, any statute of limitations to the contrary notwithstanding; and the Secretary of the Treasury is authorized to pay to Madison County, State of Kentucky, out of any money in the Treasury not otherwise appropriated, the amount of the claim so audited and adjusted.

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.

JOSEPH SCHREMBES.

The next business under the order was the bill (S. 3452) for the relief of Joseph Schrembs.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to reimburse Joseph Schrembs, out of any money in the Treasury not otherwise appropriated, the sum of \$282.20, which amount was paid by said Schrembs, under protest, to the surveyor of the port of Grand Rapids and covered into the Treasury, as duty unlawfully assessed and collected by said surveyor on four cases of statuary for the use of St. Mary's Church, Grand Rapids, Mich., December 16, 1902.

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.

HAROLD BROWN, DECEASED.

The next business under the order was the bill (S. 5905) for the relief of the executors of the estate of Harold Brown, deceased.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the executors of the estate of Harold Brown, late a citizen of Newport, in the State of Rhode Island, the sum of \$861.75, being an excess of taxes improperly levied and collected on legacies and distributive shares of the personal property of the said estate, which tax was paid by the executors on October 20, 1900, said payment to be in full for all claims by reason of such assessment and collection.

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.

PARSEY O. BURROUGH.

The next business under the order was the bill (S. 7859) for the relief of Parsey O. Burrough.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That jurisdiction be, and is hereby, conferred upon the United States circuit court for the eastern district of Pennsylvania to adjudicate the two suits at law commenced in the courts of common pleas of Philadelphia which by certiorari were removed to the said circuit court, namely, the suits of Parsey O. Burrough for the recovery of alleged illegally collected taxes, paid under protest, one against the administrator of William H. Barnes, late collector of internal revenue for the first district of Pennsylvania, in which claim is made for the sum of \$2,204.49, and the other against the administrator of John H. Diehl, late collector of internal revenue for the second district of Pennsylvania, in which claim is made for the sum of \$1,807.09; and the said court is hereby authorized and empowered to hear, determine, and render final judgments in said suits for the amount of such taxes as may be shown to have been illegally collected and paid over to the Government and notwithstanding any error in the record as to the proper name of the collector who may have collected the same.

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.

PETER H. BRODIE, ALIAS PATRICK TORBETT.

The next business under the order was the bill (S. 1163) to correct the naval record of Peter H. Brodie, alias Patrick Torbett.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Navy be, and he is hereby, authorized and directed to correct the naval record of Peter H. Brodie, alias Patrick Torbett, late a sailor in the United States Navy, serving on the U. S. battle ship Ohio, the U. S. S. Maria Denning, and the Undine, and to issue to said Brodie a discharge from the service of the United States.

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.

REFUNDING CERTAIN TONNAGE TAXES AND LIGHT DUES, STEAMER "MONTARA."

The next business under the order was the bill (S. 8429) to refund certain tonnage taxes and light dues levied on the steamship *Montara*, without register.

The Clerk read the bill, 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 sum of \$1,695, assessed and collected under sections 4219 and 4225, Revised Statutes, in the case of the steamship *Montara*, entered at Seattle on July 9, 1906, from Yokohama without register, upon application by the Pacific Coast Steamship Company.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, if I may, I would like to ask the gentleman from Nebraska, or some member of the Committee on Merchant Marine and Fisheries, in regard to this bill. Here was a vessel registered by the United States engaged in carrying contraband goods during the Japanese-Russian war and was captured by the Japanese and offered for sale and sold, brought back then to the United States, and there the Government required the payment of light dues and other fees on the vessel, which was more than coming from abroad, but on the ground that she was not then registered in the United States and not entitled to register without paying those fees.

Mr. HINSHAW. Having been purchased by the Japanese Government.

Mr. MANN. Having been seized by the Japanese Government and sold at auction. I know all about the facts, but I would ask some member of the Committee on Merchant Marine, who was not interested in the subject, what the policy of the Government was?

Mr. HINSHAW. I do not know what disposition was made of it.

Mr. MANN. It does not belong to the gentleman's committee, of course, the Committee on Claims; this is to pay back certain money, and I wanted to know if there was a policy.

Mr. HINSHAW. No; I do not think there is any policy in regard to it, as far as I know.

Mr. MANN. Very well.

The SPEAKER pro tempore. 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.

HOWARD B. CARPENTER.

The next business on the Private Calendar was the bill (S. 3810) for the relief of Howard B. Carpenter.

The Clerk read as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Howard B. Carpenter the sum of \$2,446.24, the balance due him for survey of boundary line between the States of Idaho and Montana, under contract dated February 10, 1904.

The SPEAKER pro tempore (Mr. FASSETT in the chair). Are there objections?

There were no objections.

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

THE TUG "JUNO."

The next business on the Private Calendar was the bill (S. 5510) for the relief of the owners of the tug *Juno*.

The Clerk read as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the owners of the tug *Juno*, the sum of \$376.50, in full compensation for damages occasioned by collision with the United States Marine-Hospital Service steamer *Neptune* in Wilmington Creek, Delaware, on June 4, 1907.

The SPEAKER pro tempore. Are there objections?

There were no objections.

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

NESTLER BREWING COMPANY.

The next business on the Private Calendar was the bill (S. 6373) waiving the statute of limitations as to the claim of the Nestler Brewing Company, and authorizing the Commissioner of Internal Revenue to adjudicate the same.

The bill was read in full.

The SPEAKER pro tempore. Are there objections?

Mr. BARTLETT of Georgia. Mr. Speaker, I object.

Mr. FINLEY. Mr. Speaker, I object.

W. B. GRAHAM.

The next business on the Private Calendar was the bill (S. 6682) to reimburse W. B. Graham, late postmaster at Ely, Nev., for money expended for clerical assistance.

The bill was read in full.

The SPEAKER pro tempore. Are there objections?

Mr. FINLEY. Mr. Speaker, I object.

Mr. BARTLETT of Georgia. So do I.

JAMES H. OWEN.

The next business on the Private Calendar was the bill (S. 7782) for the relief of James H. Owen.

The Clerk read as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$930 to James H. Owen, of Los Angeles, Cal., found and held to be due him by the Secretary of the Interior under contract of May 31, 1906, for the construction of buildings and irrigation works at the Truxton Canyon Indian School, Arizona.

The SPEAKER pro tempore. Are there objections?

There were no objections.

The bill was ordered to be read a third time, was read a third time, and passed.

B. D. CROCKER.

The next business on the Private Calendar was the bill (S. 7861) for the relief of B. D. Crocker.

The Clerk read as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to credit B. D. Crocker, collector of internal revenue for the district of Washington, and his accounts with the sum of \$2,500, being the value of a book of retail liquor dealers' special tax stamps charged to him, destroyed by accidental burning in the building in Tacoma, Wash., in which the collector's office is located.

The SPEAKER pro tempore. Are there objections?

Mr. FINLEY. I object, Mr. Speaker.

Mr. CARLIN. I object, Mr. Speaker.

Mr. MANN. Will the gentleman reserve his objection on that?

Mr. CUSHMAN. Mr. Speaker, I trust the gentleman will withhold his objection.

Mr. BOOHER. I object to that bill, Mr. Speaker.

Mr. CUSHMAN. Will the gentleman withhold his objection?

Mr. BOOHER. No; I object.

Mr. CUSHMAN. The bill is simply to credit the collector of internal revenue in my home city with certain internal-revenue stamps that were accidentally burned. There is no appropriation made here. The Government has lost nothing. The passage of this bill is recommended by the Secretary of the Treasury, and the Secretary of the Treasury would credit him for this amount on the books now if the legal authority existed for him so to do. It is simply in order that the legal authority may be given to the Secretary of the Treasury to straighten up this account. It costs the Government nothing—not a cent. I trust the gentleman will not object.

Mr. BOOHER. I withdraw my objection.

The SPEAKER pro tempore. Is there objection?

There was no objection.

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

AARON CORNISH.

The next business on the Private Calendar was the bill (S. 4806) to amend the military record of Aaron Cornish.

The bill was read in full.

The SPEAKER pro tempore. Are there objections?

Mr. FINLEY. Reserving the right to object, I would like to have an explanation of the bill.

Mr. BARTLETT of Georgia. Unless there is an explanation, I will object.

The SPEAKER pro tempore. Two objections are heard. The Clerk will report the next bill.

DEWITT EASTMAN.

The next business on the Private Calendar was the bill (S. 8588) to amend an act entitled "An act for the relief of Dewitt Eastman," approved January 8, 1909.

The bill was read, as follows:

*Be it enacted, etc.*, That Dewitt Eastman shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of Battery I, Fourth Regiment U. S. Artillery, on the 13th day of June, 1865: *Provided*, That no pay, bounty, or other emoluments shall accrue by virtue of the passage of this act.

The SPEAKER pro tempore. Is there objection?

Mr. BARTLETT of Georgia. The President has been vetoing bills like this. I therefore object.

Mr. STEVENS of Minnesota. Will the gentleman withhold his objection for a moment? This is to correct an error that



was made in the passage of a bill through the Senate and House this very winter. A bill passed unanimously correcting the military record of this man, who served over four years, until May, 1865. When he arrived at Fort Snelling, Minn., there was no officer there to muster him out of the service, there were no rations for him, and the commanding officer told him to go home, and he went. By some inadvertence we left out the words "honorable discharge." We have corrected his military record, and all this does is to give him an honorable discharge.

Mr. BARTLETT of Georgia. With that explanation, I have no objection.

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

HENRY G. RUPP.

The next business on the Private Calendar was the bill (S. 2489) for the relief of Henry G. Rupp.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Harry G. Rupp, quartermaster's clerk at Seattle, Wash., the sum of \$1,556.70, out of any money in the Treasury not otherwise appropriated, to reimburse him for household goods destroyed by a fire which consumed the quartermaster's warehouse at Seattle, Wash., May 7, 1906, which goods were in the custody of the United States for shipment on a Government bill of lading from Seattle, Wash., to Spokane, Wash.

Mr. CARLIN. I object.

Mr. BARTLETT of Georgia. I will also.

Mr. HUMPHREY of Washington. I hope the gentleman will withhold the objection.

Mr. BARTLETT of Georgia. I will withhold the objection.

Mr. HUMPHREY of Washington. This is to pay a clerk in the Quartermaster-General's Department for goods that he lost in a fire on a United States wharf at Seattle. I desire to say that we have passed bills for the benefit of the officers. They have all been paid under bills of this character. Here was a clerk who lost more heavily than anyone, and they would not allow him for the clothing of his wife or children, and his loss was over \$1,500. He was a poor boy.

Mr. BARTLETT of Georgia. May I inquire under what rule the Government pays for these accidental losses; why it becomes an insurer against loss?

Mr. HUMPHREY of Washington. He was ordered there and directed to place his goods on this wharf.

Mr. JONES of Washington. I just want to suggest that we passed two bills of a similar character to pay the claims for the destruction of goods in the same fire for the officers, and as we have paid the claims of the officers, I do not think it is fair to object to the payment of the claim of this poor boy, who was a clerk.

Mr. BARTLETT of Georgia. I do not think so either; and I will withdraw my objection.

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

THOMAS C. CLARK.

The next business on the Private Calendar was the bill (S. 4426) for the relief of Thomas C. Clark.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Thomas C. Clark, inspector of construction, quartermaster's department at Seattle, Wash., the sum of \$758.75, out of any money in the Treasury not otherwise appropriated, to reimburse him for household goods destroyed by a fire which consumed the quartermaster's warehouse at Seattle, Wash., May 7, 1906, which goods were in the custody of the United States Government for transportation.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

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

BRITISH STEAMSHIP "MAROA."

The next business on the Private Calendar was the bill (S. 8379) for the relief of the owners of the British steamship *Maroa*.

The bill was read, as follows:

*Be it enacted, etc.,* That the claim of the owners of the British steamship *Maroa* for reimbursement for the cost of repairs and for demurrage as the result of a collision with the U. S. S. *Rocket* on the night of February 2, 1907, in the harbor at Norfolk, Va., be, and the same is hereby, referred to the United States district court, eastern district of Virginia, with jurisdiction to hear and determine the same to judgment: *Provided*, That the petition is filed within twelve months from the passage of this act.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

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

WILLIAM J. SCOTT.

The next business on the Private Calendar was the bill (S. 8839) for the removal of restrictions from the third selection or allotment of lands selected by William J. Scott, a minor member of the Osage tribe of Indians, and for other purposes.

The bill was read, as follows:

*Be it enacted, etc.,* That the restrictions be, and they are hereby, removed from the third selection or allotment of lands allotted to and in the name of William J. Scott, a minor member of the Osage tribe of Indians, being the following-described tract of land, to wit: The east half and the northwest quarter of the southeast quarter and southeast quarter of the northeast quarter of section 14, township 21, range 8 east of the Indian meridian, containing 160 acres of land, more or less, in Osage County, Okla.: *Provided*, That the said lands may be sold by the surviving parent, or in the event of his death by a guardian of said minor appointed by the county court of Osage County, Okla., and the proceeds of said sale covered into the United States Treasury and placed to the credit of said minor, to be held for his benefit and use and the interest thereon paid in the manner and at the same rate as is provided for funds of the Osages segregated under the terms of the Osage allotment act approved June 28, 1906: *Provided further*, That upon the passage of this act the Secretary of the Interior shall cause to be issued a deed conveying said lands to the surviving parent of said minor, or to the guardian of said minor if said parent be dead, and that in case of sale of said lands by said parent or guardian the same shall be sold subject to the approval of the Secretary of the Interior.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

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

S. W. LANGHORNE AND H. S. HOWELL.

The next business on the Private Calendar was the bill (S. 1177) for the relief of S. W. Langhorne and H. S. Howell.

The bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. FINLEY. I will reserve the right to object.

Mr. MANN. I object.

The SPEAKER pro tempore. Two objections are heard.

The Clerk will read the next bill.

O BAH BAUM.

The next business on the Private Calendar was the bill (S. 4103) authorizing the Secretary of the Interior to ascertain the amount due O bah baum, and pay the same out of the fund known as "For the relief and civilization of the Chippewa Indians."

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior is hereby authorized and directed to ascertain the value of the timber heretofore and during the years of 1896, 1897, and 1898 cut upon the allotment of O bah baum, an allottee of the White Earth Diminished Reservation, upon lot No. 2 of the northeast quarter and lot No. 3 of the northwest quarter of section 16, township 142, range 37, and after deducting from the value of said timber the amount heretofore paid the said O bah baum to pay over to the said O bah baum the balance of the value of said timber, said payment to be made from the funds carried on the books of the office of the Secretary of the Interior under the head "For the relief and civilization of the Chippewa Indians in the State of Minnesota," created by the act of January 14, 1889.

SEC. 2. That this act shall take effect and be in force from and after the date of its passage.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

CERTAIN ACCOUNTS OF THE TREASURER.

The next business on the Private Calendar was the bill (S. 3956) authorizing a credit in certain accounts of the Treasurer of the United States.

The bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MACON, Mr. SHACKLEFORD, and others objected.

The SPEAKER pro tempore. Objection is heard.

WALTER F. ROGERS.

The next business was the bill (S. 6852) for the relief of Walter F. Rogers, executor of the estate of Sarah Edwards, late owner of lot No. 116, square No. 628, 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 bill was read, as follows:

*Be it enacted, etc.,* That under and in accordance with the terms and provisions of the act of Congress approved April 22, 1904, entitled "An act to provide for payment of damages on account of change of grade due to construction of the Union Station, in the District of Columbia," as amended by the act of Congress approved June 29, 1906, the commission appointed under said act is hereby authorized and directed to meet and view the property known as lot No. 116, according to the subdivision made by A. B. Kelly, trustee, in square No. 628, as per plat of said subdivision in the office of the surveyor of the District of Columbia in book 14, at page 197, improved by house and premises No. 19 McCullough street NW., Washington, D. C., and hear testimony touching the damages to said property which have resulted from changes in the grade of streets, avenues, or alleys authorized by

the act of Congress approved February 28, 1903, relating to the construction of a union railroad station in the District of Columbia, and to appraise and determine the amount of damages, if any, to which the owner of said property so affected by change of grade may be entitled.

SEC. 2. That if any of the parties interested, their personal representatives, or the Commissioners of the District of Columbia shall be dissatisfied with the appraisal or award of said commission, the court shall, on motion of the parties so dissatisfied, direct the United States marshal to summon a jury of seven disinterested men, not related to any person in interest, to meet and view the said property and to appraise and determine the amount of damages to which the owner of said property so affected by change of grade may be entitled, as provided in and by the aforesaid act of Congress, so amended as aforesaid.

SEC. 3. That a sufficient sum to pay the compensation and expenses of said commission and the compensation of said jurors and the amount of any appraisal or award of damages made in favor of the owner of said property is hereby appropriated out of the revenues of the District of Columbia, and 50 per cent thereof shall be refunded to said District of Columbia by the United States.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

#### CERTAIN LANDS, KOOTENAI COUNTY, IDAHO.

The next business on the Private Calendar was the bill (S. 8822) providing for the relinquishment by the United States of certain lands in the county of Kootenai, in the State of Idaho.

The bill was read, as follows:

*Be it enacted, etc.*, That the United States relinquish unto the county of Kootenai, in the State of Idaho, all of its right, claim, or title to or the possession of that certain piece or parcel of land situated in Kootenai County, in the State of Idaho, being a part of lot 49, which is a portion of the Fort Sherman Military Reservation, described as follows: Beginning at a point 1,332 feet north of a stone monument at or about high-water mark on the east boundary of Fort Sherman Military Reserve (abandoned), said point being the northeast corner of the Coeur d'Alene and Spokane Railway terminal grounds, in section 14, township 50 north, range 4 Washington base meridian, said point being also the northeast corner of lot 49 of said military reserve (abandoned); thence running west along the north line of said terminal grounds 332 feet; thence southeasterly along a straight line 265 feet, more or less, to a point 252 feet south of and 252 feet west of the place of beginning; thence east 252 feet to the intersection with the east line of said terminal grounds; thence north along said east line 252 feet to the place of beginning; to have and to hold forever as a part of the public lands belonging to the said county of Kootenai.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

#### CERTAIN LAND IN DADE COUNTY, FLA.

The next business on the Private Calendar was the bill (S. 8555) to relinquish the interest of the United States in and to certain land in Dade County, Fla., to John M. Bryan, jr.

The bill was read, as follows:

*Be it enacted, etc.*, That the interest of the United States in and to the land situated in Dade County, in the State of Florida, to wit, the northwest quarter of the northeast quarter of section 1, township 51, range 41 south and east, is hereby relinquished and released unto John M. Bryan, jr., of Dade County, Fla., and patent issue therefor: *Provided*, The said John M. Bryan, jr., pay one dollar and a quarter for the land referred to prior to the issuance of the patent to him.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

#### JOHN H. LAYNE.

The next business on the Private Calendar was the bill (S. 9402) for the relief of John H. Layne.

The bill was read, as follows:

*Be it enacted, etc.*, That in the administration of the civil-service laws John H. Layne shall hereafter be held and considered to have been discharged from the military service of the United States as a private of Company G, Nineteenth Regiment U. S. Infantry, on the 19th day of December, 1898, by reason of disability resulting from wounds or sickness incurred in the line of duty.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

#### CERTAIN CLAIMS AGAINST THE DISTRICT OF COLUMBIA.

The next business on the Private Calendar was the bill (S. 4035) to provide for the payment of certain claims against the District of Columbia in accordance with the act of Congress approved January 26, 1897, and as amended July 19, 1897.

The bill was read, as follows:

*Be it enacted, etc.*, That the auditor of the supreme court of the District of Columbia is hereby empowered and directed to examine and audit for settlement in accordance with the act of Congress approved January 26, 1897, and as amended July 19, 1897, the claims of the following persons, as named below, for property taken, injured, or destroyed by reason of the destruction or removal of the Northern Liberty Market, in the city of Washington, D. C., in September, 1872,

as also all claims of said persons for payments made for the purchase, rent, or use of any stall privilege in said market house and for license for conducting any business therein, to the extent of the unexpired term of said purchase, rent, use, or license.

The names of the persons whose claims are to be audited are: Louisa A. Berger, Henry Stello, Charles H. Stello, and Theodore J. Stello, upon proof of their being the widow and only heirs of Henry Stello, deceased, and upon proof that said Henry Stello was the owner of stall privileges, the compensation for the loss of stalls in this case not to exceed the sum of \$300 for any one stall; Catherine E. Shreve and Nellie M. Healey, upon proof of their being the widow and only heirs of William H. Shreve, deceased, and upon proof that the said William H. Shreve was the owner of the stall privileges, the compensation for loss of stall not to exceed the sum of \$200 for any one stall; Elizabeth Haase and Rosa Haase, upon proof of their being the widow and only heirs of Henry Haase, deceased, and upon proof that the said Henry Haase was the owner of the stall privilege, the compensation for the loss of stall not to exceed the sum of \$300; Harriet Dover, William G. Reed, and Ida V. Reed, upon proof of their being the only heirs of Armistead Reed, deceased, and upon proof that the said Armistead Reed was the owner of the stall privilege, the compensation in this case not to exceed the sum of \$200 for the loss of any one stall; Alexander P. Gray, upon proof that he was the owner of the stall privilege, the compensation in this case not to exceed the sum of \$300 for the loss of any one stall; Jacob N. Leapley, upon proof that he was the owner of the stall privilege, the compensation in this case not to exceed the sum of \$300 for any one stall; Annie F. Ward, Eva M. Eppley, Mamie M. Leimbach, Lydia Baptista, and George J. Stinzing, upon proof of their being the only heirs of Frederick Stinzing, deceased, and upon proof that the said Frederick Stinzing was the owner of the stall privileges, the compensation for the loss of stalls in this case not to exceed the sum of \$200 for any one stall; Eliza Shaffer and Emma Myers, upon proof of their being the only heirs of Christian Wagner, deceased, and upon proof that the said Christian Wagner was the owner of stall privileges, the compensation for the loss of stalls in this case not to exceed the sum of \$200 for any one stall; Mary E. Gross, upon proof of her being the only heir of Barbara Brown, deceased, and upon proof that the said Barbara Brown was the owner of stall privileges, the compensation in this case not to exceed the sum of \$200 for any one stall; Mary L. Simaker, Emma J. Ward, Cecelia Manning, and Joseph Gold, upon proof of their being the only heirs of Joseph Gold, deceased, and upon proof that the said Joseph Gold was the owner of stall privileges, the compensation in this case not to exceed the sum of \$200 for any one stall.

SEC. 2. That when the auditor has ascertained the amount of the loss, as above described, in any case growing out of the removal or destruction of the market as aforesaid, he shall report such claims, so far as allowed by him, the total amount of such allowances not to exceed the sum of \$2,000, to the Commissioners of the District of Columbia, who shall, in case they approve said claims, report the same to Congress, in their annual or deficiency estimates, for payment out of the revenues of the District of Columbia. That the sum of \$300, or as much thereof as may be necessary, to pay for the services of the auditor in examining and auditing said claims for settlement, and the further sum of \$250, or so much thereof as may be necessary, to pay the actual and necessary expenses incurred in making said examination and audit, is hereby appropriated, to be paid wholly from the revenues of the District of Columbia.

SEC. 3. That the said auditor shall make a tabular statement of the within-named claims, the persons owning the same, and the amount found to be due on account of each; and for the purposes hereinbefore specified said auditor shall have the power to subpoena witnesses, administer oaths, and examine witnesses under oath, and shall have full access to all of the records, books, papers, and vouchers of every kind whatever of the late board of public works and the District of Columbia, and shall provide, by fair and equitable rules, for the examination of the same by claimants or their attorney. Said auditor shall give notice for the presentation of the claims hereinbefore specified in such manner as he may deem necessary, and no claim shall be audited or allowed unless presented within thirty days after the first publication of such notice; and said auditor shall make full report of all his acts and proceedings to the Commissioners of the District of Columbia.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

#### DEMETRIO CASTILLO, JR.

The Clerk read as follows:

S. R. 108. Joint resolution authorizing the Secretary of War to receive for instruction at the Military Academy, at West Point, Mr. Demetrio Castillo, jr., of Cuba.

The Clerk read the bill.

Mr. PARKER. Mr. Speaker, that gentleman is already provided for in the Military Academy bill.

Mr. MANN. Is the gentleman sure of that?

Mr. PARKER. Yes.

Mr. MANN. I object.

#### WILLIAM MARTINSON.

The Clerk read as follows:

S. 2544. An act for the relief of William Martinson.

The Clerk read the bill, 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 William Martinson, late of Company G, Twelfth Regiment Illinois Volunteer Cavalry, and grant him an honorable discharge: *Provided*, That no pay, bounty, or other emolument shall become due or payable by virtue of the passage of this act.

Mr. HOLLIDAY. I would like to ask the gentleman if this has been reported by the Committee on Military Affairs in the House?

Mr. CAMPBELL. It has.

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



PAUL SINOCK.

The Clerk read as follows:

S. 3164, an act to correct the military record of Paul Sinock.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of War be, and he is hereby, authorized to amend the records of the Second Regiment of Louisiana Infantry Volunteers so as to show that Paul Sinock, late a sergeant of Company G of said regiment, was born in Germany, and to issue to him a certificate of honorable discharge, as of date of April 18, 1899, showing such birthplace: *Provided,* That no pay, bounty, or other emolument shall accrue by reason of the passage of this act.

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

ROBERT MORGAN GILSON.

Mr. FOSTER of Vermont. Mr. Speaker, I ask unanimous consent to return to the bill (S. 3952) to restore to the active list of the United States Marine Corps the name of Robert Morgan Gilson, which was passed without prejudice.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the President be, and he is hereby, authorized, by and with the advice and consent of the Senate, to restore Robert Morgan Gilson, late a captain in the United States Marine Corps, to be a captain in the United States Marine Corps: *Provided,* that the said Robert Morgan Gilson shall establish to the satisfaction of the Secretary of the Navy, by the usual examination for such grade, his physical, mental, moral, and professional fitness to perform the duties thereof: *And provided further,* That the said Gilson shall be carried as additional to the number of the grade to which he may be restored or at any time thereafter promoted; and that no pay, bounty, or emoluments shall be allowed by reason of the passage of this act.

Mr. MANN. I reserve the right to object.

Mr. FOSTER of Vermont. Mr. Speaker, the purpose of this is to give to this man the position that he had when he resigned from the service.

Mr. MANN. I may say to the gentleman from Vermont that no reason has been given for the report, and neither the gentleman nor anyone else has given a reason for the passage of the bill.

Mr. FOSTER of Vermont. I shall be very glad to give a reason for it. This man served faithfully for five years, and then his health failed him to the extent that would not justify his application to be placed on the retired list. He felt that his condition was such that it was not safe for him to remain in the service; that he could not perform properly the duties of the service as they should be performed. He was a conscientious young man and accordingly he retired. He has now recovered his health and his strength, and he is very anxious to return to the service of his country.

All he asks is that the United States naval authorities shall examine him physically and mentally, and if they find him qualified physically and mentally that he shall be restored to the place that he left.

Mr. MACON. Does the gentleman from Vermont think it would be right or fair to other officers in the army to allow this man to retire for five years and then go back and take rank over them?

Mr. FOSTER of Vermont. He does not take the rank from anyone. He simply goes back to the place he left.

Mr. MACON. Have not some others been promoted since then?

Mr. MANN. Does the gentleman propose to restore him to the same position he occupied when he resigned?

Mr. FOSTER of Vermont. No; to the same relative position, so he does not gain anything.

Mr. MANN. So if he has been out five years, he still will in the end receive the benefit of promotion as though he had remained in the service?

Mr. FOSTER of Vermont. No; not that.

Mr. MANN. Does the gentleman propose to restore him to the place following the same name that he would have followed if he had remained in?

Mr. FOSTER of Vermont. If I understand the gentleman correctly, that is it.

Mr. MANN. That would give him the same benefit of promotion hereafter as though he had remained in the service?

Mr. FOSTER of Vermont. He does not get the benefit of longevity. I will yield to the gentleman from Pennsylvania.

Mr. BUTLER. Mr. Speaker, it is intended by this amendment to restore this man to the service in the place that he had when he left the service. The man whose name is indicated in the bill is the one that stands in the place now, by regular promotion, that Mr. Gilson had when he left.

Mr. MANN. Does he go back into the same position he occupied when he left?

Mr. BUTLER. The same grade, may I ask my friend?

Mr. MANN. No; the same relative position.

Mr. BUTLER. He goes back on the register in the same place that he retired from.

Mr. SLAYDEN. What rank did he have when he retired?

Mr. BUTLER. Captain, and he goes back as captain; and I think he is twenty-second or twenty-third on the register.

Mr. SLAYDEN. What do all the other captains below 22 or 23 think about this?

Mr. BUTLER. It is asked that he be restored as an additional number.

Mr. FOSTER of Vermont. It will not interfere with the others.

Mr. SLAYDEN. It is bound to.

Mr. BUTLER. It is asked to restore him as an additional number, so that he will not stand in the way of the promotion of anyone.

Mr. MANN. Suppose he was No. 22 on the list of captains when he went out; if he goes in now what would he go in as—No. 22A?

Mr. BUTLER. Yes; or as an additional number. He will promote along with No. 21.

Mr. MANN. Although the man who was No. 21 when he went out now may be a major?

Mr. BUTLER. No, no! The name is mentioned particularly there in the bill, as an amendment.

Mr. MANN. The name of the man means nothing to us.

Mr. BUTLER. But this man stands a certain number on the register.

Mr. MANN. I know; but the question which I ask is plain and simple to everyone in the House. Suppose when he went out he was No. 22 on the list of captains?

Mr. BUTLER. Yes.

Mr. MANN. Now, the man who was No. 21 on the list of captains at that time is probably a major by this time.

Mr. BUTLER. Yes.

Mr. MANN. Or at least away up on the captains' list. Now, does this man go back now as No. 22A on the list of captains?

Mr. BUTLER. He goes back as No. 22A on the list of captains, just where he left, and it is intended by this amendment to put him there.

Mr. SLAYDEN. Has the President recommended that the Marine Corps be increased by an additional officer?

Mr. BUTLER. No.

Mr. SLAYDEN. Has the commander in chief of the Marine Corps recommended that he needs one more captain?

Mr. BUTLER. The department has asked for the restoration of this man.

Mr. SLAYDEN. Unsolicited, of course?

Mr. BUTLER. I could not tell.

Mr. FOSTER of Vermont. I will answer that question—

Mr. MANN. This is not a West Point man?

Mr. BUTLER. No.

Mr. MANN. So he would take the place of no one?

Mr. FOSTER of Vermont. No.

Mr. MACON. I want to ask the gentleman a question. When this captain retired, some one else took his place?

Mr. FOSTER of Vermont. Yes.

Mr. MACON. In going back and taking that particular place, will he not displace somebody?

Mr. FOSTER of Vermont. No.

Mr. BUTLER. This is restoring him as an additional number, and he stands alone.

Mr. FOSTER. No. 22A. He displaces no one, I will say to the gentleman.

The SPEAKER pro tempore. Is there any other objection? [After a pause.] The Chair hears none. The question is on the third reading of the Senate bill.

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

#### RECOGNIZANCES IN THE JUVENILE COURT.

Mr. CAMPBELL. Mr. Speaker, I now ask unanimous consent that the Committee on the District of Columbia be discharged from the further consideration of the bill (S. 8518) empowering the juvenile court of the District of Columbia to issue execution on forfeited recognizances, and that the bill be now passed, which bill I send to the clerk's desk and ask to have read. I will state that this is the bill which was called up a few moments ago and to which the gentleman from Missouri [Mr. SHACKLEFORD] made objection. Since that time the gentleman from Missouri has examined the bill and, as I understand it, now has no objection to its passage.

Mr. SHACKLEFORD. Mr. Speaker, having read the bill, which I had not an opportunity to do before, I withdraw my objection.

Mr. CAMPBELL. Then, I ask for its present consideration.

The SPEAKER pro tempore. The Clerk will read the bill.  
The Clerk read as follows:

*Be it enacted, etc.,* That the juvenile court of the District of Columbia shall have power to issue execution on all forfeited recognizances upon motion of the proper prosecuting officer, and all writs of fieri facias or other writs of execution issued by said court shall be directed to and executed by the marshal of the District of Columbia. And any recognizance taken in the juvenile court, after being forfeited, may be transmitted to the clerk's office of the supreme court of the District of Columbia and therein docketed in the same manner as forfeited recognizances taken in the police court are now docketed, and thereupon shall have the same effect as if taken in said supreme court; and said lien shall continue as long as such judgment, decree, or recognizance shall be in force or until the same shall be satisfied or discharged.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

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

#### NESTLER BREWING COMPANY.

Mr. HOWELL of Utah. Mr. Speaker, I ask unanimous consent to return to Calendar No. 1237, on page 34 of the calendar, to consider Senate bill 6373.

Mr. MACON. Mr. Speaker, I would like to know what the bill is before giving consent.

Mr. HOWELL of Utah. It is Senate bill 6373, a bill for a small claim of \$50, which was objected to by the gentleman from Georgia and the gentleman from South Carolina, and both of them, on further consideration, have withdrawn their objections, and I understand there is no further objection.

Mr. MACON. State what the bill provides, so we will know whether it is meritorious or not.

Mr. HOWELL of Utah. The bill is to pay to the Nestler Brewing Company the sum of \$50 for a repayment of stamps. This company assigned their claim to their attorney, and the application for the repayment of those stamps—

Mr. MANN. That is, the attorney made application.

Mr. HOWELL of Utah. The attorney made application, but under the law the Commissioner of Internal Revenue could not recognize the attorney as having a redeemable interest in those stamps, and therefore he refused the claim, and before they could get the claim in directly the statute of limitation worked.

Mr. MACON. I will say in regard to that, Mr. Speaker, that we have a great many Spanish-American war stamps that are barred by the statutes. If we are to open up this matter and allow these stamps to be revived by removing the statutory bar, why should we not allow the removal of the statutory bar against the other class of stamps?

Mr. MANN. With the permission of my friend from Arkansas, I will suggest that in this case it appears by the report that the company not being familiar with the law, as a matter of convenience made an assignment of the claim to their attorney so that he might make the claim here. The claim was not, I understand, assigned until the statute of limitation had run.

Then it was rejected on the ground that under the law they could not allow a claim to an assignee. As a matter of fact, no negligence on the part of the company occurred; it was nothing but a lack of knowledge, and it is only a repayment of a \$50 stamp which was not used.

Mr. MACON. Does not that same lack of knowledge extend, in a way, to the owners of Spanish-American war stamps? They had no direct knowledge; they had to take knowledge of the law, but they failed to do so, and hence the statute of limitation has barred their right to have them redeemed.

Mr. MANN. I may say to my friend from Arkansas we have once or twice since I have been in the House extended the time for the redemption of those stamps.

Mr. MACON. If there is any considerable number of them outstanding, perhaps it would be wise to extend it again. The amount carried in this bill is small, so I will not object to its passage.

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

#### SARAH J. FOWLER.

Mr. SMITH of Michigan. Mr. Speaker, I move to suspend the rules, discharge the Committee of the Whole House from further consideration of the bill H. R. 25980, and pass the bill.

The SPEAKER pro tempore (Mr. FASSETT). The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 25980) for the relief of Sarah J. Fowler.

*Be it enacted, etc.,* That the Commissioners of the District of Columbia be, and they are hereby, authorized to place the name of Sarah J. Fowler, widow of the late John H. Fowler, on the pension roll of the police department of the said District at the rate of \$50 per month.

The SPEAKER pro tempore. Is a second demanded?

A second was not demanded.

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

#### DISTRIBUTION OF CONGRESSIONAL RECORD, ETC., TO GOVERNOR-GENERAL OF THE PHILIPPINE ISLANDS.

Mr. LANDIS. Mr. Speaker, I desire to ask unanimous consent for the present consideration of the bill H. R. 24864.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 24864) to provide for the distribution of the CONGRESSIONAL RECORD and public bills, documents, etc., to the governor-general of the Philippine Islands at Manila, P. I.

*Be it enacted, etc.,* That the Public Printer is hereby authorized to furnish gratuitously to the governor-general of the Philippine Islands at Manila 10 copies of the daily CONGRESSIONAL RECORD and three copies of all bills, resolutions, documents, and reports, as printed, and he is hereby directed to print, if necessary, the extra number required to comply with this act.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

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

#### PRINTING HEARINGS, INVESTIGATION OF WOOD PULP, ETC.

Mr. LANDIS. Mr. Speaker, I ask unanimous consent for the present consideration of the following concurrent resolution.

The SPEAKER pro tempore. The Clerk will report the concurrent resolution.

The Clerk read as follows:

House concurrent resolution 60.

*Resolved by the House of Representatives (the Senate concurring),* That there be printed and bound 2,000 copies of the hearings, including index, of the select committee of the House to investigate as to pulp wood, pulp, and paper, of which 1,500 copies shall be for the use of the House, including 300 copies to be distributed under the direction of the members of said committee elected to the Sixty-first Congress, and 500 copies for the use of the Senate.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The question was taken and the concurrent resolution was passed.

#### ANNUAL REPORT, ISTHMIAN CANAL COMMISSION.

Mr. LANDIS. Mr. Speaker, I ask unanimous consent for the present consideration of Senate concurrent resolution No. 105.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

*Resolved by the Senate (the House of Representatives concurring),* That there be printed 3,000 additional copies of the Annual Report of the Isthmian Canal Commission for 1908; with accompanying illustrations, 1,000 copies for the use of the Senate and 2,000 copies for the use of the House of Representatives.

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

The question was taken, and the resolution was agreed to.

#### BRUSSELS CONVENTION.

Mr. LANDIS. Mr. Speaker, I also offer the following Senate joint resolution, S. R. 105, reported from the Committee on Printing (H. Rept. 2317).

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

Joint resolution (S. R. 105) for the purpose of more fully carrying into effect the convention concluded at Brussels on March 15, 1886, in reference to the exchange of official journals, etc.

*Resolved, etc.,* That for the purpose of more fully carrying into effect the provisions of the convention concluded at Brussels on March 15, 1886, and proclaimed by the President on January 15, 1889, the Public Printer is hereby authorized and directed to supply to the Library of Congress such number as may be required, not exceeding 100 copies, of the daily issue of the CONGRESSIONAL RECORD for distribution, through the Smithsonian Institution, to the legislative chambers of such foreign governments as may agree to send to the United States current copies of their parliamentary record or like publication, such documents, when received, to be deposited in the Library of Congress.

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

The question was taken, and the resolution was agreed to.

#### CUSTOMS TARIFF.

Mr. LANDIS. Mr. Speaker, I ask unanimous consent for the present consideration of the following concurrent resolution (S. C. Res. 102).

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

*Resolved, etc.,* That there be printed 15,000 additional copies of Senate document 547, Sixtieth Congress, second session, relating to customs tariffs and consisting of Senate and House reports of 1888, 1890, 1894, and 1897; 5,000 copies for the use of the Senate and 10,000 copies for the use of the House of Representatives.



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

The question was taken, and the resolution was agreed to.

REPORT OF SUPERINTENDENT OF THE CAPITOL.

Mr. BARTHOLDT. Mr. Speaker, I ask unanimous consent to have printed as a document the report of the Superintendent of the Capitol, with illustrations (H. Doc. No. 1499).

The SPEAKER pro tempore. Is there objection?

There was no objection.

ADDITION TO ROCK CREEK PARK.

Mr. SMITH of Michigan. Mr. Speaker, I move to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill S. 4441, and ask for its passage.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read the title, as follows:

An act (S. 4441) to acquire certain land in the District of Columbia as an addition to Rock Creek Park.

Mr. SULZER. Mr. Speaker, I object.

Mr. ALEXANDER of Missouri. I object, Mr. Speaker.

Mr. SMITH of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 4441) to acquire certain land in the District of Columbia as an addition to Rock Creek Park.

*Be it enacted, etc.*, That certain pieces and parcels of land lying in the vicinity of Massachusetts avenue and Rock Creek, as hereinafter described, be acquired, as hereinafter set forth, and they shall thereupon become a part of Rock Creek Park, District of Columbia.

Sec. 2. That the Chief of Engineers of the United States Army and the Commissioners of the District of Columbia, hereinafter referred to as the board of control of Rock Creek Park, shall cause to be made an accurate map of said pieces and parcels of land showing the location, quantity, and character of each piece and parcel of private property to be acquired and the location of proposed new streets, which map shall be filed and recorded in the public records of the District of Columbia, and from and after the date of filing said map the several tracts and parcels of land shown thereon shall be held as taken for public uses and the title thereof vested in the United States, subject to the payment of just compensation to be determined by said board of control of Rock Creek Park and approved by the President of the United States: *Provided*, That such compensation be accepted by the owner or owners of the several pieces and parcels of land.

Sec. 3. That the pieces and parcels of land first to be taken shall be those tracts of land in the District of Columbia the title to which was vested in Charles J. Bell, Amos H. Plumb, and John Cassels, trustees by decree of the supreme court of the District of Columbia, entered on the 15th day of April, 1903, in equity cause No. 23345, described as follows: All that part of the aforesaid property lying to the south of the south building line of Massachusetts avenue and to the east of the center line of Rock Creek drive, containing 3½ acres, more or less; also all that part of the aforesaid property beginning on the center line of Rock Creek drive and on the dividing line of the aforesaid property and Woodley Park; thence southerly along the line of said property to a point at or near Rock Creek, and thence southwesterly along the line of said property down Rock Creek to the north building line of Massachusetts avenue; thence northwesterly along said building line of Massachusetts avenue to where the west line of said property leaves said avenue; thence following said property line in a northerly and northwesterly direction to its intersection with the north building line of the Observatory circle; thence along said building line of said circle westerly to its intersection with the center line of Thirty-fourth street; thence north along the center line of Thirty-fourth street to the center of Garfield street; thence due east to a point perpendicular distant 325 feet from the center line of Cleveland avenue; thence southeasterly and parallel to said center line of Cleveland avenue and 325 feet distant therefrom along the center of a proposed new street to the point where said line intersects the center line of Twenty-ninth street; thence southeasterly by reverse curved line, following the center of a proposed new street to the intersection of the center line of Rock Creek drive; thence about 350 feet along said center line of Rock Creek drive to the point of beginning, containing about 8½ acres; also all the portions of lots 1, 2, 3, 4, and 5, block 14, and parts of lots 2 and 21, block 12, Woodley Park, as are included between Connecticut avenue, Rock Creek, the west line of Woodley Park, and the center line of Rock Creek drive, containing 8½ acres, more or less; also that part of a tract known as Normanstone, owned by William E. Edmonston and others, trustees, and lying between Massachusetts avenue, the grounds of the United States Naval Observatory, and the east line of said tract north of Massachusetts avenue, containing 2.7 acres, more or less: *Provided, however*, That the said board of control may exchange for a portion of this ground, foot for foot, that piece or parcel of ground now owned by the United States, containing 0.7 of an acre, more or less, lying on the south side of Massachusetts avenue next to the Observatory circle and east thereto and bordering on the north line of the tract known as Normanstone. All references to streets, avenues, or highways in the foregoing description refer to such streets, avenues, and highways as the same are laid down on the third section of the plans for the permanent system of highways in that part of the District of Columbia lying outside of cities.

Sec. 4. That the portion of Benton street from where said Benton street intersects the reverse curved line of boundary referred to in the aforesaid description eastwardly to the junction of said Benton street with said Rock Creek drive, as laid down on said highway plans, be, and the same is hereby, abandoned as a highway and for highway purposes, and upon acquisition by the United States of the title to the pieces and parcels of land herein described, and to be purchased as aforesaid, the United States shall dedicate and set apart for and as a public highway a strip of land 30 feet wide along the boundary line of said park, as above described, wherever said boundary is the center line of a street laid down in said plan of the permanent system of highways of the District of Columbia or is the center line of any new

street or streets provided for herein, and shall further establish a building restriction line 15 feet back of the said 30-foot strip of land.

Sec. 5. That as one of the conditions upon which this act shall become operative, and contemporaneously with conveyance of the title to the United States of the pieces and parcels of land hereinbefore described, the aforesaid trustees or owners, without compensation and free of all costs and charges to the United States or the District of Columbia, by proper conveyance, shall set apart, convey, and dedicate for the purposes of a public highway, out of and from the remainder of the property the title to which is vested in said trustees or owners aforesaid, a strip of land 30 feet wide along the boundary line of said park, as above described, wherever said boundary line is the center line of a street laid down on the said plan of permanent system of highways or is the center line of any new street or streets provided for herein; and shall, in addition to such conveyance and dedication and in the same deed, enter into an agreement to establish building restriction lines to agree with the street lines, as shown on said highway plan, or where any new street or streets are provided for herein, the said building restriction lines to be a width of 15 feet adjacent to the dedicated portion of the street, the intent of this act being that the width of such street or streets included within such building restriction lines shall be 90 feet: *Provided*, That the space between the street lines conveyed and dedicated as herein required and the building restriction lines established as herein required shall be considered as private property set aside and to be used for parking purposes, and in such agreement said trustees or owners shall agree that said parking shall be subject to the regulations of the Commissioners of the District of Columbia in regard to the height of parking and the projection of buildings beyond the building line, and that the District of Columbia shall have a right of way through said parking for sewers and water mains free of cost, and to lay thereon sidewalks, if, in the judgment of said commissioners, the space between street lines is not sufficient to admit the construction of such sidewalk within said lines.

Sec. 6. That to pay the expense of inquiry, survey, cost of land taken, and all other necessary expenses incidental thereto, the sum of \$423,000, or so much thereof as may be necessary, is hereby appropriated, one half out of the revenues of the District of Columbia and the other half out of any moneys in the United States Treasury not otherwise appropriated, the said sum to be disbursed by the disbursing officer of the District of Columbia as now provided by law, upon vouchers to be approved by the said board of control of Rock Creek Park.

During the reading,

Mr. HACKNEY. Mr. Speaker, a parliamentary inquiry. I understand that the special rule applies only to the Private Calendar. This is not on the Private Calendar.

The SPEAKER pro tempore. This is a motion to suspend the rules.

The Clerk concluded the reading of the bill.

The SPEAKER pro tempore. Is a second demanded?

Mr. NORRIS. I demand a second.

The SPEAKER pro tempore. Under the rules a second is ordered. The gentleman from Michigan [Mr. SMITH] is entitled to twenty minutes and the gentleman from Nebraska [Mr. NORRIS] is entitled to twenty minutes.

Mr. SMITH of Michigan. Does the gentleman desire to use his time now?

Mr. NORRIS. I desire to hear the bill explained.

Mr. SMITH of Michigan. Mr. Speaker, I yield ten minutes to the gentleman from Ohio [Mr. BURTON].

[Mr. BURTON of Ohio addressed the House. See Appendix.]

Mr. NORRIS. Mr. Speaker, not knowing that this bill was coming up, I am not myself prepared with some of the documents that I would otherwise have here to-day had I known in advance that the bill was to be taken up at this time. It comes from the Committee on Appropriations. About a year or two ago, I think, practically the same bill was referred to the Committee on Public Buildings and Grounds. I was a member of the subcommittee that went out and examined this particular land, and, as I remember it, it is absolutely valueless for any building purposes, or for almost any other purposes. I do not believe it suitable for a playground, because if the children ever got down into the gullies you never could get them out, and if they went down from the top they would certainly be killed when they struck the bottom. I do not believe that the Government of the United States can afford to pay this price for this land that, as a matter of fact, we thought at that time neither the Government nor the District needed.

Mr. HEFLIN. Is this the same land that was talked about here about a year ago, the purchase of which the gentleman from Florida [Mr. CLARK] so earnestly opposed?

Mr. NORRIS. I think it is. I do not remember about the gentleman from Florida, but I opposed it, as did several other gentlemen, practically all of the gentlemen from the Committee on Buildings and Grounds, and the proposition was defeated in the House. Now, as I understand it, without any further consideration from any other committee, it comes up again.

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

Mr. NORRIS. I will.

Mr. PERKINS. Will the gentleman state briefly where this land is situated?

Mr. NORRIS. It is north of Massachusetts avenue, near the Naval Observatory, and runs north in an irregular shape.

Mr. PERKINS. On both sides of Rock Creek?

Mr. MANN. Mainly on the other side of Rock Creek, between the observatory and the present park.

Mr. NORRIS. I yield five minutes to the gentleman from Missouri [Mr. BARTHOLOMT].

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2982) to codify, revise, and amend the penal laws of the United States.

CRIMINAL CODE.

Mr. MOON of Pennsylvania. Mr. Speaker, I ask unanimous consent to suspend the proceedings on the present motion and consider a conference report on the bill S. 2982, the criminal-code bill.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to suspend the proceedings on the present motion and consider the conference report on the bill S. 2982, the criminal code bill. Is there objection? [After a pause.] The Chair hears no objection.

Mr. MOON of Pennsylvania. And I ask unanimous consent that the statement may be read in lieu of the report.

The conference report is as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill S. 2982, being a bill to codify, revise, and amend the penal laws of the United States, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate agree to the House amendment, with amendments to sections 7, 19, 20, 37, 51, 95, 125, 126, 140, 187, 200, 226, 227, 243, 253, 254, 255, 256, 257, 262, 263, 276, 295, 300, 321, 322, 323, and 349.

That the House agree to the amendments proposed by the Senate conferees, as follows:

Section 7: On page 4, in line 21, after the words "United States," insert the words "or in any place subject to the jurisdiction thereof."

Section 19: On page 12, line 13, substitute a semicolon for the period, and add the following: "and shall, moreover, be thereafter ineligible to any office or place of honor, profit, or trust created by the Constitution or laws of the United States."

Section 20: On page 12 strike out section 20.

Section 23: On page 14, strike out section 23, reading as follows:

"SEC. 23. No citizen possessing all other qualifications which are or may be prescribed by law shall be disqualified for service as grand or petit juror in any court of the United States, or of any State, on account of race, color, or previous condition of servitude; and any officer or other person charged with any duty in the selection or summoning of jurors who shall exclude or fail to summon any citizen for the cause aforesaid shall be fined not more than five thousand dollars."

Section 24: Page 14, in line 16, strike out the words "or to keep the peace at the polls."

Section 37: On page 22, in line 11, substitute a comma for the semicolon, strike out the remainder of the section, and in lieu thereof insert the following: "shall be fined not more than five thousand dollars or imprisoned not more than five years, or both. And whoever shall knowingly purchase or receive in pledge for any obligation or indebtedness from any soldier, officer, sailor, or other person called into or employed in the military or naval service, any arms, equipments, ammunition, clothes, military stores, or other public property, whether furnished to the soldier, sailor, officer, or person under a clothing allowance or otherwise, such soldier, sailor, officer, or other person not having the lawful right to pledge or sell the same, shall be fined not more than five hundred dollars and imprisoned not more than two years."

Section 51: On page 28, at the end of the section, add the following: "And nothing in this section shall interfere with or take away any right or privilege under any existing law of the United States to cut or remove timber from any public lands."

Section 95: On page 48, at the end of line 21, add the words "prima facie."

Section 105: On page 53, in line 1, after the word "or," strike out the word "be."

Section 125: On page 63, in lines 3 to 7, amend the proviso so as to read as follows: "Provided, That no person shall be deemed guilty of a violation of any such rule unless prior to such alleged violation he shall have had actual knowledge thereof."

Section 126: On page 63, in line 13, strike out the word "and" and insert in lieu thereof the word "or;" and in line

14 substitute a comma for the period at the end of the section and add the words "or both."

Section 140: On page 70 strike out section 140.

Section 142: On page 71, in line 1, strike out the word "now" before the word "provided."

Section 187: On page 98, in line 17, after the word "vessel," insert the words "to the current business of the carrier."

Section 194: On page 100, in line 18, strike out the word "or" before the word "embezzling."

Section 200: On page 104, in line 14, substitute a semicolon for the comma, strike out the remainder of the section, and in lieu thereof insert the following: and if in effecting or attempting to effect such robbery he shall wound the person having custody of such mail, or put his life in jeopardy by the use of a dangerous weapon, or for a subsequent offense, shall be imprisoned twenty-five years.

Section 226: On page 123, in line 6, before the word "submit," insert the word "knowingly."

Section 227: On page 123, in line 22, before the word "misstate," insert the word "or;" and in line 23, before the word "conceal," insert "for the purpose aforesaid shall knowingly and willfully."

Sections 241, 242, 243: On pages 132 and 133 strike out the word "That" at the beginning of each section and begin the first word of each section with a capital letter.

Section 243: On page 133, in line 13, after the word "shall," insert the word "knowingly."

Section 248: On page 136, in line 19, substitute for the words "and every" the words "or any."

Section 253: On page 140, in lines 9 and 10, strike out the words "being a citizen or other person resident."

Section 254: On page 140, in line 17, strike out the word "American;" and in line 18 substitute for the words "jurisdictional limits" the word "jurisdiction."

Section 255: On page 141, in line 1, strike out the word "American."

Section 256: On page 141 strike out section 256.

Section 257: On page 141, in line 12, strike out the words "State, Territory, or District," and in lieu thereof insert the words "place subject to the jurisdiction."

In line 13 strike out the words "a foreign country, state, or" and in lieu thereof insert the words "any other."

In lines 14 and 15 strike out the words "State, Territory, or District" and in lieu thereof insert the words "place subject to the jurisdiction."

Section 262: On page 143, in lines 13 and 14, strike out the words "jurisdictional limits" and in lieu thereof insert the word "jurisdiction."

Section 263: On page 143, in line 21, before the word "directly" insert the words "or under the jurisdiction thereof."

Section 270: On page 146, in line 11, strike out the word "other" before the word "foreign."

Section 276: On page 150, in line 8, strike out all after the period, and also all of lines 9 and 10.

Section 279: On page 151, in line 20, strike out the word "be" before the word "fined."

Section 295: On page 158 transpose the language of line 10 so that it will read "United States, beats, wounds, or without justifiable cause, im-"

Section 300: On page 161, in line 3, strike out the word "and" at the end of the line and in lieu thereof insert the word "or."

Section 321: On page 169, in line 15, strike out the words "in any Territory."

Section 322: On page 169, in line 19, strike out the words "in any Territory."

Section 323: On page 169, in line 23, strike out the words "in any Territory."

On page 183 strike out all of lines 21, 22, and 23, reading as follows:

"Section 4 of 'An act to protect all citizens in their civil and legal rights,' approved March 1, 1875."

On page 196 strike out all of lines 13 to 20, both inclusive, reading as follows:

"No citizen possessing all other qualifications which are or may be prescribed by law shall be disqualified for service as grand or petit juror in any court of the United States, or of any State, on account of race, color, or previous condition of servitude; and any officer or other person charged with any duty in the selection or summoning of jurors who shall exclude or fail to summon any citizen for the cause aforesaid shall be fined not more than \$5,000."

Section 349: On page 198, in line 1, strike out the word "from" and in lieu thereof insert the word "on;" in line 2



strike out the word "July" and in lieu thereof insert the word "January;" also in line 2 strike out the word "nine" and in lieu thereof insert the word "ten."

R. O. MOON,  
HERBERT PARSONS,  
SWAGAR SHERLEY,

*Managers on the part of the House.*

W. B. HEYBURN,  
GEO. SUTHERLAND,  
JAMES P. CLARKE,

*Managers on the part of the Senate.*

The Clerk read the statement, as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (S. 2982) to codify, revise, and amend the penal laws of the United States submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying report as to each of the amendments of the Senate, namely:

Section 7: The words "or in any place subject to the jurisdiction thereof" are added after "United States."

The offense denounced by this section is that of recruiting soldiers and sailors to engage in any armed hostility against the United States. No reason exists why this should not be made unlawful not only within the United States, but in all places subject to the jurisdiction thereof. When the law was originally passed the words "United States" fully covered our whole jurisdiction.

Section 19: The restoration in section 19 of the words "and shall moreover be thereafter ineligible to any office, or place of honor, profit, or trust created by the Constitution or laws of the United States."

Section 20: The omission of section 20, which is in the following language: "If in the act of violating any provision of the preceding section any other felony or misdemeanor be committed, the offender shall be punished for the same with such punishment as is attached to such felony or misdemeanor by the laws of the State in which the offense is committed."

Sections 19 and 20 are a part of what is popularly known as the "civil rights" sections, passed May 31, 1870.

It will be observed that section 20 creates no new offense. It simply imposes an additional penalty for an overt act that may be committed in pursuance of the conspiracy denounced in section 19.

By section 20, if in pursuance of a conspiracy to injure or intimidate any citizen in the free exercise of any right or privilege secured to him by the Constitution or laws of the United States, a murder should be committed, upon indictment and conviction for the conspiracy the person found guilty may be executed if the laws of the State in which the offense is committed impose the penalty of death for the crime of murder.

The House and Senate adopted different methods of modifying the rigors of the punishment under these two sections. Section 19 provides for a maximum penalty of a fine of not more than \$5,000 and imprisonment for not more than ten years, and declares that any person convicted thereunder shall be thereafter ineligible to any office, place of honor, profit, or trust created by the Constitution or laws of the United States.

The House modified section 19 by striking out this disqualifying clause. The Senate left the disqualification to hold office in and struck out the additional punishment prescribed by section 20. The managers on the part of the House, recognizing that section 20 was an anomaly in criminal law, which made it possible that under an indictment and conviction for a misdemeanor a man might be executed, and also recognizing that any offense that might come within the provisions of this section might and ought to be punished by the laws of the State wherein it was committed, agreed to its omission, but in consideration of this omission restored the disqualifying penalty omitted from section 19. Section 19 therefore is restored as existing law and the maximum punishment for the offense prescribed thereby is a fine of not more than \$5,000, imprisonment for not more than ten years, and the disqualification to hold any office, place of honor, profit, or trust created by the Constitution or laws of the United States.

Section 23, page 14, is omitted.

Section 23 provides that no citizen possessing all other qualifications prescribed by law shall be disqualified for service as grand or petit juror in any court of the United States on account of race, color, or previous condition of servitude, and makes penal provisions for the violation thereof.

While this section is omitted from the codification, at the same time the provisions on page 183 of the bill repealing existing law upon that subject is also omitted.

The omission of section 23 therefore does not change existing law, but simply leaves this single section uncodified.

Section 24, page 14: Strike out in line 15 the words "or to keep peace at the polls."

Section 24 provides that every officer of the army or navy who orders or brings or keeps armed men at any place where a general or special election is held in any State, unless such force be necessary to repel armed enemies of the United States or to keep peace at the polls, shall suffer fine and imprisonment.

The omission of the words "or to keep peace at the polls" leaves the section as a prohibition against keeping armed men at a place where an election is held unless such force be necessary to repel armed enemies of the United States.

The provision for keeping peace at the polls is inoperative, as there is no provision anywhere in the law authorizing the keeping of troops for that purpose. The omission of these words therefore does not in any sense diminish the force of existing law.

Section 51: Add to the proviso the following words: "And nothing in this section shall interfere with or take away any right or privilege under any existing law of the United States to cut or remove timber from any public lands."

The offense denounced by this section is the cutting or wantonly destroying of growing timber on public lands or the exporting or disposing of the same. Under existing law any miner or agriculturist may clear his land, prepare his farm for tillage, and take timber necessary to support his improvements. The amendment simply makes clear that it is not the intention of this law to interfere with or take away any right to cut or remove timber that is now conferred by existing law.

Section 95: The amendment adds the words "prima facie."

The provision of section 95 is that upon the trial of any indictment for embezzling public money under certain enumerated sections it shall be sufficient evidence, for the purpose of showing a balance against such person, to produce a transcript from the books of the Treasury, as required in civil cases. The addition of the words "prima facie" only states more clearly what is the existing law upon the subject.

Section 125: The proviso in this section is changed in its form by striking out the words "been provided with a duly authenticated written or printed statement of such rule or practice" and substituting therefor the words "had actual knowledge thereof."

The offense denounced by this section is that of an officer or employee of the United States, etc., who by virtue of his office shall become possessed of information which might exert an influence upon or affect the market value of any product of the soil, which information is by law or rule of the department required to be withheld from publication until a fixed time, who willfully imparts such information to any person not entitled under the law to receive the same, or who shall speculate by buying or selling the same. The proviso appended to this section is: "That no person shall be deemed guilty of a violation of any rule of any department unless prior to such alleged violation he shall have been provided with a duly authenticated written or printed statement of such rule or practice." The amendment adopted by the conferees simplifies this proviso, while in no sense altering its legal effect. It provides "That no person shall be deemed guilty of a violation of any such rule unless prior to such alleged violation he shall have had actual knowledge thereof."

Section 126: The substitution of the word "or" for the word "and" and the insertion of the words "or both."

The provision in the House amendment provided for the offense denounced a fine of not more than \$5,000 and imprisonment not more than five years.

This change of the substitution of the word "or" for "and," and the addition of "or both" are in harmony with the general system of punishments as provided for in the bill.

Section 140: Strike out section 140.

This was a new section reported by the committee. It provides that whoever being a prisoner confined in a jail, penitentiary, etc., and being in lawful custody of an officer, etc., shall escape or attempt to escape, etc., shall be fined not more than \$1,000 or imprisoned not more than seven years, or both. This was stricken out by the Senate. Being new law, the House assented thereto.

Section 187: Insert the words "to the current business of the carrier."

Section 187 provides that the owner, driver, master, etc., or other person having charge of a stagecoach, railway car, steamboat, etc., which regularly performs trips on post routes, etc., shall be guilty of a criminal offense if he carries, otherwise than in the mails, any letters or packets except such as relate to some part of the cargo of such steamboat or other vessel.

The insertion of the words "to the current business of the carrier" permits a common carrier to which a mail coach is attached to transmit by its servants to other stations on its route communications not inclosed in the mail, if such communications are confined to the carrier's business. This is in exact conformity with the construction placed upon existing law. The regulations of the Post-Office Department permit such communications, and these regulations have been declared legal by an opinion of the Attorney-General of the United States.

The amendment therefore only makes clear the existing law upon the subject.

Section 200: The amendment to this section in effect restores existing law upon this subject. The House amendment consolidated two sections of existing law, to wit, sections 5472 and 5473, Revised Statutes. The effect of the amendment is to divide the offense denounced, one being an assault of a person having lawful control of the mail with intent to rob, steal, or purloin such mail or the robbing of such person of such mail, and the second being the effecting or attempting to effect such robbery by the use of a dangerous weapon.

The amendment simply divides the sections into two parts and affixes a different penalty for the two distinct offenses.

Section 226: Insert the word "knowingly."

Section 226 punishes anyone who submits or causes to be submitted to any postmaster, etc., any false evidence relative to any publication for the purpose of securing the admission thereof at the second-class rate. The change simply requires that such evidence shall be submitted knowingly.

Section 227: Insert the words "for the purpose aforesaid shall knowingly and willfully."

This section denounces as a crime the presenting or causing to be presented any false claim for the loss of any registered letter, etc., and further provides that any person who shall knowingly and willfully misrepresent or misstate or conceal any material fact in respect of such claim shall be guilty of the offense denounced.

The amendment relates entirely to the offense of concealing a material fact and provides that such concealment shall be for the purpose of presenting such false claim and shall be knowingly and willfully done.

Sections 241, 242, and 243: Simply for the sake of euphony the word "that" is stricken out at the beginning of each section and begin each section with a capital letter. It in no way interferes with the sections themselves.

Section 243: Insert the word "knowingly" after the word "shall," in line 13.

Section 243 is the third section of the amendment added to the bill by the House, and is what is popularly known as the "Knox bill," for the regulation of interstate shipments of liquor. This section denounces as an offense and punishes by a suitable fine the shipping or causing to be shipped from one State, Territory, or District, etc., into any other State, Territory, or District, etc., any package containing spirituous, vinous, malted, etc., liquor, unless such package be so labeled on the outside cover as to plainly show the name of the consignee, the nature of its contents, and the quantity contained therein.

The insertion of the word "knowingly" changes this provision so that it shall read: "Whoever shall knowingly ship or cause to be shipped from one State, Territory, or District," etc., shall be fined as therein provided. The word "knowingly" as employed in a criminal law imports legal and not actual knowledge. Legal knowledge has been judicially defined to be such information as would lead a prudent man to believe the fact existed and which, if followed by an inquiry, must bring knowledge of the fact home to him. It was believed by the conferees that before a conviction of this offense this degree of knowledge should be brought home to the person accused.

Section 248: For the sake of clearness and in conformity with the general provisions of the section itself, the words "and every" are stricken out and the words "or any" inserted. It does not in any sense change the provisions of the section.

Section 253: Strike out the words "being a citizen or other person resident."

This section provides that whoever, being a citizen or other person resident within the jurisdiction of the United States, takes on board or transports from any foreign country any person in any vessel, for the purpose of holding, selling, or otherwise disposing of such person as a slave, shall be punished, etc.

The words "being a citizen or other person resident" are redundant. When they are stricken out the section reads: "Whoever, within the jurisdiction of the United States, takes on board," etc., the remaining words being an ample and complete definition of jurisdiction.

Section 254: Strike out the word "American;" substitute the word "jurisdiction" for "jurisdictional limits."

The offense defined in this section is that of a captain, master, etc., of a vessel found in any river, port, etc., within the jurisdiction of the United States, having on board any person for the purpose of selling such person as a slave, etc.

The place defined is wholly within the jurisdiction of the United States, and the offense, therefore, need not be limited to an American vessel. The change of the word "jurisdiction" for the words "jurisdictional limits" is merely verbal and tends to clearness and simplicity of expression.

Section 255: The word "American" is stricken out for the same reason set forth in the preceding section.

Section 256: Strike out the section.

By reason of the elimination of the word "American" in the two preceding sections section 256 becomes unnecessary.

This section simply provides that any person, a citizen of the United States, who voluntarily serves on board of any foreign vessel employed in the slave trade, shall be punished. The elimination of the word "American" in the preceding sections gives the United States power to punish within her jurisdiction persons on board vessels whether foreign or American.

Section 257: Strike out the words "State, Territory, or District" and in lieu thereof substitute the words "place subject to the jurisdiction."

No other change is made in this section. The amendment is for the sole purpose of clearness and simplicity of expression.

Section 262: Strike out the words "jurisdictional limits" and insert in lieu thereof the word "jurisdiction." This change is made for the reason set forth in the above section.

Section 270: Strike out the word "other," which is simply a clerical error.

Section 276: In lines 8, 9, and 10, page 150, strike out the following: "The jurisdiction, conferred by this paragraph, of crimes committed upon any such vessel while within the limits of any State, shall be concurrent with that of the courts of such State."

The conferees decided that these words are entirely unnecessary, as the jurisdiction conferred by the paragraph referred to would remain in such States without this provision.

Section 295: A mere transposition of language.

The effect of this transposition is as follows: Existing law provides that the master or officer of a vessel of the United States on the high seas, etc., shall not beat, wound, or without justifiable cause imprison any of the crew. Since the provision of the law abolishing flogging in the navy, it was deemed necessary to so transpose the words as to prohibit the said master, etc., from beating or wounding without justifiable cause. This is effected by this amendment.

Section 300: Substitute the word "or" for the word "and," which results in no substantial change in existing law.

Sections 321, 322, and 323: Strike out the words "in any Territory."

These words are unnecessary in the separate sections, because the general jurisdictional clause at the beginning of the chapter provides that "Except as otherwise expressly provided, the offenses defined in this chapter shall be punished as herein-after provided, when committed within any Territory or District," etc., of the United States. This amendment, therefore, is a purely formal one.

In the repealing sections, on page 183, strike out all of lines 21, 22, and 23.

On page 196 strike out all of lines 13 to 20, both inclusive.

These omissions from the repealing sections of the bill are those above referred to, being in effect the omission of repealing sections relating to section 23, which remains uncodified, as before mentioned.

Section 349: Strike out "from" and insert "on;" strike out "July" and insert "January;" and consequently strike out "nine" and insert "ten."

The effect of this is to postpone the time of this code going into effect until January 1, 1910.

R. O. MOON,

HERBERT PARSONS,

SWAGER SHERLEY,

*Managers on the part of the House.*

Mr. MOON of Pennsylvania. Mr. Speaker, I move that the conference report be agreed to.

Mr. UNDERWOOD. I would like to ask the gentleman a question. I would like to know whether this is a final and complete report?

Mr. MOON of Pennsylvania. It is.

Mr. UNDERWOOD. What disposition was made of the Humphreys amendment as to the transportation of liquors?



Mr. MOON of Pennsylvania. It was accepted as it left the House, except that the word "knowingly" was put in the last clause, so that it will read:

Whoever knowingly ships or causes to be shipped without being marked—

And so forth, shall be subject to a penalty.

Mr. GAINES of Tennessee. What was done about the provision to prevent the sending out of fraudulent information from the Agricultural Department?

Mr. MOON of Pennsylvania. That exists in the law, and was adopted by the conferees, and will be section 126.

Mr. GAINES of Tennessee. I want to congratulate the gentleman on that and the Humphreys amendment.

Mr. MANN. Will the gentleman yield to me?

Mr. MOON of Pennsylvania. I will yield five minutes to the gentleman from Illinois.

Mr. MANN. Mr. Speaker, I want to pay a compliment or two. The penal code has been before the House since the beginning of the last session of Congress. Other matters have been before the House in regard to the transportation of liquors between the States. Both problems have been somewhat intricate and rather difficult of solution. I want to take this occasion, Mr. Speaker, to compliment the chairman of the Committee on the Revision of the Laws, Mr. MOON of Pennsylvania [applause], the gentleman from New York, Mr. PARSONS [applause], a member of the committee; the gentleman from Michigan, Mr. DENBY, another member of the committee [applause]; the gentleman from Kentucky, Mr. SHERLEY, a member of that committee [applause]; and the gentleman from Tennessee, Mr. HOUSTON [applause].

Without their persistent efforts this bill would not have become a law. And in connection with what seems to me a deserved compliment to those gentlemen, I shall extend my congratulations to the gentleman from Mississippi [Mr. HUMPHREYS] and the gentleman from Kansas [Mr. MILLER] for the work they did in bringing before this House the so-called "Humphreys, Knox, or Miller amendment" in reference to the interstate transportation of liquor, which, by the adoption of this report, will become the law of the land.

I may say, Mr. Speaker, that during this session of Congress, notwithstanding the criticism that is often leveled against the rules, this work has been done without a special rule from the Committee on Rules, by the action of the House, moving along the line of the rules, as they exist, because the House was determined upon having legislation upon that subject in answer to the proper demand or request from the country.

I congratulate Congress upon the enactment of the penal code, including the proper regulation of interstate transportation of intoxicating liquors. [Applause.]

Mr. HUMPHREYS of Mississippi. Mr. Speaker, will the gentleman yield?

Mr. MOON of Pennsylvania. I yield to the gentleman.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I want to say that so far as the regulation of the interstate transportation of liquors is concerned, in my opinion that amendment never would have been the law but for the earnest, intelligent, and most effective cooperation of the gentleman from Illinois [Mr. MANN]. [Applause.]

Mr. MANN. O Mr. Speaker, I acted only as an adviser to the gentleman from Mississippi.

Mr. SHERLEY. Mr. Speaker, while the many pleasant things are being said about many Members of this House, I feel that I should say a word in behalf of a man who has done as much of the drudgery in connection with this particular piece of legislation as any man who had anything to do with it, and it has been a bill which carried with it tremendous drudgery. The work of the committee extended over many months, and the members of this joint committee, I am sure, would not have been able to present what they believe to be a very accurate revision of the penal laws of the land if it had not been for the able assistance of Mr. John L. Lott, who was the clerk of that committee and who is entitled to this public recognition of his services. [Applause.]

Mr. MILLER. Mr. Speaker, I will ask the gentleman from Pennsylvania to yield to me.

Mr. MOON of Pennsylvania. I yield to the gentleman.

Mr. MILLER. Mr. Speaker, I want to state that I agree most heartily with the statement just made by the gentleman from Mississippi [Mr. HUMPHREYS]. That gentleman and myself know probably better than any other Members of this House of the work done by the gentleman from Illinois [Mr. MANN], and of the earnest and consistent course which was followed by him from the beginning of this session until now, and which has enabled us to do whatever we were able to do. [Applause.]

Mr. BARTHOLDT. Mr. Speaker, I will ask the gentleman to yield to me for a moment.

Mr. MOON of Pennsylvania. I yield to the gentleman.

Mr. BARTHOLDT. Mr. Speaker, I desire to express a devout wish, namely, that the agitation for liquor legislation at the hands of Congress may have received a quietus by the adoption of the Humphreys amendment, and that that amendment marks the line of demarcation beyond which Congress in its legislation on that subject will not go.

Mr. LANGLEY. Mr. Speaker, I desire to express the opinion that the wish of the gentleman from Missouri [Mr. BARTHOLDT], which is evidently father to the thought, will not be realized. This is only a step in the right direction.

Mr. MOON of Pennsylvania. Mr. Speaker, I do not desire and do not intend to take up the time of the House by any speech. It is certainly pleasant at this period of our monumental labor—for I think this House will agree with me that the labor of this committee during the entire session of two Congresses has been monumental—to listen to these tributes and the complimentary remarks of the gentleman from Illinois [Mr. MANN]. These compliments have been tendered to the committee. I desire to tender to the legal profession at large, to the members of the judiciary, to the members of the bar throughout this country this completed work as a tribute of the Sixtieth Congress. In my judgment, no more important piece of legislation has been enacted at this session. Probably no one except members of the legal profession will absolutely agree to that statement, but when we come to consider the fact that prior to this enactment the penal laws of the United States were scattered in six or seven different volumes of great magnitude commingled with general legislation and frequently overlapping each other, and that it was almost impossible even for the judge upon the bench or the man learned in the law by exhaustive and patient investigation to tell with accuracy what the law exactly was, I think all will agree that this body of men will welcome this codification, which brings within the narrow compass of a few pages all of the penal and criminal sections of the laws of the United States.

Therefore, in conclusion, I say, on behalf of the committee, that we tender to the judiciary and to the bar and to the citizens of this country this completed work, in the belief that it will be of great service to them in the administration and enforcement of the criminal laws of this Nation. [Applause.]

Mr. Speaker, I ask for the adoption of the report.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

Mr. MOON of Pennsylvania. Mr. Speaker, I now ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk and ask to have read.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and the Clerk will read.

The Clerk read as follows:

*Resolved*, That the Secretary of the Senate be authorized to renumber the sections consecutively; to strike out the headnotes at the beginning of each chapter to sections which have been omitted and to renumber the headnotes to correspond to the numbers given the sections; to correct the reference in one section to other sections; to correct typographical errors; and to correct the punctuation as indicated by the committee on conference.

The SPEAKER. The Chair suggests to the gentleman from Pennsylvania that this resolution probably should be a concurrent resolution.

Mr. MOON of Pennsylvania. Mr. Speaker, the committee did not think so. This matter is with the Clerk of the Senate. The Senate adopted a similar resolution giving to its Clerk the power to make these very slight changes; but in view of the fact that the House was also interested in this legislation, we felt the only thing necessary was to give the assent of the House to the Clerk of the Senate to make these simple corrections.

Mr. MANN. But the House has no authority to confer any jurisdiction upon the Clerk of the Senate. The House may direct its own Clerk.

Mr. MOON of Pennsylvania. Mr. Speaker, this work is practically all done. This same resolution passed the Senate. If the Chair thinks it advisable, I will ask unanimous consent to change this to a concurrent resolution.

The SPEAKER. Unless the gentleman has examined it very closely and is satisfied with it, it seems to the Chair that the resolution should be a concurrent one.

Mr. MOON of Pennsylvania. We have simply acquiesced in the Senate's instruction to its Clerk. We do not attempt to instruct the Clerk of the Senate, but the Senate has already instructed its Clerk. That was our thought, so that we simply acquiesced in the instructions of the Senate to its own Clerk. That Clerk must do the work.

The SPEAKER. The House can only know of the action of the Senate—

Mr. MANN. Mr. Speaker, this is the penal code, and it seems to me it is desirable to pass it in accordance with the law and the Constitution.

Mr. MOON of Pennsylvania. Then, Mr. Speaker, I ask unanimous consent to change the joint resolution and put it in the form of a concurrent resolution.

The SPEAKER. The gentleman from Pennsylvania modifies the resolution and offers it as follows.

The Clerk read as follows:

Amend so that it will read:

House concurrent resolution 78.

"Resolved by the House of Representatives (the Senate concurring), That the Secretary of the Senate," etc.

The question was taken, and the resolution as modified was agreed to.

On motion of Mr. MOON of Pennsylvania, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

#### ADDITION TO ROCK CREEK PARK.

The House resumed consideration of the bill (S. 4441) to acquire certain land in the District of Columbia as an addition to Rock Creek Park.

Mr. BARTHOLDT. Mr. Speaker, as has already been stated, this bill is an old acquaintance. It was here at the last session and it was defeated by this House by a vote of two to one. Some years ago a very thorough investigation was had by a commission consisting of three Senators and three Members of the House, all members of the Committee on Public Buildings and Grounds of the two Houses. At that time hearings were had upon all the different propositions, and I do not remember a single disinterested citizen of Washington who appeared before the committee, save one, and that one had been sent by another gentleman who was very much interested in the proposition. So much in reply to the statement of the gentleman from Ohio that the sentiment of the people of the District of Columbia was unanimous on that question.

When this bill was before the House the last time the statement was made positively and unequivocally that unless the House acted favorably upon the proposition we would have no more opportunity to purchase that land, because the options would expire.

The proceedings to-day prove that either there were no options at all or that they have not expired, consequently the statement made to us at that time is not borne out by the facts. The Committee on Public Buildings and Grounds is heartily in favor—

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

Mr. BARTHOLDT. I have only one minute—is heartily in favor of parks in this city, but we would like to establish parks on the principle on which they were established by the forefathers of the present generation, namely, as breathing spots within the city of Washington. There is a large part of the city of Washington lying on Mount Pleasant, every foot of which is being rapidly covered with houses and improvements, and no provision whatever has been made to provide breathing spots for the people there. I would be in favor of putting a park there instead of a park away out, which can only be reached by automobiles. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Missouri has expired.

Mr. NORRIS. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. ANDRUS]. [Applause.]

Mr. ANDRUS. Mr. Speaker, the work of a session of Congress apparently is never completed until we have some little discussion in regard to an appropriation for the purchase of land in Rock Creek Park. My time is rather limited, but at the outset I want to state how I stand on parks. I am in favor of parks as I am in favor of public schools, in favor of churches; churches to grow a better moral influence in the community, churches so that the children may acquire an education, and parks where the children can play and grow bone and muscle and nerve to help them bear the heavy burdens of life that will follow. I would like to give you just a hasty résumé of this matter for four years. On March 27, 1906, Senate bill 5289 called for \$600,000. On the 27th of March a Senator wrote to the president of the District Commissioners asking certain information, and among the information asked for I find this.

I read from his report. It is Calendar No. 2811, near the bottom of the third page:

The price named in the bill, \$600,000, for about 437,000 square feet of land, or about \$1.37 a square foot, is in excess of the estimated value of the land by the board of assessors, their value being \$230,000.

Mr. Speaker, I have had some experience, having bought a few lots during my life, and I found the assessors' value as a rule a pretty good criterion on which to act. On March 30, 1906, evidently a conscience was pricked, and a bill (H. R. 5102) was introduced for \$550,000—\$50,000 less. On February 16, 1907, conferees of the House and the Senate came to an agreement of \$475,000, but it was not satisfactory to the House Committee on Public Buildings and Grounds, and the matter dropped with the expiration of the Fifty-ninth Congress.

The thing took on new life, and on January 27, 1908, the bill S. 4441 was reported for \$423,000—a gradual coming down. That bill went directly to one of the appropriation committees, and on May 26 last, under a suspension of the rules, it was defeated by a vote of 57 for and 164 against.

Mr. NORRIS. That was this same bill?

Mr. ANDRUS. This same bill that is brought up to-day. Now, what have the Government and the people lost in these three years? We are talking now about \$423,000 as against \$600,000 three years ago, a saving to some one of \$177,000. The interest on \$600,000 for three years at 2 per cent is \$36,000. It makes a total of \$213,000. It may be a small sum in this House, but, Mr. Chairman, there are 10,000 boys in my district who would be exceedingly happy if in a legitimate way they could make that money in three years. [Applause.]

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. SMITH of Michigan. Mr. Speaker, how much time has the gentleman from Nebraska [Mr. NORRIS] left?

The SPEAKER pro tempore. The gentleman from Michigan has ten minutes left, and the gentleman from Nebraska has eight minutes.

Mr. SMITH of Michigan. Mr. Speaker, I yield to the gentleman from New York [Mr. McMILLAN] two minutes.

Mr. McMILLAN. Mr. Speaker, it has been my privilege to know something about parks; being one of the park commissioners, as well as president of the board for four years, in the city of New York, and having been engaged in the condemnation proceedings of large acreage that was taken for parks, I know whereof I speak.

I say to you that this area that is about to be created for a park is of divine construction. And as to its being worth \$4,000 an acre, I challenge any man to create such a possibility of a park, with a stream running through it, that only a divine architect or a divine landscape artist could create. Why do you leave it to man to deface and wipe out? If you do that, it will be a sacrilege. It would be an injustice to the Paris of America. I have traveled considerably, and I can say to you that there is no place to-day on the divine footstool that should be kept so sacred as park territory as Rock Creek.

Do you know what it takes to create an acre of parkage? We spend \$20,000 an acre on our parks in the city of New York, and we could not create anything like that. I beg of you, gentlemen, to not let this opportunity pass to purchase it, for if you do, some real estate speculator like myself will buy it, and then you will not get it for any such sum as that at which it is now offered. The reason that you get it to-day for \$4,000 an acre is that you have worked them down from \$6,000 to \$4,000, and I thank the gentleman from New York [Mr. ANDRUS] for telling us this. [Applause.]

Mr. SMITH of Michigan. Mr. Speaker, I yield one minute to the gentleman from New Jersey [Mr. PARKER].

Mr. PARKER. One minute, Mr. Speaker. I know this property. I have ridden or walked over it often during the last twelve years. My children, year after year, have picknicked down in the bottom of the ravine that everybody says children can not get to. We selected a picnic ground there, and have an annual children's picnic. So I know the property, and I know that it is available for a park.

It is necessary for the Government to own along Rock Creek. I know that as to value the price asked in old times was too much. It has come down, and values are going up. If anyone will go out Massachusetts avenue he will see that property and buildings of the very best description are moving by leaps and bounds, by miles, since I have been in the city, along Massachusetts avenue. The improvement has just gotten to the edge of this property, where there is a frontage of nearly 1,000 feet obtained on the north side of Massachusetts avenue, just beyond Rock Creek, and those front feet alone will, within a few years, be worth the price that is paid. [Applause.]

Mr. SMITH of Michigan. Mr. Speaker, I yield two minutes to the gentleman from Massachusetts [Mr. LOVERING].

Mr. LOVERING. Mr. Speaker, I know something of this proposition, and I believe it to be the best and most favorable proposition that can be made to enlarge our park system at Rock Creek. I have had something to do with land in my day,



and I know that unless we take this land at this time the chances are that we will have to pay at least 25 or 50 per cent more than we are now asked, if indeed we ever again have the opportunity.

Mr. SHERLEY. Will the gentleman yield?

Mr. LOVERING. I yield.

Mr. SHERLEY. That statement was made last year, the year before, and the year before that.

Mr. LOVERING. The gentleman need not say that to me. I know it. It is none the less true, even if it has been said before. I am credibly informed that the owners of this property would not object to have the proposition fall down in the House at this time. It is just the sort of a project that I should be glad to enter into myself if I were in land speculation.

Mr. Speaker, I yield back my time.

Mr. SMITH of Michigan. How much time did the gentleman yield back?

The SPEAKER pro tempore. Half a minute.

Mr. SMITH of Michigan. Now will the gentleman from Nebraska use some time?

Mr. NORRIS. I yield one minute to the gentleman from Alabama.

Mr. HEFLIN. Mr. Speaker, this bill carries an appropriation of nearly half a million dollars. The same bill was up for consideration in May, 1908, and was voted on and defeated. Fifty-seven votes were cast in favor of it and 164 votes cast against it. I trust that this bill will not be pushed through in the closing hours of this session. Let it go over until the next Congress, and then all of us who desire to do so can see this land and can investigate the matter of its real value, and then if we must purchase it for the Government, let us exercise business judgment and get it as cheaply as we can. [Applause.]

Mr. NORRIS. How much more time have I remaining, Mr. Speaker?

The SPEAKER pro tempore. The gentleman has seven minutes.

Mr. NORRIS. I yield five minutes to the gentleman from Tennessee [Mr. SIMS].

Mr. SIMS. Mr. Speaker, when this identical bill, without the change of a letter, was voted on by yeas and nays in this House on the 26th day of May last, 164 noes were recorded as against 57 ayes. Now many gentlemen are going to change, and what reason are you going to give for your flop in so short a time? Now, there will be a yea-and-nay vote at this time on this bill, and you will have to explain some day why you changed in so short a time, without any new evidence or any new reason given for the change. There is no option on this land at this time. I will read from a statement made by Mr. Charles Glover in the hearings before the Committee on Appropriations last year, before this bill was voted on in May last:

The CHAIRMAN. How it is, Mr. Glover, with respect to the 88 or 98 acres; would it be possible for you to have the option renewed another year?

Mr. GLOVER. No, sir; that is out of the question, Mr. TAWNEY. They have assessed this ground at \$7,500 an acre. The assessment has gone up tremendously.

Mr. FITZGERALD. The assessed valuation of it?

Mr. GLOVER. Yes; they have put it up enormously, and justly so. It is a pretty fine piece of ground. Tell me the other day that they hardly knew what to do about this thing.

The CHAIRMAN. You think it would be impossible to renew the option?

Mr. GLOVER. Absolutely.

The CHAIRMAN. When will the option expire?—

Now listen—

Mr. GLOVER. With this session of Congress.

That was the last session Mr. Glover said this option expired. When has it been renewed? If he told the truth then, and I do not question his veracity, there is no option on that land at this time. I was told by as good a Member as there is in this House that another Member, who is a Member now, is interested in one of the syndicates mentioned by Mr. Glover, in one of these pieces of land. Are you going to be influenced into enacting such legislation as this under suspension of the rules?

Mr. CLAYTON. May I ask the gentleman a question?

Mr. SIMS. Certainly.

Mr. CLAYTON. Do you think it is fair to the membership of this House to make that statement without naming the man or at least giving the authority?

Mr. SIMS. The gentleman who told me is in his seat on the floor of the House at this moment, and he can tell the name of the Member if he so desires.

Mr. CLAYTON. On which side of the Chamber?

Mr. SIMS. On the other side of the Chamber.

Mr. CLAYTON. What is the color of his hair?

Mr. SIMS. Oh, his hair is all right.

Mr. CAMPBELL. I think that if the gentleman has any information upon that subject he ought to name the man.

Mr. SIMS. The gentleman who told me is present, and he will tell you that a Member of this House is now, or was, interested in one of these pieces of land, and has used his personal influence heretofore to pass this bill.

Mr. CLAYTON. I insist that the gentleman from Tennessee ought to give the name of the Member from whom he obtained that information.

Mr. SIMS. Oh, he is now in the Chamber.

Mr. CLAYTON. I want to hear all the information, and I insist that he furnish the name. Give us the name.

Mr. SIMS. The gentleman who told me is on the floor of the House; he can give it.

Mr. CLAYTON. Name him.

Mr. SIMS. I will not name him. He is here and hears what I say. Will giving the name tend to prove anything except this: That whenever people in this District have land they can not sell to anybody else they try to sell it to the Government before it goes up. They started in on this tract at \$600,000 and now they have got it down to \$435,000. Of course the gentleman from Ohio [Mr. BURTON], and the other gentlemen who have spoken in behalf of this bill, did not know that any Member of the House was interested in any of this land.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SMITH of Michigan. I yield one minute to the gentleman from New York [Mr. PARSONS].

Mr. PARSONS. Mr. Speaker, I have walked over this land. It ought to be a part of the parking system of Washington. The average cost of it will be 10 cents a square foot. I understand that land for building purposes out in the extension of Massachusetts avenue approaching this property has been selling at \$2.50 a square foot, or twenty-five times as much as the average price for this land.

Some day this land will have to be taken. I believe it is economy to take it now, and I hope it will be taken.

Mr. NORRIS. We have only two minutes remaining. Will the gentleman from Michigan use some of his time?

Mr. SMITH of Michigan. I yield three minutes to the gentleman from Michigan [Mr. GARDNER].

Mr. GARDNER of Michigan. Mr. Speaker, for several years it has been my fortune, as a member of the District appropriations committee of the Committee on Appropriations, to go thoroughly over nearly the entire District. The thing that has impressed me more than any other, except the rapid growth and development of the city, is the utter lack of park provision for the future. Go out Fourteenth street, Thirteenth street, Eleventh street, Seventh street, Connecticut avenue, Massachusetts avenue, and many others, and you find that the real estate man has his grip upon the land, and he does not give anything for park purposes. Take out Rock Creek Park, and beyond the boundary, there is scarcely anything where in the future our people can go to get a breath of fresh air. We are building as solidly, as the gentleman from Missouri says, on Columbia Heights as they are in Philadelphia, New York, Boston, and Chicago, with absolutely no park reservations.

Old Washington, or lesser Washington, is known everywhere for the number and beauty of its parks, but the greater Washington, unless you do something, will be without parks.

Now, they talk about this being a good price, \$422,000 for 100 acres of land, admirably adapted as it is for park purposes. On Meridian Hill, out Sixteenth street, in the edge of the city, they want \$600,000 for 18 acres of land for public purposes. Every year in the future we are likely to pay more for this or any other tract that lies within reasonable distance of the growing population of this city. [Applause.]

Mr. NORRIS. I yield one minute to the gentleman from Minnesota [Mr. DAVIS].

Mr. DAVIS. Mr. Speaker, I am certainly in favor of as much free air as it is possible to obtain, but Members ought not forget that Rock Creek Park now contains 2,000 acres of land adjoining this 100-acre tract that is sought to be purchased. It seems to me that when they obtained that 2,000 acres they obtained all the land that was suitable for a park or for any other purpose at the time. Now there remain 100 acres of land that it will cost many times more to improve—to make it useful for park purposes—than the contemplated purchase price. We are making now, as the record shows, between two and three hundred thousand dollars every two or three years by not purchasing this land. Let us wait a few years more and we will get it for half the money. But I will say that if we obtain it then, we will have an elephant on our hands that will cost many times more than its value to improve it for park purposes. It is

apparent that the opportunity to obtain this cavernous tract will not be foreclosed for many years, for the reason that the Government is the only visible purchaser, and its only apparent value is confined to park purposes. [Applause.]

Mr. NORRIS. Mr. Speaker, I yield the balance of my time to the gentleman from Minnesota [Mr. NYE].

The SPEAKER pro tempore. The gentleman from Minnesota [Mr. NYE] is recognized for one minute.

Mr. NYE. Mr. Speaker, if we really want economy, we ought to defeat this bill, because the price of the property has declined \$200,000 in the last three years, and if we wait long enough we will get it perhaps for what it is worth. [Laughter.] It has declined \$200,000 in a time of the greatest prosperity known in the history of this country. I am opposed to it, for this reason: As a new Member of this House I am appalled at the manner in which legislation is sluiced through here the last minute of the session, legislation which carries millions of dollars, and at the last moment a real-estate scheme is sprung upon us. [Applause.] I am opposed to the bill and I hope it will be beaten more overwhelmingly than it was last session. [Applause.]

Mr. SMITH of Michigan. I yield the balance of my time to the gentleman from Ohio [Mr. BURTON].

The SPEAKER pro tempore. The gentleman from Ohio is recognized for three minutes.

[Mr. BURTON of Ohio addressed the House. See Appendix.]

The SPEAKER pro tempore. The time of the gentleman has expired, all time has expired; and the question is on discharging the Committee of the Whole House on the state of the Union, suspending the rules, and passing the bill.

The question was taken, and the Speaker pro tempore stated that he was in doubt.

Mr. CLAYTON. In order that there may be no doubt, Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 31, nays 192, answered "present" 13, not voting 149, as follows:

YEAS—31.

Barchfeld	Foelker	Longworth	Olcott
Bede	French	Lorimer	Parker
Bingham	Gardner, Mich.	Lovering	Parsons
Burton, Ohio	Henry, Conn.	Lowden	Payne
Cassel	Higgins	McKinley, Ill.	Porter
Dalzell	Howland	McMillan	Roberts
Dawes	Huff	McMorran	Washburn
Fassett	Knowland	Mann	

NAYS—192.

Alken	Dixon	Humphreys, Miss.	Pou
Alexander, Mo.	Draper	James, Ollie M.	Pratt
Andrus	Durey	Johnson, Ky.	Pray
Ashbrook	Edwards, Ga.	Jones, Va.	Rainey
Barclay	Ellerbe	Jones, Wash.	Ransdell, La.
Barnhardt	Englebright	Keffer	Rauch
Bartholdt	Esch	Kellner	Reeder
Bartlett, Ga.	Ferris	Kennedy, Ohio	Reynolds
Beale, Pa.	Fitzgerald	Kinkaid	Rhincock
Beall, Tex.	Floyd	Klipp	Rothermel
Bell, Ga.	Fordney	Kitchin	Rucker
Bonyng	Foster, Ill.	Knapp	Russell, Mo.
Booher	Foulkrod	Kuftermann	Ryan
Bowers	Gaines, Tenn.	Lafean	Sabath
Boyd	Garner	Lamb	Saunders
Brantley	Gillespie	Langley	Scott
Brodhead	Godwin	Lawrence	Shackleford
Broussard	Goebel	Lenahan	Sheppard
Burgess	Gordon	Lewis	Sherley
Burnett	Goulden	Lindbergh	Sherwood
Burton, Del.	Gregg	Lloyd	Sims
Butler	Griggs	Loud	Slayden
Byrd	Gronna	Loudenslager	Small
Calder	Guernsey	McCreary	Smith, Cal.
Calderhead	Hackney	McDermott	Snapp
Candler	Hale	McGuire	Stafford
Capron	Hamilton, Mich.	McHenry	Stanley
Carter	Hamlin	McKinney	Stephens, Tex.
Chaney	Hardwick	Macon	Sturgiss
Chapman	Hardy	Madden	Sulloway
Clark, Mo.	Harrison	Madison	Sulzer
Clayton	Hawley	Maynard	Talbott
Cook, Colo.	Hay	Miller	Taylor, Ohio
Cook, Pa.	Hayes	Moore, Pa.	Thistlewood
Cooper, Pa.	Heflin	Morse	Thomas, N. C.
Cooper, Tex.	Henry, Tex.	Murdock	Tirrell
Cooper, Wis.	Hinshaw	Murphy	Tou Velle
Cox, Ind.	Hitchcock	Needham	Townsend
Craig	Hobson	Nicholls	Underwood
Cravens	Holliday	Norris	Volstead
Crawford	Houston	Nye	Waldo
Cushman	Howard	O'Connell	Wallace
Davidson	Howell, N. J.	Padgett	Watkins
Davis	Howell, Utah	Page	Webb
Dawson	Hughes, N. J.	Patterson	Wheeler
De Armond	Hull, Iowa	Perkins	Willett
Denver	Hull, Tenn.	Peters	Wilson, Ill.
Diekema	Humphrey, Wash.	Pollard	Wilson, Pa.

ANSWERED "PRESENT"—13.

Adamson	Douglas	Hill, Conn.	Swasey
Boutell	Finley	Olmsted	
Cockran	Flood	Overstreet	
Cole	Fornes	Smith, Mich.	

NOT VOTING—149.

Acheson	Ellis, Oreg.	Jackson	Pujo
Adair	Estopinal	James, Addison D.	Randell, Tex.
Alexander, N. Y.	Fairchild	Jenkins	Reid
Allen	Favrot	Johnson, S. C.	Richardson
Ames	Focht	Kahn	Riordan
Ansberry	Foss	Kennedy, Iowa	Robinson
Anthony	Foster, Ind.	Kimball	Rodenberg
Bannon	Foster, Vt.	Knopf	Russell, Tex.
Bartlett, Nev.	Fowler	Lamar, Fla.	Sherman
Bates	Fuller	Lamar, Mo.	Slemp
Bennet, N. Y.	Fulton	Landis	Smith, Iowa
Bennett, Ky.	Gaines, W. Va.	Laning	Smith, Mo.
Birdsall	Gardner, Mass.	Lassiter	Smith, Tex.
Bradley	Gardner, N. J.	Law	Southwick
Brownlow	Garrett	Leake	Sparkman
Brundidge	Gilhams	Lee	Sperry
Burke	Gill	Legare	Spight
Burleigh	Gillett	Lever	Steenerson
Burleson	Glass	Lindsay	Sterling
Caldwell	Goldfogle	Livingston	Stevens, Minn.
Campbell	Graff	McCall	Tawney
Carlin	Graham	McGavin	Taylor, Ala.
Cary	Greene	McKinlay, Cal.	Thomas, Ohio
Caulfield	Hackett	McLachlan, Cal.	Vreeland
Clark, Fla.	Haggott	McLain	Wanger
Cocks, N. Y.	Hall	McLaughlin, Mich.	Watson
Conner	Hamill	Malby	Weeks
Coudrey	Hamilton, Iowa	Marshall	Weems
Cousins	Hammond	Martin	Weisse
Crumpacker	Harding	Mondell	Wiley
Currier	Haskins	Moon, Pa.	Williams
Darragh	Haugen	Moon, Tenn.	Wolf
Davenport	Helm	Moore, Tex.	Wood
Denby	Hepburn	Mouser	Woodyard
Driscoll	Hill, Miss.	Mudd	Xoung
Dwight	Hubbard, Iowa	Nelson	
Edwards, Ky.	Hubbard, W. Va.	Pearre	
Ellis, Mo.	Hughes, W. Va.	Prince	

So the motion was rejected.

The Clerk announced the following pairs:

For the session:

Mr. MCMORRAN with Mr. PUJO.

Mr. SHERMAN with Mr. RIORDAN.

Mr. WANGER with Mr. ADAMSON.

Mr. CURRIER with Mr. FINLEY.

For the balance of the session:

Mr. BRADLEY with Mr. RANDELL of Texas.

Mr. OVERSTREET with Mr. MOON of Tennessee.

Until further notice:

Mr. HEPBURN with Mr. WOLF.

Mr. DWIGHT with Mr. HAMILTON of Iowa.

Mr. DENBY with Mr. HAMILL.

Mr. CRUMPACKER with Mr. HACKETT.

Mr. COUDREY with Mr. GLASS.

Mr. CARY with Mr. WEISSE.

Mr. BURLEIGH with Mr. GILL.

Mr. BURKE with Mr. FAVROT.

Mr. BENNET of New York with Mr. FURNES.

Mr. ANTHONY with Mr. ESTOPINAL.

Mr. LANDIS with Mr. LEVER.

Mr. KNOF with Mr. LEGARE.

Mr. KENNEDY of Iowa with Mr. LEE.

Mr. KAHN with Mr. LEAKE.

Mr. JENKINS with Mr. LASSITER.

Mr. ADDISON D. JAMES with Mr. LAMAR of Florida.

Mr. GRAHAM with Mr. KIMBALL.

Mr. GILLET with Mr. HILL of Mississippi.

Mr. FOSTER of Vermont with Mr. HELM.

Mr. FAIRCHILD with Mr. HAMMOND.

Mr. ELLIS of Missouri with Mr. SMITH of Missouri.

Mr. PEARRE with Mr. RUSSELL of Texas.

Mr. MUDD with Mr. ROBINSON.

Mr. MOON of Pennsylvania with Mr. RICHARDSON.

Mr. MARSHALL with Mr. REID.

Mr. MALBY with Mr. MOORE of Texas.

Mr. McLAUGHLIN of Michigan with Mr. McLAIN.

Mr. MCGAVIN with Mr. LIVINGSTON.

Mr. LAW with Mr. LINDSAY.

Mr. BANNON with Mr. WILEY.

Mr. WATSON with Mr. WILLIAMS.

Mr. TAWNEY with Mr. TAYLOR of Alabama.

Mr. STERLING with Mr. SPIGHT.

Mr. SOUTHWICK with Mr. SPARKMAN.

Mr. SLEMP with Mr. SMITH of Texas.

Mr. SMITH of Iowa with Mr. ADAIR.

Mr. CAMPBELL with Mr. CALDWELL.

Mr. HUGHES of West Virginia with Mr. BRUNDIDGE.

Mr. WOODYARD with Mr. BARTLETT of Nevada.

Mr. SMITH of Michigan with Mr. ANSBERRY.

Mr. BOUTELL with Mr. BURLESON.

Mr. BROWNLOW with Mr. GARRETT.

Mr. MARTIN with Mr. FULTON.

Mr. BATES with Mr. DAVENPORT.



Mr. LONGWORTH with Mr. GOLDFOGLE.  
 Mr. ALEXANDER of New York with Mr. CARLIN.  
 Mr. BIRDSALL with Mr. LAMAR of Missouri.  
 Mr. AMES with Mr. CLARK of Florida.  
 Mr. ALLEN with Mr. JOHNSON of South Carolina.  
 For this vote:  
 Mr. GAINES of West Virginia in favor, with Mr. FLOOD of Virginia against.

The result of the vote was announced as above recorded.

#### REPORT ON FRAUDS AND DEPREDACTIONS UPON THE PUBLIC SERVICE.

Mr. OLMSTED. Mr. Speaker, I ask unanimous consent to print in the RECORD, without taking the time of the House to read it at this time, the report which by House resolution No. 480 the committee appointed thereunder was directed to make at this session, which report, by direction of that committee, I now present to the House.

The SPEAKER. Is there objection?

Mr. CLARK of Missouri. Mr. Speaker, what is this report about?

The SPEAKER. It is the report from the special committee of which Mr. OLMSTED is chairman, touching an investigation—

Mr. HIGGINS. Mr. Speaker, I object.

The SPEAKER. Does the gentleman from Pennsylvania desire to move to suspend the rules?

Mr. OLMSTED. If there was any objection to my request for unanimous consent, Mr. Speaker, I move to suspend the rules—

Mr. MANN. Has not the gentleman the right to make this report?

Mr. OLMSTED. We were directed by the resolution to make report at this session, and I think we have the right to make it at any time.

The SPEAKER. The gentleman can make the report, but the gentleman asks unanimous consent that it might be printed in the RECORD. It would be printed as a document.

Mr. MANN. Mr. Speaker, a parliamentary inquiry. If this is a privileged report, the gentleman would have the right to have it read, and thereupon it would appear in the RECORD and we would do without our dinners—

Mr. OLMSTED. Mr. Speaker, my object is to have it printed in the RECORD without taking up the time of the House to have it read now.

Mr. KEIFER. Would it be printed as a document, too?

Mr. OLMSTED. That would follow.

The SPEAKER. The Chair would again ask if there be objection.

Mr. HIGGINS. Mr. Speaker, I withdraw my objection.

The SPEAKER. The Chair hears none.

The report is as follows:

[House of Representatives, Report No. 2320, Sixtieth Congress, second session.]

Report of select committee on appropriations for and employees engaged in the detection and prevention of fraud in and depredations upon the public service appointed under House resolution 480. Presented by Mr. OLMSTED, March 3, 1909.

The select committee, appointed in pursuance of House resolution No. 480, respectfully report that—

The said resolution authorizing the appointment and defining the duties of this committee was as follows:

"Resolved, That the Speaker is authorized to appoint a select committee of five members, whose duty shall be to inquire and report to the House at its present session, as follows:

"First. What appropriations were made at the first session of the Sixtieth Congress for the fiscal year nineteen hundred and nine that could be used to prevent frauds in and depredations upon the several branches of the public service, including the protection of public lands and their products from fraudulent entry or appropriation, and to apprehend and punish persons charged with violation of the laws of the United States; also what increase, if any, was made in any of such appropriations over the amounts appropriated for nineteen hundred and eight.

"Second. What branches of the public service, paid for in whole or in part out of the United States Treasury, are authorized or are in existence and supported by appropriations made by Congress, whose principal duties are to detect and prevent frauds, or to apprehend and bring to trial and punishment persons charged with violating the laws of the United States; whether such branches of the public service or any persons employed therein have been or are engaged in any duty not contemplated by the law or the appropriation establishing or providing for such service; the names of the persons employed, for any period, in each branch of such service during the current and last fiscal year; the rates of compensation and allowance paid or being paid to each of them, by whom they were appointed and on whose recommendation, and a statement of the specific duty performed or engaged upon by each of such employees each day since the beginning of the fiscal year nineteen hundred and eight.

"The committee, or any subcommittee thereof, is authorized to sit during the sessions of the House; to send for persons and papers, including private or secret archives; to administer oaths; and to employ such clerical, messenger, and stenographic assistance as they shall deem necessary. All expenses incurred hereunder shall be paid on the certificate of the chairman of the committee out of the contingent fund of the House."

Your committee soon learned that compliance with the said resolution would be utterly impossible within the life of the present Congress. It therefore, upon the 1st day of February, 1909, presented to the House a preliminary report, whereupon, as recommended therein, the House limited the scope of the inquiry by the adoption of a resolution reading as follows:

"Resolved, That the select committee appointed in pursuance of House resolution numbered four hundred and eighty, and thereby requested to report to the House during the present session, shall inquire and report only as follows:

"First. What appropriations were made at the first session of the Sixtieth Congress for the fiscal year nineteen hundred and nine that could be used to prevent frauds in and depredations upon the several branches of the public service, including the protection of public lands and their products from fraudulent entry or appropriation, and to apprehend and punish persons charged with violation of the laws of the United States; also what increase or decrease, if any, was made in any of such appropriations as compared with the amounts appropriated for the fiscal year ending June thirtieth, nineteen hundred and eight.

"Second. What branches of the public service, paid for in whole or in part out of the United States Treasury, are authorized or are in existence and supported by appropriations made by Congress, whose duties, in whole or in part, are to detect and prevent frauds, or to apprehend and bring to trial and punishment persons charged with violating the laws of the United States; whether such branches of the public service or any persons employed therein have been or are engaged in any duty not contemplated by law or the appropriation establishing or providing for such service; the number of persons so employed, for any period, in each branch of such service during the current and last fiscal year, the rates of compensation and allowance paid or being paid to them.

"The committee, or any subcommittee thereof, is authorized to sit during the sessions of the House; to send for persons and papers; to administer oaths; and to employ such clerical, messenger, and stenographic assistance as they shall deem necessary. All expenses incurred hereunder shall be paid on the certificate of the chairman of the committee out of the contingent fund of the House."

By reference to the resolution, which is the chart of our authority, it will be found that there has not been referred to this committee all or any part of any message of the President touching upon the Secret Service; nor any question as to the effect of any limitation contained in last year's sundry civil appropriation bill. The committee is not asked by the resolution to express any opinion or make any recommendation upon those matters, and will not therefore discuss them. We have not considered it within our authority, as it certainly was not within our limit of time, to investigate or pay any attention to the numerous cases which have been brought to our attention of alleged abuses by government agents, inspectors, or detectives.

The resolution does not limit this inquiry to the so-called "Secret Service" or to persons who are by the terms of their employment designated as "detectives." In fact, neither the "Secret Service" nor "detectives" are referred to at all in the resolution except as they are included in the broader language requiring ascertainment and report as to the appropriations which could be used; and the number of persons employed whose duties, in whole or in part, are to detect and prevent frauds, or to apprehend and bring to trial and punishment persons violating the laws of the United States. The language is very comprehensive and if given its widest meaning would embrace nearly every officer and employee in the public service, including heads of departments, courts, district attorneys, marshals, etc. We have assumed, however, that a somewhat narrower meaning was intended.

The information called for by the resolution is difficult of exact ascertainment and accurate report owing to the mixed duties of certain classes of government employees and the fact that very frequently appropriations are made in a lump sum for a great variety of objects, no particular amount being appropriated for any particular purpose. As an illustration of this take the case of the

#### INTERSTATE COMMERCE COMMISSION.

After appropriating for the salaries of the commissioners and their secretary, the sundry civil appropriation act for the fiscal year 1908 contains this item:

"Interstate Commerce Commission: For all other authorized expenditures necessary in the execution of laws to regulate commerce, of which sum not exceeding \$50,000 may be expended in the employment of counsel, and not exceeding \$3,000 may be expended for the purchase of necessary books, reports, and periodicals, and not exceeding \$1,500 may be expended for printing other than that done at the Government Printing Office, \$603,245."

The sundry civil appropriation act for the fiscal year 1909 is in precisely the same language, except that the amount is \$700,000, an increase of \$96,755. Each of these was an appropriation that "could be used" in the prevention and detection of frauds, etc.; but it was out of this fund that the commission had also to pay the salaries of all its clerks, counsel, office rent, printing, incidental expenses, office furniture, traveling expenses, stenographers, typewriters, and all other necessary expenses. Had the entire sum been expended in the prevention or detection of fraud, the other business of the department must have come to a standstill, or else the department must have asked for a deficiency appropriation. As a matter of fact, the evidence shows that out of that appropriation there were employed, during some or all of the fiscal year ending June 30, 1908, seven, and during the current fiscal year eight, special agents, practically detectives, making investigations with relation to violations of the criminal provisions of the act to regulate commerce, particularly in regard to the payment of rebates by carriers and misbilling by shippers. Except for the payment of the salaries of special agents, the balance of this appropriation was used for purposes other than the prevention or detection of fraud. The entire expenditure out of this appropriation for the fiscal year 1908 was \$562,429.08. For the current year the amount expended to January 30, 1909, was \$355,390.34.

The sundry civil appropriation act, passed at the first session of the Sixtieth Congress, for the fiscal year 1909 contained, for the first time, an appropriation "to further enable the Interstate Commerce Commission to enforce compliance with section 20 of the act to regulate commerce as amended by the act approved June 29, 1906, including the employment of necessary special agents or examiners." The amount appropriated was \$350,000, a clear increase of that amount over appropriations for 1908 available for that purpose. There was for each year a general fund which could be used. In the fiscal year 1908 there were 19 men employed at an expense of \$30,968.15, and 34 men in the fiscal year 1909 to January 31 at an expense of \$41,534.14. Up to that date, covering seven months, no more than that amount had been used

out of the \$353,000 appropriation. The said section 20 provides that persons guilty of violation of its provisions shall be deemed guilty of a misdemeanor and may be subjected to fine and imprisonment. These special agents were paid from \$1,600 to \$3,000 per annum and their expenses when away from official headquarters.

During each of the fiscal years in question there was appropriated \$100,000 to enable the Interstate Commerce Commission to keep informed regarding compliance with, and to execute and enforce the requirements of, the safety appliance act of March 2, 1903, out of which appropriation 23 inspectors were employed in each year whose duties were largely those of special detectives, and were sometimes performed in secret; that is to say, without the knowledge of the corporations whose appliances they were inspecting for the purpose of ascertaining violations of the law.

There was also appropriated, for each of the years in question, \$10,000 to carry out the objects of the acts concerning carriers engaged in interstate commerce approved June 1, 1898.

Out of these appropriations the Interstate Commerce Commission employed special attorneys to assist the United States district attorneys in the prosecution of cases arising under the interstate-commerce laws. It does not appear that the Interstate Commerce Commission has used the secret-service men or detectives of any other department of the Government.

#### POST-OFFICE DEPARTMENT.

For the fiscal year 1908 the postal appropriation act appropriated \$599,150 for salaries of post-office inspectors. The same act for the fiscal year 1909 carried \$572,750, a reduction of \$26,400.

The total number of post-office inspectors employed in 1908 was 377, and in 1909, 355, a reduction of 22.

For per diem allowance and traveling expenses of these inspectors, for 1908 the appropriation was \$350,000, and for 1909, \$325,000, a reduction of \$25,000.

For traveling expenses of inspectors without per diem allowance, the amount appropriated for 1908 was \$25,000, and for 1909, \$35,000, an increase of \$10,000.

The appropriation for livery hire for inspectors was \$60,000 for 1908, and \$50,000 for 1909, a reduction of \$10,000.

There was also an appropriation of \$96,620 for each year for clerical and other expenses and \$6,000 for miscellaneous expenses at the division headquarters of these inspectors. Also an appropriation of \$20,000 for each year for rewards for detection, arrest, and conviction of post-office burglars and highway robbers, and for securing information relative to the violation of the postal laws, and services in the apprehension of criminals.

The duties of these post-office inspectors are of a mixed character. They may be called upon to inspect and lay out rural free-delivery routes and perform other services not in the line of this inquiry, but they also constitute a very important body of men performing what may be fitly termed "detective services" in regard to violations of the postal laws and regulations.

They have fifteen division headquarters in different parts of the country, and the inspectors are shifted from one division to another as occasion may require. The Post-Office Department has not, within the past two years, called upon any other department for any detail of secret-service men, or detectives, and its officers believe that the fraud or deprecation cases can be better and more economically handled by these inspectors, familiar with the postal laws and regulations, than by secret-service men obtained from another department. They handle a vast number of such cases, amounting to thousands in a single year. The reduction from 377 to 355 in the number of inspectors grew out of the merging of duties, so that rural agents, whose sole duty had previously been to examine into petitions for the institution of rural free-delivery routes and the inspection of such routes, were made available for the general purposes of inspectors. The then chief of inspectors had recommended a reduction of 15 and Congress reduced it 7 more, or 22 in all. No complaint has been made to this committee that the present number is inadequate.

In addition to inspectors there are, at their 15 division headquarters, 99 clerks and laborers, at an expense in each of the two years of \$96,620.

In the legislative, executive, and judicial appropriation act for 1908 there was appropriated \$8,000, and for 1909, \$12,000 for special agents in the Division of Classification, at \$2,000 each. There were 4 such agents in 1908, and 6 in 1909. The detection or prevention of fraud is incidental to, but not the chief purpose of, their employment, and the same may be said of 6 for each year in the Division of Registered Mails.

#### TREASURY DEPARTMENT.

The so-called "Secret Service Division."—The sundry civil appropriation act, passed at the first session of the Fifty-ninth Congress for the fiscal year 1908, contained the following item:

"Suppressing counterfeiting and other crimes: For expenses incurred under the authority or with the approval of the Secretary of the Treasury in detecting, arresting, and delivering into the custody of the United States marshal having jurisdiction, dealers and pretended dealers in counterfeit money, and persons engaged in counterfeiting Treasury notes, bonds, national-bank notes, and other securities of the United States and of foreign governments, as well as the coins of the United States and of foreign governments, and other felonies committed against the laws of the United States relating to the pay and bounty laws, including \$1,000 to make the necessary investigation of claims for reimbursement of expenses incident to the last sickness and burial of deceased pensioners under section 4718 of the Revised Statutes, the act of March 2, 1895, and for no other purpose whatever, except in the protection of the person of the President of the United States: *Provided*, That no part of this amount be used in defraying the expenses of any person subpoenaed by the United States courts to attend any trial before a United States court or preliminary examination before any United States commissioner, which expenses shall be paid from the appropriation for "Fees of witnesses, United States courts, \$125,000."

The similar act, passed at the first session of the Sixtieth Congress for the fiscal year 1909, contained precisely the same item in the same language, except that the appropriation was for \$115,000, or \$10,000 less, and the following words were added to the paragraph:

"No part of any money appropriated by this act shall be used in payment of compensation or expenses of any person detailed or transferred from the Secret Service Division of the Treasury Department or who may at any time during the fiscal year 1909 have been employed by or under said Secret Service Division."

Similar appropriations in varying amounts have been made from year to year for a long period of time. The words "Secret Service"

do not appear in the statutes above-mentioned, and there is no provision of law creating a separate department or division, but the various men employed under and paid out of this appropriation have come to be spoken of as "The Secret Service Division of the Treasury," and in the legislative, executive, and judicial appropriation act of 1908 there appears this item:

"Secret Service Division: For 1 chief, \$4,000; assistant chief, who shall discharge the duties of chief clerk, \$3,000; 1 clerk of class 4; 1 clerk of class 3; 2 clerks of class 2; 1 clerk of class 1; 1 clerk, \$1,000; and 1 attendant, \$720; in all, \$17,020."

In the same act for 1909 the appropriation is \$16,120, a reduction of \$900.

The practice has grown up in this Secret Service Division of the Treasury of keeping upon the rolls a larger force of detectives than are at all times required for the purposes specified and limited in the statute and of lending or detaching such of them as may be desired from time to time by other departments, from 90 to 95 per cent of such loans or details having been to the Department of Justice. Mr. Wilkie in his testimony says: "I kept as an available force enough men to take care of the Department of Justice's demands as well as my own." This was without the authorization of the statute, but originated, doubtless, in the exigencies and necessities of the case, and the practice has been more or less followed for a good many years. When men have been so detailed from the Secret Service Division, their pay in that division and from that appropriation has ceased, and they have been paid out of appropriations made for the purposes of the departments to which they were detailed.

The Attorney-General, in his report for 1907, expressed his desire for a detective force in his own department, subject wholly to his own control.

Upon the addition of the lines above referred to in the sundry civil appropriation act for the current fiscal year it was considered that the further detail of men from the Secret Service of the Treasury to the Department of Justice, to be paid for out of appropriations carried in the same act, was prohibited, and no such details were made after June 30, 1908. Upon the 1st day of July, 1908, nine of the secret-service employees of the Treasury Department resigned entirely from that service and were employed by the Attorney-General in the Department of Justice, along with others, in the creation of a force of secret-service men there, to which further reference will be made.

The number of men employed in the Secret Service Division of the Treasury Department during the fiscal year 1908 was as low as 44, and at times as high as 68. The average was about 56 men.

On the 30th of June, 1908, the end of that fiscal year, the number employed was 65, which, by the resignation of the 9 who went to the Department of Justice, was reduced to 56, which is the number at the present time.

The assignments, loans, or details from the Treasury Department to departments other than the Department of Justice for the fiscal years 1908 and 1909, as testified by Mr. Wilkie, chief of the division, were as follows:

#### Fiscal year 1908:

State Department: 1 man for 26 days; 1 man for 12 days; 1 man for 11 days; 1 man for 7 days; 1 man for 6 days; 1 man for 5 days; 1 man for 2 days; total, 7.

War Department: 1 man for 50 days; 1 man for 9 days; 1 man for 8 days; 1 man for 4 days; total, 4.

Navy Department: 1 man for 156 days; 1 man for 32 days; 1 man for 27 days; 1 man for 11 days; 1 man for 10 days; 1 man for 7 days; total, 6.

Treasury Department, Customs Division: 1 man for 17 days; 1 man for 17 days; 1 man for 9 days; 1 man for 8 days; total, 4. Internal Revenue: 1 man for 66 days; 1 man for 33 days; 1 man for 32 days; total, 3. Bureau of Engraving and Printing: 1 man for 4 days.

#### Department of Agriculture: 1 man for 74 days.

#### Government of Porto Rico: 1 man for 74 days.

#### Fiscal year 1909 (6 months):

State Department: 1 man for 159 days; 1 man for 20 days; 1 man for 11 days; 1 man for 8 days; 1 man for 7 days; total, 5.

#### War Department: 1 man for 4 days.

Navy Department: 1 man for 20 days; 1 man for 16 days; 1 man for 14 days; 1 man for 13 days; 1 man for 11 days; total, 5.

Mr. Wilkie, in computation made upon the basis shown in his letter to the chairman under date of February 25, 1909, which will be found with the testimony, makes it appear that the average number engaged in all "special investigations" in 1908 was 20½ and for 1909 (six months) 15. By "special investigations" we assume that he means investigations made for departments and divisions other than the Secret Service Division of the Treasury, from which it would appear that the division had upon its rolls for that year an average of 20½ men more than were required for the purposes expressly authorized by the statute and in 1909 an average of only 1½ men.

During the fiscal year 1909 none of the Treasury secret-service men have been used by the Department of Justice.

*Frauds upon the customs revenue.*—In the sundry civil appropriation acts for 1908 and 1909, there is an appropriation of \$200,000 for each year "for the detection and prevention of frauds upon the customs revenue," also for 1908 an appropriation of \$20,000 and for 1909 of \$25,000 "for compensation in lieu of moieties in certain cases under the customs-revenue laws." Out of these appropriations there were employed, during each of the fiscal years 1908 and 1909, 27 special agents and 1 supervising special agent, all in the classified service, with salaries fixed and established by law. In 1908 there were employed 52 and in 1909 54 special employees performing similar services, but not within the classified service. They are considered temporary employees and are paid from \$4 to \$7 per day and traveling expenses when away from home; and there was a third class of confidential agents, 5 in number each year, employed in foreign countries.

There was also employed throughout the whole country in each year about 1,200 customs inspectors, whose duty it is to prevent or detect smuggling and similar violations of the customs laws, and some or all of them have also other duties to perform. They are all in the classified service and receive salaries specified by law. It is not understood that they perform any detective services outside of the customs department. They secure the evidence upon which the Government proceeds against smuggled goods, and the Department of Justice conducts prosecutions for violations of the customs laws.

There are in this department also, and were during each of the fiscal years 1908 and 1909, 225 examiners, whose duty it is to detect undervaluations and other violations of the customs laws. They are all in the classified service.



Mr. Reynolds, Assistant Secretary of the Treasury, did not recall that during 1908 or 1909 the customs department had used any of the men of the Secret Service Division of the Treasury, and said that there had not been any more than two or three such cases within four years. The statement of Mr. Wilkie, Chief of the Secret Service Division of the Treasury Department, shows that on four different occasions in 1908 there were assignments of one man for a short period, in one case for eight days, another for nine days, and two for seventeen days each, and that there were none in 1909.

**Internal Revenue Department.**—In the internal-revenue branch of the Treasury Department there were during the fiscal year 1908 and are now employed 40 internal-revenue agents charged with the detection and punishment of fraud. They are in the classified service, and their salaries are provided for in the appropriation for agents, gaugers, storekeepers, and other subordinate officers carried in the legislative, executive, and judicial appropriation act. The total appropriation for the fiscal year 1908 was \$2,310,000, and for 1909 \$2,400,000, an increase of \$90,000.

In the same acts there were appropriated for the fiscal year 1908 \$250,000 and for 1909 \$200,000 to carry out the provisions of the act of March 2, 1907, relating to denatured alcohol. The work for which that appropriation was intended has not developed sufficiently to require the full appropriation, and the men employed under it have been assigned to aid the internal-revenue agents in the investigation of frauds and evasions of taxes. Out of that appropriation there were paid during the fiscal year ending June 30, 1908, 6 agents at \$6 per day, and 1 at \$5 per day, or 7 in all, with an allowance of \$3 per day for subsistence; and during the present fiscal year there have been employed 2 agents at \$7 per day, and 5 at \$6 per day and subsistence, or a total of 7. From the same appropriation there were employed during the fiscal year 1908, 33 men known as "inspectors" at \$5 per day and subsistence, 15 at \$4 per day, and 2 at \$3 per day, or 50 in all.

During the present fiscal year there have been employed in all 47 such inspectors. These men, paid out of the denatured-alcohol fund, have not all been required by that particular service, but the department considered it wise to keep them, to be in training as the denatured-alcohol business grows, and in any event to help out in the other branch of the work where it is claimed the authorized employees were too few to perform the service.

On three different occasions in 1908 one man was used from the Secret Service Division of the Treasury Department.

**Fraud fund.**—The sundry civil appropriation act of 1908 appropriated \$100,000 for detecting and bringing to trial and punishment persons guilty of violating the internal-revenue laws, or conniving at the same. For 1909 this appropriation was \$125,000, an increase of \$25,000. Out of this fund there were paid, in 1908, 9 special employees at \$5 per day and 33 at \$4 per day, 42 in all, with \$2 per day for subsistence while at their stations, and \$2.50 and traveling expenses while away from their stations.

In 1909 there were 14 at \$5 per day, and 44 at \$4 per day, 58 in all, and in addition there were about 10 such special employees on duty from 30 to 90 days each, employed in emergency cases. Their work is substantially that of detectives. They are practically secret-service men. None of them have within the past two years been loaned or detailed to any other branch of the Secret Service outside of the strictly Internal-Revenue Department.

The salaries and expenses of electors, deputy collectors, surveyors, clerks, messengers, and janitors in the internal-revenue offices were the same for each of the years 1908 and 1909, \$2,075,000 having been appropriated for each year. For the salaries and expenses of 40 revenue agents, salaries and expenses of gaugers, salaries and expenses of storekeepers and storekeeper-gaugers, the appropriation for 1908 was \$2,310,000, and for 1909 \$2,400,000, an increase of \$90,000.

**Special gaugers.**—In a general sense all the officers, agents, or employees of the Internal-Revenue Department have as part of their duties the detection and prevention of fraud, and they are all subject to special duties in that regard. This department has in particular a force of special gaugers and specially assigned deputy collectors under the direct control of the Commissioner of Internal Revenue, whose duties are essentially those of a detective character, such as looking up illicit distillers and other violators of law. The special gaugers are paid not to exceed \$5 per day and their actual and necessary traveling expenses. The pay accounts of the detailed deputy collectors are settled by the collectors upon whose recommendation they are appointed, and although detailed to other services they are continued as officers of their respective districts. They receive the same pay and allowance for expenses as though performing duty in their own districts.

**Miscellaneous in Treasury Department.**—For each of the years 1908 and 1909 there were appropriations as follows: \$5,000 for one general inspector of supplies for public buildings, the salary being \$3,000 and expenses \$2,000. Inspector of furniture and other furnishings for public buildings, salary, \$3,000; traveling expenses, \$2,500. Assistant inspector of furniture, etc., \$1,600. Salaries of special agents and expenses of examiners detailed to examine books and accounts at sub-treasuries and depositories, \$3,000.

There were also appropriations for employees in the office of the Comptroller of the Treasury, \$69,820 for 1908 and \$71,420 for 1909, an increase of \$1,600. For the office of the Auditor for the Treasury Department, \$152,500 for 1908 and \$153,700 for 1909, an increase of \$1,200. For the office of the Auditor for the War Department, \$391,280 for each year. For the office of the Auditor for the Navy Department, \$142,540 for 1908 and \$146,340 for 1909, an increase of \$3,800. For the Auditor for the Interior Department, \$167,380 for 1908 and \$170,380 for 1909, an increase of \$3,000. For the office of the Auditor for State and Other Departments, \$113,840 for 1908 and \$120,760 for 1909, an increase of \$6,920. For the Auditor for the Post-Office Department, \$816,370 for 1908 and \$825,270 for 1909, an increase of \$8,900.

While the officers and employees of these departments are in one sense engaged in the prevention or detection of frauds upon the Government, and their duties are of very great importance, we nevertheless do not consider them as strictly within the scope of our inquiry, and have not stopped to ascertain their number, except to learn that there were a few more in 1909 than in 1908.

#### DEPARTMENT OF COMMERCE AND LABOR.

**Bureau of Immigration and Naturalization.**—The act of February 20, 1907 (34 Stat. L., 898), entitled "An act to regulate the immigration of aliens into the United States," provides in its twenty-fourth section that in the enforcement of that portion of the act which excludes contract laborers the Secretary of Commerce and Labor may draw from the immigration fund annually \$50,000 for salaries and ex-

penses of persons employed thereunder. Under that act the Secretary employed 56 men to detect contract laborers, one of whom subsequently resigned. Their duties are of a secret-service character. They are not in the classified service, and the Secretary may fix, raise, or decrease their pay.

The "immigrant fund" is derived from a head tax of \$4 required to be paid by aliens entering the United States. It may not exceed \$2,500,000 in each year.

Many of the provisions of the immigration law are penal in character, and the entire force of the Bureau of Immigration and Naturalization may, in a broad sense, be considered as engaged in the detection or prevention of frauds upon the Government, or violations of that law. They guard all our inland borders, as well as the seaboard, against clandestine entries, and they make arrests. The immigration inspector and other immigration officers, clerks, and employees, as authorized by law, are appointed, and their compensation fixed and raised or decreased from time to time by the Secretary of Commerce and Labor upon the recommendation of the Commissioner-General of Immigration.

There were in that bureau 1,436 employees for the fiscal year 1908, of whom 79 were stationed in the District of Columbia and 1,357 outside thereof. On the 31st of January, 1909, there were a total number of 1,441, of whom 79 were in the District of Columbia and 1,362 in other parts of the country.

**Steamboat Inspection Service.**—The number of men employed July 1, 1908, was 252, of whom 9 were in the District of Columbia and 243 elsewhere; January 31, 1909, the total number was 261, of whom 9 were in the District of Columbia and 252 outside thereof.

Some of the provisions of the acts regulating steam vessels are penal in their character, and it is part of the duty of these inspectors and other employees to ascertain whether or not their provisions are being violated. Their services are chiefly of an expert character in the inspection of the hulls, boilers, steam pipes, steel plates, and other parts of vessels; they also ascertain whether or not they carry gunpowder or other explosives in violation of law. They issue licenses to masters, chief mates, engineers, and pilots of such vessels, and for sufficient cause may revoke them. Their salaries and expenses are provided for in a permanent appropriation, to be paid out of the revenues received from the inspection of steam vessels and licensing of officers thereof. In no other sense than as above indicated are the employees of this service within the scope of this inquiry.

**Bureau of Navigation.**—The employees of the Bureau of Navigation ascertain and report violations of the navigation laws.

There were in each of the years 1908 and 1909, 76 of those employees, of whom 23 were in the District of Columbia, and 53 in other parts of the country.

**Bureau of Fisheries.**—This department maintains 4 agents upon the Fribillif Islands to protect the seals and detect poaching, and this year the Navy Department sent a small man-of-war and the Revenue Department 4 revenue cutters to guard the rookeries.

**Bureau of Standards.**—This bureau is very useful in preventing frauds upon the Government in the matter of supplies for the various departments, as, for instance, ink and paper, the character of the light used in light-houses, etc., but we hardly think that it is within the scope of this inquiry. It had 118 employees in each of the years 1908 and 1909, all within the District of Columbia.

**Bureau of Corporations.**—For each of the fiscal years 1908 and 1909 there was appropriated the sum of \$175,000 for compensation and per diem, to be fixed by the Secretary of Commerce and Labor, of special attorneys, special examiners, and special agents, for the purpose of carrying on the work of said bureau as provided by the act approved February 14, 1903, entitled "An act to establish the Department of Commerce and Labor," the per diem to be subject to such rules and regulations as the Secretary of Commerce and Labor may prescribe, in lieu of subsistence, at a rate not exceeding \$4 per day to each of said special attorneys, special examiners, and special agents, and also of other officers and employees in the Bureau of Corporations while absent from their homes on duty outside of the District of Columbia, and for their actual necessary traveling expenses, including necessary sleeping-car fares.

The regular office force of this bureau is paid for out of a separate appropriation, carried in the legislative, executive, and judicial appropriation bill, which appropriated for the fiscal year 1908 \$72,720 and for the fiscal year 1909 \$72,720.

The payments out of the lump-sum appropriation of \$175,000 cover field men, lawyers, statisticians, etc., that may be employed either in or out of the office, according to the duties assigned them. During the fiscal year 1908 there were paid out of this appropriation 72 persons on the roll as special attorneys, special examiners, and special agents. Twenty-nine of those were temporary appointments. During the fiscal year 1909 there have been employed at one time as many as 81 special attorneys, special examiners, and special agents, of whom 34 were temporary men, and 22 have been dismissed. The statutory roll, so called, included 59 in 1908 and 55 in 1909. It is difficult to differentiate between those required for field service and those required for office service, as they are to a certain extent used interchangeably.

The functions of this bureau while not primarily are nevertheless largely in the direction of the detection or prevention of violations of the law by ascertaining whether or not the corporations and trusts are observing its provisions. The agents of this bureau do not make arrests, nor themselves institute prosecutions, but upon information obtained by the bureau prosecutions may be, and in some notable cases have been, instituted by the Department of Justice. About 15 men from this bureau were detailed or lent to the Department of Justice to assist in the prosecution of the Standard Oil Company and the beef trust. While so employed they were not paid by the Department of Justice, but continued upon the roll and in the payment of the Bureau of Corporations.

This bureau has not during the past two years called upon the Secret Service Division of the Treasury Department nor upon any other department for the loan or detail of secret-service men or detectives, and has not lent nor detailed any of its men for the use of other departments, except to the Department of Justice, as above indicated.

Secretary Straus testified that the Department of Commerce and Labor never called upon the Secret Service Division of the Treasury Department for assistance, and that it had no occasion for such men except to investigate and keep track of officials and employees of his own department. If he needed that kind of men, he much preferred to have them in his own department, as it is "always administratively better if the head of a department has complete control of the men that are working for the department." He testified that on one or two occasions he had used one immigration inspector, experienced in work of that kind, to investigate employees in his own department, and paid



him out of the immigration fund. He stated that with perhaps a little stretch of authority he has one man now investigating the "white slave" traffic, and also that as the case requires he adopts the course of selecting one, two, or three men in his office and sending them to California or El Paso, for instance, to make investigations, the only difficulty about that being that his department is deprived of their services in the office while they are away.

#### DEPARTMENT OF AGRICULTURE.

**Bureau of Animal Industry.**—For each of the fiscal years 1908 and 1909 there was appropriated \$3,000,000 for the inspection of meat and meat food products entering into interstate or foreign commerce and carrying into effect the meat-inspection laws. Out of this fund there were employed in 1908 2,177 persons and in 1909 a few more. These persons are stationed in packing houses throughout the country, and when violations of law are found they report to the department and the matter is turned over to the solicitor of the department to institute prosecution. They are in the classified service. They are frequently transferred from one field of operation to another and are engaged in preventing or detecting violations of the act of June 30, 1906.

There was appropriated for 1908 \$897,200 and for 1909 \$947,200, an increase of \$50,000, for general expenses of the Bureau of Animal Industry, including the carrying out of the provisions of the act of February 2, 1903, for the suppression and prevention of the spread of contagious and infectious diseases of live stock; the act of March 3, 1905, for the establishment of quarantine districts, and the so-called 28-hour law. For these purposes the department maintained in the field about 250 men in each year, whose duty it was to prevent or detect violations of these laws. When such violations are discovered they are reported through the regular channels to the Department of Justice, which institutes proper legal proceedings.

**The Forestry Service.**—For the year 1908 there was appropriated for the general expenses of the Forestry Service (exclusive of regular salaries) \$1,756,800, and for 1909 \$3,151,900, an increase of \$1,395,100. This appropriation covered a variety of objects, but out of it 2,551 men were employed in 1908, and 2,345 during the first half of the fiscal year 1909. Their duties are of a mixed character, among them to prevent depredation upon the public lands, violations of the liquor laws, and to report violations whenever discovered to the end that proper prosecutions may be brought. This force includes the so-called "forest guard."

**Bureau of Chemistry.**—In the Bureau of Chemistry 109 persons were employed in 1908 and 122 in 1909 whose business in a general way is the prevention of fraud in articles of food and drink. They are employed in the execution of the pure-food law, and their operations are confined to that bureau. The appropriations for this bureau were \$650,000 for 1908 and \$760,000 for 1909, an increase of \$110,000.

No secret-service men from any other department have been detailed within the last two years to the Department of Agriculture, and no employees of that department have been detailed for use in any other department. The Secretary of Agriculture has one secret-service man in his own department and would like another.

#### STATE DEPARTMENT.

For the State Department for each of the years 1908 and 1909 there was appropriated \$25,000—the salaries of five consular inspectors, at \$5,000 each—and \$15,000 each year for their expenses. They inspect the offices of consuls and consular agents and, if necessary, outside persons having relations with those agencies.

During the fiscal year 1908, for the purpose of making special investigations and of guarding the persons of distinguished foreign guests, the State Department obtained from the Secret Service Division of the Treasury nine men, or rather there were nine different employments in which seven different men were concerned. The evidence shows that "they were gotten from the Treasury Department on special detail at the expense of the Department of State."

During the fiscal year 1909 the State Department had had six details from the Secret Service Division of the Treasury Department and two special details from consular offices. Their services were paid for at the rate of from \$3 to \$6 per day. Some of them were paid out of an appropriation of \$90,000 for each year for emergencies arising in the diplomatic and consular services, and some of them out of an \$8,000 appropriation for each year "for expenses under the neutrality act." The State Department had no difficulty in obtaining from the Secret Service Division of the Treasury Department all the men that it needed either in 1908 or 1909.

#### NAVY DEPARTMENT.

In the naval appropriation act for each of the fiscal years 1908 and 1909 there was appropriated \$65,000 for emergencies and extraordinary expenses. Out of this fund the Navy Department in 1908 obtained from the Secret Service Division of the Treasury Department 10 men who were employed for brief periods in connection with thefts at navy-yards. For the present fiscal year, up to January 9, 1909, there had been 5 men employed from the same source. During both years the Navy Department had from the Treasury Department all the secret-service men that it called for or required.

During each of the years 1908 and 1909 the Navy Department had 92 civilian watchmen employed at the various navy-yards in different parts of the country. Some of them, one at least, is classed under the head of "Special labor detectives." It is their duty to prevent thefts or other depredations upon the government property. But their duties in that regard are not different from those of watchmen about the public buildings in Washington, and we therefore give them no further consideration.

There is also in this Department a Bureau of Supplies and Accounts, and the office of the Paymaster-General, by which all accounts are investigated and audited for the purpose of preventing frauds against the Government. There are two general inspectors, office of the pay corps of the navy, who travel around to the various navy-yards to inspect the accounts of the various offices. Their compensation is the pay for their rank and corps. In the Bureau of Supplies and Accounts there are nine civil employees and seven or eight officers directly connected with the Department at Washington. The committee has not obtained detailed information as to the number of men and officers of the navy employed in investigating armor plate, gunpowder, naval stores, and the various supplies purchased and required in the Department.

#### THE ARMY.

A vivid illustration of the difficulty of determining the amount of appropriations "that could be used" to prevent or detect frauds or the apprehension and punishment of persons charged with violations of the laws is found in the appropriation for incidental expenses con-

tained in the army appropriation act. It is in precisely the same language for each of the years 1908 and 1909. For 1908 the lump sum of \$1,944,016.72 is appropriated for incidental expenses, among which are enumerated postage, telegrams, erection of barracks, reimbursement of funeral expenses, office furniture, hire of laborers, compensation of clerks in certain offices, hire of veterinary surgeons, purchase of medicines for horses, blacksmith tools, horseshoes, and scores of other purposes.

Along in the body of the paragraph occurs the word "spies," and in another place the words "for the apprehension, securing, and delivering of deserters, escaped military prisoners, and the expenses incident to their pursuit." The appropriation for 1909 was \$2,200,000, an increase of \$255,983.28. By sacrificing the other objects enumerated, these appropriations might all have been expended in the hiring of spies, but as matter of fact the evidence shows that nothing whatever was so expended during either year, unless possibly in the Philippine Islands, and only comparatively small sums for the apprehension of deserters and escaped military prisoners. Even the investigation of the Brownsville matter was not paid for out of these appropriations. They need not, therefore, be further considered.

In the Brownsville case the War Department made a contract with the chief of the detective bureau which serves certain southern railways, or with him and one other, to undertake certain work for a certain specified amount of money. These contractors were two in number. They employed a number of private detectives, but just how many the War Department does not know, as these detectives were employed by the two contractors and reported to them, and they in turn made report to the department. The amount paid to these contractors was \$5,000 in the fiscal year 1908 and \$10,000 in the fiscal year 1909. These payments were made out of an appropriation of \$3,000,000 made in the deficiency appropriation act of March 3, 1899 (30 Stat. L., 1214-1223), "for emergency fund to meet unforeseen contingencies constantly arising, to be expended at the discretion of the President." The balance of that fund still unexpended is \$229,639.32. The entire fund may be declared as one "that could be used" for purposes such as are covered by this inquiry, but no part of it appears to have been so used except the \$15,000 above mentioned.

In the army appropriation act for 1908 an item of \$10,000 and for 1909 of \$15,000 "for all contingent expenses of the army not otherwise provided for" was included, which doubtless could be used for such purposes, but the evidence shows that it was not, there having been no occasion for such use.

The army appropriation act carried a total of \$69,000 for each year for the pay of officers in the Inspector-General's Department and one expert accountant, and other items relating to that department were carried in the legislative, executive, and judicial appropriation act, aggregating in all \$105,005.76. In this department there were in each year 17 commissioned officers, 1 expert accountant, 24 clerks, 10 messengers, and 6 enlisted men.

While the prevention or detection of fraud by the officers and men of the Inspector-General's Department is not the primary object of that department, it is an important incident thereof. The evidence shows that "officers of the department are detailed to investigate special charges against officers, soldiers, or civilian employees involving fraudulent practices against the Government or in their private relations, which bring discredit upon the Government which they serve," and that "their work sometimes incidentally involves the investigation of persons not directly connected with the army, through misconduct or financial irregularities involving army officers with those persons, but never for such persons directly only when that purpose is involved in the investigation of the conduct of somebody connected with the army." It does not investigate the affairs of private individuals, firms, or corporations unless in some way connected with the army itself or some army officer, or something of that kind.

The celebrated Carter case is one in which a member of the Engineering Corps having made a complaint or allegation against Carter, an inspector of the Inspector-General's department was ordered there to make an investigation, and having made the same he reported, and, based upon his report, charges were preferred against Captain Carter.

The Chief of Staff testified that, so far as he knew, the War Department had not called upon the Secret Service Division of the Treasury Department or used any of its men during either of the years 1908 or 1909.

The difficulty of determining just what officers or employees should be considered as fairly within the scope of this inquiry is further illustrated in the case of other branches of the War Department. Maj. Gen. J. F. Bell, Chief of Staff, in order that he might fully inform the committee, sent a communication to all bureau chiefs of the War Department calling for information, in the course of which he said:

"It will in some cases be hard to draw a line between those who are and are not employed in detecting or preventing frauds against the Government; but all those whose duties clearly come within the scope of these provisions should be enumerated, and a general statement should be submitted covering all those whose duties come partially within this scope, such, for instance, as officers and employees of the Inspector-General's department, inspectors employed by constructing quartermasters, inspectors of articles being manufactured under contract, such as ordnance, subsistence, quartermaster supplies, clothing, furniture, etc.

Their actual status and duties should be sufficiently defined in each case as to show clearly just what part of their duty consists in such work. Clerks to inspectors and those handling administrative work connected therewith need not be included unless that is their exclusive work."

We have already sufficiently referred to the Inspector-General's department. The replies from the other bureaus, showing the number of persons employed and the character of their duties, may be found in the testimony. The persons so employed, while neither detectives nor secret-service men, were, to some extent, and many of them in a very important way, engaged in preventing or detecting frauds upon the Government.

#### INTERIOR DEPARTMENT.

**Pension Bureau.**—Of course part of the duties of the clerks in the Pension Department is to detect or prevent fraud. That, however, is merely incidental to their general duty of ascertaining whether or not the applicant for a pension is within the law, and the amount of pension to which he is entitled. We do not think that these clerks are within the pending inquiry.

The legislative, executive, and judicial appropriation act for 1908 carried \$162,500 for the payment of 125 special examiners, and the



same act in 1909 carried \$130,000 for 100 special examiners, a decrease of \$32,500 in the appropriation and 25 in the number of special examiners. It is provided in the law that no person appointed as special examiner "shall be employed in the State from which he is appointed." In addition to this, the commissioner is authorized to make such details as may be necessary for field work.

The average number of these special agents or examiners engaged in field work in 1908 was 135, and the present number is 148. While they are used to investigate cases of alleged fraud, they are also used to take testimony in cases of poor persons applying for pensions, who are unable to bear the expenses of producing the necessary witnesses. In other words, they help the poor, righteous claimant, and detect the fraud of the unjust claimant. The appropriation for traveling expenses of special examiners and those detailed for making special investigations pertaining to the Pension Bureau was \$300,000 for 1908, and \$250,000 for 1909, a reduction of \$50,000. The reduction was made upon the recommendation of the Commissioner of Pensions. The Pension Department has not had occasion to call upon any other department or branch of the Government for secret-service men within the past two years.

**Indian Affairs.**—In this department there were 12 in 1908 and 8 in 1909 so-called Indian inspectors, who are presidential appointees and have been or will be transferred to the Secretary's roll so as to serve the whole department. Their duties are of a mixed character, and they often take up cases involving violations of law. They are not in the classified service. They are paid out of a special appropriation for inspectors. The amount appropriated in the Indian appropriation bill for salaries and expenses was \$33,800 for each year.

For 1908 there was appropriated \$25,000, and for 1909 \$40,000 to be used by the Commissioner of Indian Affairs in the suppression of the liquor traffic among Indians.

There was also an appropriation for each year for expenses of Indian police.

There was appropriated \$75,000 for 1908 and \$85,000 for 1909 for contingencies in the service, including expenses of Indian agents.

Out of these appropriations for Indian Affairs there were employed 12 inspectors in 1908 and 8 in 1909 at \$2,500 each, with \$3 in lieu of subsistence and \$3 per diem for traveling expenses.

In 1908 the Indian police numbered 44 officers and 667 privates, and in 1909 there were 49 officers and 685 privates. The officers received \$25 per month and the privates \$20. There was also one special officer at \$2,500 per annum and 7 at \$1,200 per annum engaged in suppressing liquor traffic, with an allowance of \$3 per diem for traveling and subsistence.

**General Land Office.**—In the sundry civil appropriation act for the fiscal year 1908 there was an appropriation of \$250,000 for protecting public lands from illegal and fraudulent entry or appropriation, providing for the appointment of agents by the Secretary of the Interior, etc. For the fiscal year 1909 the appropriation was \$500,000, an increase of \$250,000. Out of these appropriations special agents were employed. During the fiscal year 1908 the average number was 90. The number at the end of the year was 107. During the fiscal year ending June 30, 1909, to the end of January, there were employed at times as high as 173. The number in January, 1909, was 128, and the average for that portion of the year was 156. They were and are engaged in preventing or detecting frauds and trespasses, stealing of timber, illegal entries of land, fraudulent surveys, fraudulent titles, and the like. These special agents were assisted in each of the years 1908 and 1909 by 23 examiners of surveys for the purpose of detecting fraudulent surveys. These special agents were not, during the years in question, detailed to or used in any other branch of the public service. Their compensation varies from \$1,200 to \$1,800 per annum, and they are allowed by law \$3 per day in lieu of subsistence, and actual expenses for transportation.

The Interior Department has not in any of its branches or bureaus used any of the men of the Secret Service Division of the Treasury Department during either of the years 1908 or 1909.

Mr. Garfield, the Secretary of the Interior, testified before this committee that there had been no embarrassment to his department during either of the years for lack of assistance of that kind; that many of his special agents had become expert in ferreting out perjury, forgery, and other crimes, and that being familiar with the land laws they were, in a general way, more effective than an ordinary detective. Speaking of his force of special agents, he said: "They are engaged in just such work as you have indicated;" that is to say, in the detection or prevention of fraud.

It seems that formerly these land-fraud cases, or many of them, were worked up, in the first instance, by secret-service men put upon the work by the Department of Justice and taken either from its own employees or those of the Secret Service Division of the Treasury. But soon after Mr. Garfield came into office he made an arrangement with the Attorney-General whereby such cases were to be worked up, in the first instance, by the special agents of the Interior Department without the assistance of men from any other department. The secret-service men of the Department of Justice now assist in these matters only after they have been referred to that department by the Secretary of the Interior, but no employees of the Department of Justice, or any other department, are now engaged in the preliminary investigation of cases in the Land Department except in a few particular cases, the investigation of which they had started before the present arrangement between the two departments was made.

This arrangement between the Department of the Interior and the Department of Justice was made some time in 1907, and became effective February 16, 1908, at which date the records which employees of the Department of Justice or of the Secret Service in the Treasury loaned to it for that purpose had made in the West were turned over to the agents of the Interior Department. From that time to the present the Interior Department has done its own investigating with its own special force and without outside assistance.

Speaking of the arrangement between the two departments, Secretary Garfield said:

"The present line of division of work between the Department of Justice and the Interior Department is as follows: All the land cases involving litigation are prepared by the special agents of the General Land Office. In case they report that a certain set of facts justifies prosecution, either criminal or civil, report is made to the Assistant Attorney-General's office of my department and thereafter passed upon by me. If I determine that the facts justify either criminal or civil prosecution, I forward all the papers to the Department of Justice with the request that that department give the matter consideration and take such action as it may deem advisable from the facts, stating to the department that if a case is brought the agents of the Land Office

are available for the Department of Justice as witnesses and for such further investigation of the facts of the case as the Department of Justice may require." (Record, p. 244.)

Speaking further of this force of special agents, Mr. Garfield, in his letter of January 16, 1909, addressed to the Secretary of the Treasury, and by him in turn forwarded to the Speaker of the House of Representatives, said:

"The increased appropriation given by Congress last year has been of the greatest benefit in putting the service upon a proper basis. \* \* \*

"The field force is at present better organized than at any time in its history, and I can readily add other agents in the different districts where work is required. The older men—those who have had experience in the field—will handle the more difficult cases, and the new men will be immediately assigned to the simpler cases. \* \* \*

"I have given the closest personal attention to the organization and personnel of the special-agent force. At best the work of a special agent is most difficult. No matter how honestly, how effectively, he works, he is constantly subjected to the criticism of every entryman upon whose claim an adverse report is made, and it is unfortunately too often the case that the dishonest entryman seeks to cover up his own fraud by charging the agent with unfair or corrupt action."

After explaining the arrangement between his department and the Department of Justice, whereby his force of special agents do the investigating in the first instance and the Department of Justice investigates only after it has been called upon to make such investigation, Mr. Garfield in his testimony said:

"There is a clear line of division of work, and we are endeavoring to keep as close to that as possible. That is the only case where the Department of the Interior, so far as its particular cases of fraud are concerned, is at all embarrassed. If the Department of Justice does not have a force of secret-service men who can do work of the character that I have just indicated, then the cases which the Land Department has forwarded to them, involving criminal prosecution, might be seriously embarrassed.

"Mr. OLMSTED. Are many of your men detailed at any time to assist the Department of Justice in detective work, so called, or the preparation of cases, other than looking after the facts?"

"Mr. GARFIELD. No; there are none.

"Mr. OLMSTED. Has there been any embarrassment resulting from a lack of detective or secret-service force available for the Department of Justice?"

"Mr. GARFIELD. I understand that there was prior to my administration of the Interior Department.

"Mr. OLMSTED. But since your administration?"

"Mr. GARFIELD. Since that time I have had no difficulty of that character, because of an arrangement which the Attorney-General and I have made with regard to the conduct of those cases.

"Mr. OLMSTED. The Attorney-General now has, we understand, an effective force of his own available for his use.

"Mr. GARFIELD. I do not know whether he has that force.

"Mr. OLMSTED. We have a letter so stating, and he has 34.

"Mr. GARFIELD. So far as we are concerned, there is no lack on our side.

"Mr. OLMSTED. So far as your department is concerned, there has been no embarrassment for lack of assistance of that kind?"

"Mr. GARFIELD. There has not. I am speaking now in my own administration. There was difficulty prior to that time.

"Mr. OLMSTED. Our inquiry does not go back of that time.

"Mr. BRANTLEY. The ordinary detective, so called, would he really be a competent man in the investigation of these land frauds and land matters unless he was specially trained in the matter of titles, and so on?"

"Mr. GARFIELD. He would be at a disadvantage if he did not know the land laws and the operations under the land laws. It is of course true that certain classes of claims, such as forgery and perjury, that are wholly disconnected with the enforcement of any particular law, a detective would be able to discover, but in the investigation of these land-fraud cases, where either forgery or perjury or similar claims are charged or alleged, it is a very great help to the man who is investigating these cases to know very clearly the public-land laws, the methods of their administration, and the effect of the various papers that are filed in connection with these various entries. It is, therefore, not a wise or effective way of conducting such an investigation as that to put it in the hands of a detective simply. Whereas he might very readily discover some of these particular points, he would not be as effective as the land officer who is approaching the case from the other point of view, and incidentally is able to follow out any of the leads that may result in the exposure of either forgery or perjury or similar crimes."

In pursuance of that arrangement a large number of pending cases, which had theretofore been partially investigated by the secret or special service of the Department of Justice, were, upon the 16th of February, 1908, transferred to the General Land Office field force, by whom such investigations are now made.

Accompanying the letter to the Speaker above referred to was a communication addressed by H. H. Schwartz, chief of the field service, to the Commissioner of the General Land Office, in which, after detailing to some extent the cases upon which they are engaged and the effectiveness of the force, he said:

"However the investigations of the past two years by your special agents, aided by an aroused public sentiment, have produced evidence and information of wholesale and astounding frauds upon the public lands, and such cases necessarily require much time from the field force. As a result, we have of record in the special service division of this office the 32,000 distinct cases demanding further field action, notwithstanding that during the past seventeen months there have been investigated a total of over 28,000 cases."

As the result of that correspondence the appropriation, which for 1908 was \$250,000 and for 1909 \$500,000, has been increased to \$1,000,000 for 1910 in the sundry civil appropriation bill as it passed the House of Representatives, February 26, 1909.

Secretary Garfield also testified that since he became the head of the department, March 4, 1907, "I have made no use or any requisition upon the Treasury Secret Service for the use of their men."

#### DEPARTMENT OF JUSTICE.

In the Department of Justice there are six classes of employees who fall fairly within the limits of this inquiry.

**Special agents.**—What are designated as "special agents" in this department are secret-service men. Prior to July 1, 1908, there were 20 of them. Upon that date there were added the 9 men previously referred to, who were chosen, and thereupon resigned, from the Secret Service Division of the Treasury, making 29. Three of the 9 have since



been dropped—1 for insubordination, 1 for unfitness, and the third for some reason not definitely stated. Others have been added to this force, so that on the 30th of January, 1909, there were 40.

The appropriation fund out of which these men were employed was \$540,000 for the fiscal year 1908 and \$560,000 for 1909, an increase of \$20,000. Taking the Secret Service Division of the Treasury and the Secret Service Division of the Department of Justice together, it appears that, as the appropriation for one was decreased \$10,000 and the other increased \$20,000, there was a net increase of \$10,000 for purely secret-service men. Adding the 20 who were in the Department of Justice June 30, 1908, to the 65 in the Treasury division, gives a total of 85 for that year. At present there are 56 in the Treasury division and 10 in the Department of Justice, making 96—a net increase of 11.

In his report to Congress for 1907 Attorney-General Bonaparte said:

#### NEED OF A DETECTIVE FORCE.

"The attention of the Congress should be, I think, called to the anomaly that the Department of Justice has no executive force, and, more particularly, no permanent detective force under its immediate control. This singular condition arises mainly from the fact that before the office of the Attorney-General was transferred into the Department of Justice a highly efficient detective service had been organized to deal with crimes against the Treasury laws, which force has been, in effect, lent from time to time to this department to meet its steadily increasing need for an agency of this nature, without, however, being removed from the control of the Treasury Department. I note with pleasure the efficiency and zeal with which these officers have cooperated with the United States attorneys and marshals, as well as with the special representatives of this department, in securing the enforcement of the federal laws; but occasionally circumstances have suggested the advisability of having all those engaged in this common work, in last resort, under a common head; and in some instances it has been found inexpedient to employ secret-service officers in the general police work of this department in the interest of their own special and appropriate duties. When emergencies arise requiring prompt and effective executive action, the department is now obliged to rely upon the several United States marshals; if it had a small, carefully selected, and experienced force under its immediate orders, the necessity of having these officers suddenly appoint special deputies, possibly in considerable numbers, might be sometimes avoided with greater likelihood of economy and a better assurance of satisfactory results. I venture to recommend, therefore, that provision be made for a force of this character; its number and the form of its organization must be determined by the scope of the duties which the Congress may see fit to intrust to it. It may well be thought wise to preserve unchanged the existing detective organization, especially in view of its highly creditable record and excellent service, and it is not in any wise my purpose to suggest a different view, but it seems obvious that the department on which not only the President, but the courts of the United States, must call first to secure the enforcement of the laws ought to have the means of such enforcement subject to its own call; a Department of Justice with no force of permanent police in any form under its control is assuredly not fully equipped for its work."

In his report for 1908, after the establishment of the force above mentioned, he said:

#### THE NEW SPECIAL-AGENT FORCE.

"In my last annual report I called attention to the fact that this department was obliged to call upon the Treasury Department for detective service and had, in fact, no permanent detective force directly under its orders. Through the prohibition of its further use of the secret-service force, contained in the sundry civil appropriation act approved May 27, 1908, it became necessary for the department to organize a small force of special agents of its own. Although such action was involuntary on the part of this department, the consequences of the innovation have been, on the whole, moderately satisfactory. The special agents, placed as they are under the direct orders of the chief examiner, who receives from them daily reports and summarizes these for submission each day to the Attorney-General, are directly controlled by this department, and the Attorney-General knows, or ought to know, at all times what they are doing and at what cost. Under these circumstances he may be justly held responsible for the efficiency and economy of the service rendered. The experience of the past six months has shown clearly that such a force is, under modern conditions, absolutely indispensable to the proper discharge of the duties of this department, and it is hoped that its merits will be augmented and its attendant expense reduced by further experience."

In his testimony before this committee he said that the transfer of the land-fraud investigations to the Interior Department early in the calendar year 1908 had resulted in considerable economy in expenses.

In his testimony he also said:

"The general result has been fairly satisfactory. This, as the committee will of course understand, is during the six months that immediately succeeded the elimination of the secret-service operatives. Some of the United States attorneys were very much annoyed and caused anxiety by not being able to call for this force of experienced men, upon whom they had become accustomed to rely, and they hesitated to intrust our new force of special agents with the same responsible duties. That was particularly noticeable in the case of the United States attorney for the southern district of New York, in connection with the Morse prosecution. Some instances of it, however, occurred in other cases. This was quite a reasonable frame of mind for those attorneys to entertain, and I fully appreciated the difficulty of the situation. Nevertheless, I can not say that any miscarriage of justice occurred as a result of it, and certainly the result in the Morse case did not indicate that the new special agents were less faithful than the more experienced ones they had had previously."

The Attorney-General thinks that no serious difficulty will be found in recruiting as more men are needed.

In the course of his testimony the following occurs:

"Mr. YOUNG. You still retain the same opinion as to the policy of having a secret force under the direct control of the Attorney-General that you expressed in those reports, do you not?"

"Mr. BONAPARTE. I do."

"Mr. YOUNG. Your experience has rather confirmed your opinion in that respect than otherwise?"

"Mr. BONAPARTE. It has; and so far as it has affected my opinion at all it has strengthened it. I am clear that it is better administration to have a separate force under the Department of Justice, and I think that force ought to be a general detective force, for all government work. I think the Department of Justice ought to have the control of the detection of crime and the preparation of evidence for

all classes of federal offenses. In other words, I think that wherever the Department of Justice has to try a case the Department of Justice ought to have the work of ascertaining the persons probably guilty, and of bringing the case against them.

"Mr. YOUNG. In other words, where the responsibility lies, the power should be."

"Mr. BONAPARTE. I think that is a principle of good administration." With that view of the matter we understand that Mr. Wilkie, the chief of the Secret Service Division of the Treasury, concurs.

*Bank examiners.*—In his report to Congress for 1908 the Attorney-General said:

#### SPECIAL ACCOUNTING FORCE NEEDED.

"In prosecutions for violations of the laws relating to national banks it is often necessary, and has become customary, for this department to secure the services of national-bank examiners to prepare the cases for trial and testify as expert witnesses regarding the records of the banks involved. These officers display both zeal and capacity in the discharge of these duties, but it would be more satisfactory and less expensive if the Department of Justice had a small number of trained accountants in its permanent employ for these and similar purposes. The reasons which have been found by experience to, in some measure, counterbalance the loss of the very valuable services of the secret-service force apply with at least equal force to bank examiners; and if the Congress shall not see fit to indicate its disapproval, the employment of such accountants in their places may receive careful consideration by the department in the near future."

"The number and gravity of offenses against the national banking laws by officers or employees of national banks constitute matters of reasonable solicitude and regret. The moral culpability involved in such offenses seems often to be imperfectly appreciated and, although they usually excite great indignation and provoke loud complaints from the sufferers when they are first discovered, so much time is frequently lost in the preparation for trial and actual trial of these long and complicated cases that the crime itself has faded from public memory when the criminal is at last convicted, and there is need of vigilance lest he finally escape with wholly insufficient punishment. The department has felt bound in duty energetically to assist the several United States attorneys in bringing this class of offenders to justice, and to do all in its power to assure them adequate penalties."

During each of the years 1908 and 1909 the Department of Justice in the prosecution of cases of offenses against the national banking laws has employed 35 national-bank examiners. These men who are agents of the Treasury Department do not receive salaries from the Government, but when one of them examines a national bank he receives certain legal fees which are required to be paid by the bank. He receives nothing from the United States Treasury for his regular services. When the Attorney-General sends these examiners to investigate the affairs of a bank for the purposes of a criminal prosecution, they charge from \$10 to \$25 per day and expenses. These charges are paid out of the appropriation for "Such miscellaneous expenses as may be authorized by the Attorney-General," etc. The department has no means of telling whether their services are really needed, or whether they are giving a fair return for the money, or, as the Attorney-General expresses it, "Simply making time."

He thinks it would be a source of very considerable economy to have a force of expert accountants in his own department, whom he could send to make such investigations. He complains that he has no method of supervising the work of the bank examiners, and says:

"No; the relations of the Department of Justice to the bank examiners are very similar to what they were to the secret-service operatives. The bank examiners are under the control of the Treasury Department, and they are loaned to us, so to speak—that is, they are designated for accounting work, and we appoint them as special officers of our department for the time being, and they are paid out of our appropriations. I have several times called attention to the fact that it would be very desirable for us to have a corps of accountants of our own, and if I were going to remain Attorney-General I should organize such a corps to at least relieve the bank examiners of their duties in the preparation of criminal cases."

He complains that he has no method of supervising the work. "No; we have no means at all. There was the same objection to the work of the secret-service operatives," who, he says, did not report to him daily, but "to the chief of their division in the Treasury Department. They also made reports, more or less regularly, to the United States attorney under whom they worked, but there was not any coordination of those reports which enabled the Attorney-General to supervise and know." Speaking of them and the bank examiners, he says:

"I think both those forces ought to be under the control of the Attorney-General."

*Antitrust law agents or investigators.*—There are 2 men regularly employed as antitrust investigators and paid out of the appropriation for the enforcement of the antitrust laws. From time to time others are occasionally employed. At the present time there are 3, one having been employed under authority of the Attorney-General by the special counsel in the prosecution against the Harriman railway system.

The Attorney-General, before the committee, could not remember the number of men that had been temporarily employed, but said "the number was certainly not large."

*Regular examiners of the Department of Justice.*—The department has a force known as regular examiners, consisting of one chief examiner at \$2,750 per annum, 3 examiners at \$2,500, 4 at \$2,250, 2 at \$2,000, and 3 at \$1,800. Under instructions from the Attorney-General these examiners examine the offices, records, accounts, and official acts of United States marshals, attorneys, commissioners, and clerks of courts. They make confidential reports as to the conduct of the United States officers connected with the Department of Justice. The number was the same in each of the years 1908 and 1909.

These men are paid from \$3 to \$5 per day and a per diem for expenses out of an appropriation carried in the sundry civil act for "Payment of such miscellaneous expenses as may be authorized by the Attorney-General for the United States courts and their officers, including the furnishing and collecting of evidence," etc. As already stated, the amount appropriated for 1908 was \$540,000 and for 1909 \$560,000.

*Naturalization examiners.*—Connected with the Department of Justice there are 34 naturalization examiners, whose duties are to assist in every possible way the assistant United States attorneys in charge of naturalization matters, in obtaining evidence necessary to prevent fraudulent naturalization, and to enable such attorneys to prosecute suits to set aside judgments of naturalization fraudulently or illegally obtained. There are 34 of these assistant United States attorneys; and they and the examiners are paid out of the appropriation for "Pay of



assistant attorneys in naturalization cases." The number is understood to have been the same in each of the years 1908 and 1909.

*Other agents engaged in certain classes of detective work.*—The Department of Justice had during 1908 and 1909 about 7 men constantly employed "in certain classes of cases of detective work, principally peonage and land-fraud cases, which we deemed it inadvisable to place in the hands of the secret-service operatives." They were all paid out of the appropriation for miscellaneous expenses.

We submit herewith the testimony taken by the committee. Under the appropriate heads of this report we have indicated the number of men in each department whose duties we think bring them fairly within the scope of this investigation, including not only secret-service men and detectives, so called, but those who are designated as special agents, special examiners, investigators, inspectors, special employees, and the like, showing the increase or decrease in number in each branch of the service; the appropriations available for their employment, and the increase or decrease therein, for the fiscal years 1908 and 1909.

The net increase in the total number in all departments in 1909 over the number for 1908 was 100.

The appropriations for 1909 "that could be used" for such purposes were, in the aggregate, \$1,980,708.28 more than the similar appropriations for 1908.

It must not be understood, however, that this increased sum was all actually expended for such purposes. By far the larger amount of the increases were in lump sum appropriations, covering a great variety of objects, and while they were such as could be, they were not actually all used in the employment of persons for the detection or prevention of fraud.

The largest single increase is \$1,395,100 in an appropriation for the Department of Agriculture, most of which was used for entirely different purposes. So there was an increase of \$255,983.28 in a lump sum appropriation for the army, which could have been, but was not, used for the hiring of spies.

Except in the few instances indicated in this report we have found no branches of the public service, or persons employed therein, engaged in any duty not contemplated by law; but whether any such persons have been or are engaged in any duty not contemplated by law or the appropriation establishing or providing for such service could be accurately ascertained only by an examination of each person so engaged in any such service, which examination could not be made within the life of the present Congress.

While your committee is not required, by the terms of the resolution under which it is acting, to make any recommendation, we deem it proper to call attention to the fact that the Secret Service Division of the Treasury Department now exists without permanent authority of law, dependent entirely upon appropriations made from year to year, and that the like force in the Department of Justice is similarly without permanent authority of law, and paid out of lump-sum appropriations for incidental expenses. We call attention also to the recommendations of the Attorney-General in his reports to Congress for 1907 and 1908 recommending that provision be made for a force of this character, its number, and the form of its organization to "be determined by the scope of the duties which Congress may see fit to intrust to it;" and that a sufficient number of accountants be included therein, or their employment authorized by him, to dispense with the costly and unsatisfactory employment of bank examiners, referred to in his reports and in his testimony. Whether the separate forces of secret-service men now existing in the Treasury Department and in the Department of Justice should be combined in one, under control of the Attorney-General, we do not attempt to decide, but suggest that, whether separately maintained or under one control, they should be permanently provided for and their duties clearly defined and limited by law.

MARLIN E. OLINSTEAD,  
FRANK D. CURRIER,  
H. OLIN YOUNG,  
WILLIAM G. BRANTLEY,  
EATON J. BOWERS.

MARCH 3, 1909.

#### MESSAGE FROM THE SENATE.

A message from the Senate 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. 23464) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes.

#### ENROLLED BILLS SIGNED.

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

H. R. 28304. An act granting certain obsolete ordnance for ornamental purposes;

H. R. 28411. An act to grant two cannons to Northern Ohio University, at Ada, Ohio;

H. R. 28059. An act making appropriations for the Military Academy for the fiscal year ending June 30, 1910, and for other purposes;

H. R. 27053. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1910;

H. R. 21003. An act fixing the compensation of certain officials in the customs service, and for other purposes;

H. R. 28167. An act to grant additional authority to the Secretary of the Treasury to carry out certain provisions of public building acts, and for other purposes;

H. R. 24834. An act for the protection of the surface rights of entrymen;

H. R. 28243. An act to provide for the repair, maintenance, and preservation of public works on rivers and harbors, and for other purposes;

H. R. 28055. An act to authorize the Secretary of War to donate one condemned brass or bronze cannon and cannon balls to the soldiers' plot in Forest Hill Cemetery, Scranton, Pa.; and

H. R. 21896. An act to amend section 86 of "An act to provide a government for the Territory of Hawaii, to provide for additional judges, and for other judicial purposes."

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 7640. 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 Company;

S. 9278. An act granting pensions and increase of pensions to certain soldiers and sailors of wars other than the civil war and to certain dependent relatives of such soldiers and sailors;

S. 8520. An act requiring reports of the Hospital for Foundlings to be made to the Commissioners of the District of Columbia;

S. 8187. An act to change the name of the Washington Hospital for Foundlings; and

S. 9421. An act granting pensions and increase of pensions to certain soldiers and sailors of wars other than the civil war and to certain widows and dependent and helpless relatives of such soldiers and sailors.

#### ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills and joint resolution:

H. R. 24835. An act authorizing the necessary resurvey of public lands;

H. R. 26916. An act making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1910;

H. R. 8661. An act for the relief of the Richmond Light Infantry Blues, of Virginia;

H. R. 21896. An act to amend section 86 of an act to provide a government for the Territory of Hawaii, to provide for additional judges, and for other judicial purposes;

H. R. 28243. An act to provide for the repair, maintenance, and preservation of public works on rivers and harbors, and for other purposes;

H. R. 28055. An act to authorize the Secretary of War to donate one condemned brass or bronze cannon and cannon balls to the soldiers' plot in Forest Hill Cemetery, Scranton, Pa.;

H. R. 24834. An act for the protection of the surface rights of entrymen;

H. R. 27053. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1909;

H. R. 21003. Fixing the compensation of certain officials in the customs service, and for other purposes;

H. R. 28167. An act to grant additional authority to the Secretary of the Treasury to carry out certain provisions of public building acts, and for other purposes; and

H. J. Res. 262. Joint resolution extending the operation of an act for the control and regulation of the waters of the Niagara River, for the preservation of Niagara Falls, and for other purposes.

PRINTING OF "NOTES ON TARIFF REVISION," "IMPORTS AND DUTIES," "TARIFF HEARINGS."

Mr. PERKINS. Mr. Speaker, I submit the following report (H. Rept. No. 2323) from the Committee on Printing and move its adoption.

The SPEAKER. The Clerk will read the resolution.  
The Clerk read as follows:

#### House concurrent resolution 77.

*Resolved by the House of Representatives (the Senate concurring),* That there be printed and bound 1,000 copies of "Notes on Tariff Revision," prepared under the direction of the clerk of the Committee on Ways and Means, 700 copies for the use of the House and 300 copies for the use of the Senate; that there be printed and bound 1,000 copies of "Imports and Duties," 1894 to 1907, prepared under the direction of the Committee on Ways and Means, 700 copies for the use of the House and 300 copies for the use of the Senate; that there be printed and bound 2,500 copies of "Tariff Hearings" before the Committee on Ways and Means of the House of Representatives since the 10th day of November last, 1,700 copies for the use of the House and 800 copies for the use of the Senate.

The amendments recommended in the report of the Committee on Printing are as follows:

In line 2 strike out the words "one thousand" and insert in lieu thereof the words "thirteen hundred."

In line 5 strike out the words "seven hundred" and insert in lieu thereof the words "one thousand."

In line 7 strike out the words "one thousand" and insert in lieu thereof the words "thirteen hundred."

In line 10 strike out the words "seven hundred" and insert in lieu thereof the words "one thousand."

Mr. UNDERWOOD. Mr. Speaker, will the gentleman yield for a question?

Mr. PERKINS. Yes.

Mr. UNDERWOOD. I desire to ask the gentleman whether these books will be distributed to the Members through the folding room or through the document room?

Mr. PERKINS. Through the folding room.

Mr. FITZGERALD. It does not so provide in the resolution.

Mr. PERKINS. This resolution calls for printing for the use of the House, and under such resolution I think they are distributed among the Members.

Mr. BARTLETT of Georgia. They can not be, unless they are put in the folding room. Unless the gentleman provides they shall go to the folding room we will get them from the document room.

Mr. PERKINS. No, the gentleman is wrong; they are distributed from the folding room pro rata to Members.

Mr. GAINES of Tennessee. Will the gentleman inform us whether they go to the credit of Members of this Congress or to Members of the next Congress.

Mr. PERKINS. They go to the credit of Members of this Congress.

Mr. GAINES of Tennessee. I do not want them, and I will give them to my successor.

Mr. PERKINS. The gentleman can turn them over to his successor. Mr. Speaker, I move the adoption of the resolution. The amendments were agreed to.

The resolution as amended was agreed to.

#### BUREAU OF ANIMAL INDUSTRY, DEPARTMENT OF AGRICULTURE.

The SPEAKER laid before the House the following message from the President of the United States, which was read and, with the accompanying documents, referred to the Committee on Agriculture.

The message is as follows:

To the Senate and House of Representatives:

I transmit herewith a letter from the Secretary of Agriculture submitting a report of the operations of the Bureau of Animal Industry of the United States Department of Agriculture for the fiscal year ended June 30, 1908, prepared in compliance with the requirement of section 11 of the act approved May 29, 1884.

THEODORE ROOSEVELT.

THE WHITE HOUSE, March 2, 1909.

LEAVE OF ABSENCE.

By unanimous consent, Mr. CLARK of Florida was granted leave of absence for the balance of the session on account of sickness.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, 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. 28376) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1909, and for prior years, and for other purposes.

The message also announced that the Senate had passed without amendment the following resolutions:

House concurrent resolution 69.

Resolved by the House of Representatives (the Senate concurring). That there be printed and bound 2,000 copies of the hearings, including index, of the select committee of the House to investigate as to pulp wood, pulp, and paper, of which 1,500 copies shall be for the use of the House, including 300 copies to be distributed under the direction of the members of said committee elected to the Sixty-first Congress, and 500 copies for the use of the Senate.

House concurrent resolution 77.

Resolved by the House of Representatives (the Senate concurring). That there be printed and bound 1,000 copies of "Notes on Tariff Revision," prepared under the direction of the clerk of the Committee on Ways and Means, 700 copies for the use of the House and 300 copies for the use of the Senate; that there be printed and bound 1,000 copies of "Imports and Duties," 1894 to 1907, prepared under the direction of the Committee on Ways and Means, 700 copies for the use of the House and 300 copies for the use of the Senate; that there be printed and bound 2,500 copies of "Tariff Hearings" before the Committee on Ways and Means of the House of Representatives since the 10th day of November last, 1,700 copies for the use of the House and 800 copies for the use of the Senate.

Joint resolution (S. R. 140) to create a joint commission to consider the revision and codification of the laws of the United States.

The message also announced that the Senate had passed with amendment joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

H. J. Res. 235. Joint resolution concerning and relating to the treaty between the United States and Russia.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 8819. An act to amend an act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862, and the acts supplementary thereto, so as to extend the benefits thereof to the District of Columbia.

S. 6934. An act for the relief of the Merritt & Chapman Derrick and Wrecking Company.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 28192. An act to amend and consolidate the acts respecting copyright;

H. R. 23468. An act to amend sections 11 and 12 of an act entitled "An act to provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railway Company in the city of Washington, D. C., and requiring said company to depress and elevate its tracks and to enable it to relocate parts of its railroad therein, and for other purposes," approved February 12, 1901;

H. R. 21029. An act for the relief of James W. Sears;

H. R. 16696. An act for the relief of the estate of Peter McEnery, deceased;

H. R. 15003. An act for the relief of John W. Wood;

H. R. 12712. An act for the relief of the estate of Samuel J. Rogers;

H. R. 12512. An act for the relief of persons who sustained damage by explosion near Frankford Arsenal, Philadelphia;

H. R. 4168. An act to carry out the findings of the Court of Claims in the case of James A. Paulk;

H. R. 3622. An act for the relief of John D. McLain;

H. R. 2950. An act for the relief of certain officers of the United States Signal Corps;

H. R. 1549. An act granting a pension to Lela L. Ellis;

H. R. 1072. An act for the relief of the legal representatives of Sewell Coulson, deceased;

H. R. 24864. An act to provide for the distribution of the CONGRESSIONAL RECORD and public bills, documents, etc., to the governor-general of the Philippine Islands at Manila, P. I.; and

H. R. 23973. An act for the relief of pensioners of the Metropolitan police fund.

#### RESIGNATION FROM COMMISSION, HOUSE OF REPRESENTATIVES OFFICE BUILDING.

The SPEAKER laid before the House the following letter, which the Clerk read as follows:

HOUSE OF REPRESENTATIVES, UNITED STATES,  
Washington, D. C., March 3, 1909.

Hon. JOSEPH G. CANNON,  
Speaker House of Representatives,  
Washington, D. C.

SIR: I hereby tender my resignation as a member of the commission created for the purpose of superintending the construction of the House of Representatives Office Building and a lighting and heating plant.

Your obedient servant,

W. P. HEPBURN.

The SPEAKER. The Chair designates the gentleman from Iowa [Mr. SMITH] to fill the vacancy.

RECESS.

Mr. PAYNE. Mr. Speaker, I move that the House do now take a recess until 10 o'clock this evening.

The motion was agreed to.

Accordingly (at 6 o'clock and 15 minutes p. m.) the House was declared in recess.

AFTER RECESS.

The recess having expired (at 10 o'clock p. m.), the House was called to order by the Speaker.

#### SILETZ POWER AND MANUFACTURING COMPANY.

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill H. R. 6183, on the House Calendar, and that it be passed as amended.

The SPEAKER. The gentleman from Oregon [Mr. HAWLEY] asks unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the following bill, and to consider the same in the House at this time.

Mr. CLAYTON. Mr. Speaker, I object, in order to have an explanation of what it is.

The SPEAKER. The bill will first be read as amended, and then objection will be in order.



The Clerk read as follows:

A bill (H. R. 6183) granting to the Siletz Power and Manufacturing Company a right of way for a water ditch or canal through the Siletz Indian Reservation, in Oregon.

*Be it enacted, etc.,* That the right of way is hereby granted, as hereinafter set forth, to the Siletz Power and Manufacturing Company, a corporation organized and existing under the laws of the State of Oregon, and its successors and assigns, for the construction, operation, and maintenance of a water ditch or canal through the lands of the United States in the Siletz Indian Reservation, Oreg., beginning at a point on the right bank of the Siletz River, in lot 13 of section 9, township 10 south, range 10 west Willamette meridian; running thence in a northeasterly direction through said section and terminating at a point on the right bank of the Siletz River, in lot 30 of section 4, township 10 south, range 10 west of Willamette meridian: *Provided,* That no rights hereunder shall attach until the Secretary of the Interior shall have determined to his satisfaction that the interests of the Indians and the public will be promoted thereby.

Sec. 2. That the right of way hereby granted shall be 50 feet in width on each side of the central line of such water ditch or canal.

Sec. 3. That before the grant of such right of way shall become effective, a map showing the definite location of such water ditch or canal must be filed with and approved by the Secretary of the Interior, and the company shall make payment to the Secretary of the Interior for the benefit of the allottees of full compensation for such right of way through their allotments, including all damage to their improvements and lands, and for damage to lands reserved for agency purposes, which compensation shall be determined and paid under the direction of the Secretary of the Interior in such manner as he may prescribe: *Provided further,* That the Siletz Power and Manufacturing Company, its successors or assigns, where not otherwise provided, shall, at its own expense, construct and maintain sufficient and suitable bridges across the water ditch or canal the right of way for which is hereby granted at the crossing of public roads, and be designated by the county court of the county in which they may be, failing in which the rights herein granted shall be forfeited.

Sec. 4. That the rights herein granted shall be forfeited by said corporation unless the water ditch or canal shall be constructed through the said lands within three years from the passage of this act.

Mr. CARLIN. Mr. Speaker, I object.

Mr. HAWLEY. Mr. Speaker, I move to suspend the rules and pass the bill with an amendment.

The SPEAKER. The gentleman from Oregon moves to suspend the rules and pass the bill with an amendment. Is a second demanded? [After a pause.] The question is on agreeing to the motion.

The motion was agreed to.

Accordingly the rules were suspended and the bill was passed.

#### GENERAL DEFICIENCY BILL.

Mr. VREELAND. Mr. Speaker, I desire to call up the conference report on the bill H. R. 28376—the general deficiency bill—and ask that the statement be read in lieu of the report.

The SPEAKER. Is there objection?

There was no objection.

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. 28376) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1909, 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 4, 5, 7, 8, 9, 14, 15, 18, 19, 20, 26, 27, 28, 30, 41, 69, 75, and 76.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 6, 10, 11, 12, 13, 16, 17, 21, 22, 24, 25, 29, 31, 32, 33, 36, 37, 38, 39, 40, 42, 43, 44, 45, 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, 79, 81, 82, 83, 84, 85, 86, 87, 88, 90, 91, 92, 93, 94, and 95, and agree to the same.

Amendment numbered 23: 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: On page 23 of the bill, in line 11, after the word "fifty-one," insert the words "and fourteen hundred and sixty-nine;" 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 line 3 of said amendment, after the word "Survey," insert the words "during the fiscal year nineteen hundred and ten;" and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In line 5 of said amendment strike out the words "the said sum of three thousand dollars;" and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and

agree to the same with an amendment as follows: In line 4 of said amendment insert in the blank the number "seven hundred and forty-nine;" and the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "nine thousand dollars;" and the Senate agree to the same.

Amendment numbered 77: That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with amendments as follows: After the word "Representatives," in lines 11 and 12 of said amendment, strike out all that follows down to and including the word "Printing," in line 21; and in line 21 of said amendment strike out the word "twelve" and insert in lieu thereof the word "ten;" and the Senate agree to the same.

Amendment numbered 78: That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: After the word "Document" in said amendment insert the words "Numbered seven hundred and forty-seven;" and the Senate agree to the same.

Amendment numbered 80: That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment as follows: After the word "Numbered" in said amendment insert the words "seven hundred and forty-five;" and the Senate agree to the same.

Amendment numbered 89: That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment as follows: In line 12 of said amendment, after the word "Numbered," insert the words "seven hundred and forty-six;" and the Senate agree to the same.

J. A. TAWNEY,  
EDWARD B. VREELAND,  
S. BRUNDIDGE, Jr.,

*Managers on the part of the House.*

EUGENE HALE,  
J. H. GALLINGER,  
H. M. TELLER,

*Managers on the part of the Senate.*

The Clerk read the statement as follows:

#### STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate on the general deficiency bill submit the following written statement in explanation of the effect of the accompanying conference report thereon:

The bill as finally agreed upon appropriates \$19,431,727.29.

The Senate by its amendments added \$2,654,406.68.

By the conference agreement the Senate recedes from \$844,663.58, which includes \$120,000 for payment of the claim of the State of Virginia; \$72,000 for payment of the claim of the State of Maryland; \$50,000 for the Lincoln memorial; \$497,000 for army transportation; \$66,000 for the contributors to pay the ransom of Miss Ellen M. Stone; and the House agrees to amendments involving \$1,809,743.10, which includes \$500,000 for payment to the Republic of Colombia; \$61,258 to refund duties on anthracite coal; and \$750,000 for inland mail transportation.

J. A. TAWNEY,  
EDWARD B. VREELAND,  
S. BRUNDIDGE, Jr.,

*Managers on the part of the House.*

Mr. VREELAND. Mr. Speaker, I move the adoption of the conference report, the statement concerning which has been read at the Clerk's desk.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

#### AMENDMENT OF REVISED STATUTES.

Mr. PARKER. Mr. Speaker, I move to suspend the rules and discharge the Committee on the Judiciary from the further consideration of the bill (S. 3526) entitled "A bill to amend section 876 of the Revised Statutes," which I now send to the Clerk's desk, and pass the same; and that H. R. 12403, on the House Calendar, be laid on the table, it being a similar bill.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 3526) to amend section 876 of the Revised Statutes.

*Be it enacted, etc.,* That section 876 of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

"Sec. 876. Subpoenas for witnesses who are required to attend a court of the United States in any district may run into any other district: *Provided*, That in civil cases the witnesses living out of the State in which the court is held do not live at a greater distance than 100 miles from the place of holding the same."

The SPEAKER. Is a second demanded?

Mr. CLAYTON. I demand a second, Mr. Speaker.

The SPEAKER. Under the rules a second is ordered.

Mr. PARKER. Mr. Speaker, this is the original section that was enacted about one hundred and twenty years ago, except that it changes the word "district" to "State." In olden times the districts were coterminous with the States. A subpoena issued out of the district courts could run in any part of the district or State. It could likewise run in any other district within a hundred miles. Now that they have divided up the districts a subpoena out of the district court can not run all over the State, and the district court of the southern district of New York can not subpoena witnesses from Buffalo, while the state court can.

It was suggested by Mr. Griggs, former Attorney-General, that that ought not to be. He suggested that the word "district" should be changed to the word "State," so that the subpoena should run throughout the State. I will say that the House bill contained also the words "and Territory." The Senate, I think justly, held that the courts in the Territories were not United States courts, and was opposed to passing the bill with those words in, and we have adopted the Senate bill.

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

Mr. PARKER. Certainly.

Mr. MANN. I did not quite understand the gentleman. I supposed the Senate bill was the same as the House bill outside of the question of the Territories. In what other respect does it differ?

Mr. PARKER. In no other way. The House bill had, "*Provided*, That in civil cases the witnesses live in the State or Territory in which the court is held." The Senate took objection, I think justly, that the courts of the Territory are not district courts of the United States or courts of the United States at all.

Mr. MANN. In other respects is the Senate bill the same?

Mr. PARKER. In exactly the same words.

Mr. DALZELL. Has the bill been reported by the Committee on the Judiciary?

Mr. PARKER. The House bill was reported by the Committee on the Judiciary, but the House bill was broader.

Mr. CLAYTON. Mr. Speaker, I demanded a second in order that the gentleman might explain this bill to the House. I have had many inquiries made about it by gentlemen on this side of the Chamber. The gentleman has made a very lucid explanation of the bill. I think it is a proper bill, and think it ought to pass.

The question was taken, the rules were suspended, and the bill was passed.

The SPEAKER. The House bill (H. R. 12403) will lie on the table.

#### JAMAICA BAY IMPROVEMENT COMMISSION.

Mr. LAW. Mr. Speaker, I ask unanimous consent that the report of the Jamaica Bay improvement commission, appointed pursuant to a resolution of the board of estimates and apportionment, dated March 2, 1906, for the purpose of reporting upon the general improvement and development of Jamaica Bay in the boroughs of Brooklyn and Queens, and also upon the condition of the water front of the city of New York other than that of Manhattan Island be printed as a public document (H. Doc. No. 1488).

Mr. MANN. Reserving the right to object—

Mr. CLARK of Missouri. We could not hear what the paper was.

The SPEAKER. The Clerk can read the title of the report.

The Clerk read as follows:

Report of the Jamaica Bay improvement commission, appointed pursuant to a resolution of the board of estimates and apportionment, dated March 2, 1906, for the purpose of reporting upon the general improvement and development of Jamaica Bay, in the boroughs of Brooklyn and Queens, and also upon the condition of the water front of the city of New York other than that of Manhattan Island.

Mr. MANN. Reserving the right to object, I would like to ask the gentleman who makes the report, is that the report of a government official?

Mr. LAW. Mr. Speaker, I think I can explain the object of this report.

Mr. MANN. The gentleman will have plenty of time.

Mr. LAW. In the river and harbor act of March 2, 1907, this provision was contained for a survey of the waters of Jamaica Bay:

The waters of Jamaica Bay, including entrance to said bay at Rockaway Inlet and those waters having their outlet in Dead Horse Inlet, with a view to framing a plan for their improvement and recommending the order of such improvement with the cost thereof, and to recommend the proportion of such cost to be borne by the city of New York; and the Secretary of War is hereby requested to confer and cooperate with the commissioner of docks and ferries of the city of New York, or with any other duly authorized agents, officers, or representatives of the city of New York, and with any commission of engineers appointed, or who shall hereafter be appointed, to survey or examine said bay and to recommend to the city of New York plans for the improvement of said Jamaica Bay or the lands in and about said bay.

Mr. CLAYTON. Mr. Speaker, we were unable on this side of the Chamber to hear the very long explanation made by the gentleman. Can not the gentleman tell us whose report this is?

Mr. LAW. This is a report by a commission of engineers appointed by the mayor of the city of New York, directed under the provisions of the act which I have just read, to confer with the Secretary of War. The Secretary of War has since then made his report, which has been transmitted to Congress after a conference with this commission, whose report I present.

Mr. MANN. Does the report of the Secretary of War refer in any way to this report?

Mr. LAW. Yes, sir; it does. And I would say, in addition to that, it is the judgment of the district engineer, whose report has been submitted, that the report can not be completely understood without reference to this report of the city's commission of engineers of which it speaks.

Mr. MANN. The gentleman desires to have this printed as a document in order that the whole matter may be printed and before the House?

Mr. LAW. Exactly so.

Mr. CLAYTON. Mr. Speaker, I desire to ask the gentleman what will be the probable cost of this document?

Mr. LAW. I can not say in regard to that. It contains 157 pages.

Mr. CLAYTON. It will be a small amount.

Mr. LAW. I think so.

Mr. CLAYTON. Was this report made by joint expenditure by the Federal Government and the city of New York?

Mr. LAW. Well, not exactly. It was made by an expenditure of the city of New York. The report which the Secretary of War has transmitted recommends a plan of improvement to be carried out jointly by the Government and the city of New York, and this contains what the city of New York proposes it must do in conjunction with the Government.

Mr. CLAYTON. This preserves in printed form for the use of the committee, in order that it may have the information about this work that relates to the public improvement?

Mr. LAW. Exactly so.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is ordered that the report be printed as a public document.

#### WATER IN NORTH CAROLINA WHERE FISHING IS PROHIBITED.

Mr. SMALL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 19607) to authorize the Secretary of Commerce and Labor to cooperate, through the Bureau of the Coast and Geodetic Survey and the Bureau of Fisheries, with the fish commissioner of the State of North Carolina in making surveys of the waters of North Carolina where fishing is prohibited by law.

The SPEAKER. Is this bill on the Union Calendar?

Mr. SMALL. It is.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the following bill, and to consider the same in the House. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.,* That the Secretary of Commerce and Labor be, and he is hereby, authorized and directed, upon the request of the governor of the State of North Carolina, to designate such officers, experts, and employees of the Bureau of the Coast and Geodetic Survey and of the Bureau of Fisheries as may be necessary to cooperate with the North Carolina state fish commissioner in making a survey of and marking in a prominent manner all those areas of the waters of the sounds and their tributaries of the State in which the use of any or all fishing appliances are prohibited by law; and the Secretary of Commerce and Labor is hereby authorized and directed to furnish to the officers, experts, and employees of said bureaus so detailed as aforesaid such instruments, appliances, and steam launches as may be necessary to make the survey aforesaid; and the Secretary of Commerce and Labor is hereby authorized to have made in the Bureau of the Coast and Geodetic Survey all the plats necessary to show the results of the aforesaid survey, and to furnish to the fish commissioner of the State of North Carolina such copies as may be necessary for his use, and for



this purpose to employ in the District of Columbia and elsewhere such technically qualified persons as may be necessary to carry out the purposes of this act.

SEC. 2. That the Secretary of Commerce and Labor is hereby further authorized to have erected or constructed by the officers so detailed as aforesaid, while making said survey, such structures as may be necessary to mark in a prominent and satisfactory manner the points of triangulation so that the same may be used for such future work of the Coast and Geodetic Survey as the said bureau may be hereafter required to perform in prosecuting the government coast survey of the navigable waters of the United States located within the State of North Carolina.

SEC. 3. That the Bureau of the Coast and Geodetic Survey and the Bureau of Fisheries be, and they are hereby, authorized and directed to expend, under the direction of the Secretary of Commerce and Labor, a sum of money not exceeding \$15,000 in carrying out the purposes of this act.

SEC. 4. That this act shall take effect from the date of its passage.

With the following amendment:

Amend section 3 by striking out the same and substituting the following therefor:

"SEC. 3. That the Bureau of the Coast and Geodetic Survey and the Bureau of Fisheries be, and they are hereby, authorized and directed to expend, under the direction of the Secretary of Commerce and Labor, such sum or sums of money as may be necessary, and as may be hereinafter appropriated, in carrying out the purposes of this act."

The SPEAKER. Is there objection?

Mr. MADDEN. Mr. Speaker, I will reserve the right to object, in order that the gentleman may have an opportunity to explain why the Secretary of Commerce and Labor should be called upon to cooperate with the State of North Carolina, and also to tell the House how much money it is going to cost to do the thing which he proposes by this bill to have done.

Mr. SMALL. Mr. Speaker, I am sure I can make a satisfactory explanation.

There are two large inland sounds in North Carolina in which the catch of shad is larger than in any similar area in the United States, and it has become necessary in the past few years for the legislature of the State to limit the area within which shad may be caught, in order that the supply may be increased. It is necessary to mark out this area. The State of North Carolina has no bureau which has the facilities necessary to make this survey; therefore the cooperation of the Coast and Geodetic Survey and of the Bureau of Fisheries has been asked. There is no appropriation in this bill, and it is estimated that the cost will be inconsiderable—not more than \$1,000. The object of asking the cooperation is because the State of North Carolina has no facilities for making the survey.

Mr. MADDEN. Does the gentleman think, because the State of North Carolina has no such facilities, that is a good reason why the Government of the United States should be asked to cooperate?

Mr. SMALL. I will say to the gentleman that we think so, because there are several precedents for this. It has been done for Chesapeake Bay and for Long Island Sound and for other sections of the country.

Mr. MADDEN. How much money will it involve?

Mr. SMALL. Not more than a thousand dollars, and, in addition to that, it will be in the interest of the Coast and Geodetic Survey in making certain marks there which are necessary for the purposes of navigation.

Mr. MANN. The gentleman says the cost will not probably exceed \$1,000. Section 3 of the bill originally limited the cost to \$15,000. Has the gentleman received more definite information since introducing the bill?

Mr. SMALL. I may say to the gentleman from Illinois that that amount was inserted prior to consultation with the officials of the Coast and Geodetic Survey and the Bureau of Fisheries here.

Mr. MANN. And their estimate is that it will not cost to exceed a thousand dollars?

Mr. SMALL. Not to exceed a thousand dollars. It is an inexpensive thing.

The SPEAKER. Is there objection?

There was no objection.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. SMALL, a motion to reconsider the last vote was laid on the table.

#### OUTWARD ALIEN MANIFESTS ON CERTAIN VESSELS.

Mr. BENNET of New York. Mr. Speaker, I move to suspend the rules and pass the bill (S. 7785) relative to outward alien manifests on certain vessels, with the committee amendment.

The bill was read, as follows:

Be it enacted, etc., That until the provisions of section 12 of the immigration act of February 27, 1907, relating to outward alien

manifests, shall be made applicable to passengers going out of the United States to Canada by land carriage, said provisions shall not apply to passengers going by vessels employed exclusively in the trade between the ports of the United States and the Dominion of Canada and the Republic of Mexico.

With the following committee amendment:

In line 4 strike out "twenty-seven" and insert "twenty."

Mr. CLAYTON. Mr. Speaker, I demand a second.

The SPEAKER. A second is ordered under the rule. The gentleman from New York [Mr. BENNET] is entitled to twenty minutes and the gentleman from Alabama [Mr. CLAYTON] is entitled to twenty minutes.

Mr. BENNET of New York. Mr. Speaker, this bill is to correct an injustice. When we passed the immigration statute in 1907, we put in a very wise provision, which is this:

It shall further be the duty of the master or commanding officer of every vessel taking alien passengers out of the United States from any port thereof to file before departure therefrom with the collector of customs a complete list of all of such alien passengers taken on board. Such list shall contain the name, age, sex, nationality, residence in the United States, occupation, and the time of last arrival of every such alien in the United States.

Then follow the appropriate provisions for the enforcing of the law.

It is very evident that the purpose of the bill is to enable us to find out how many aliens go out each year; so by deducting that from those who come in we can find the precise increase or decrease, as the case may be, in the number of aliens who have come into this country during a particular fiscal year.

Mr. REEDER. Is that in the law or in the bill?

Mr. BENNET of New York. What I have read is in the law. Between our ports and Canada it has been found impossible, so far, to make any such statute apply to the railways; and our statistics, so far as Canada is concerned, will remain imperfect; but the principal object of the committee and what Congress had in view was to get the statistics as they came across the Atlantic and Pacific.

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

Mr. BENNET of New York. Certainly.

Mr. GOULDEN. Why are the railroads exempt from the requirements of the law with reference to immigrants coming over the border?

Mr. BENNET of New York. Because every day thousands of Canadians cross the border on the railways temporarily, one way or the other. They cross the ferry at Detroit, and everywhere that a railway crosses the border they go in and go out. It would seriously impede travel. Several years ago we authorized the department to make a contract with the Canadian government relative to the inspection of aliens coming in on the railway.

Mr. GOULDEN. Will the gentleman tell me what restrictions there are regarding the immigrants where he says arrangements have been made with the Dominion of Canada?

Mr. BENNET of New York. I will do that in a moment. But one steamship line that carries passengers from Boston up to Canada, and that runs nightly, complains of this discrimination. They say if a man could walk into the office in Boston and buy a ticket, and they could ask him the questions, they would not mind, but when seven or eight hundred people, starting from all parts of the United States, get on board the ship and the purser has to go around in the night and ask everybody the preliminary question whether they are aliens, and then ask them all these questions, it puts a burden on their traffic that is unfair in competition with the railways. They ask that until the provisions of section 12 of the immigrant act, relating to the outward manifest, is made applicable to Canadian railroads, the provision as applied to passengers going by vessel employed exclusively between the United States and Canada and the Republic of Mexico shall not apply, and it seemed to the committee that their request was fair, and that the Government ought not to interfere one way or the other between competing carriers, and until we place the same burden on the railways we ought not to place it on the steamers.

Now, I will answer the gentleman from New York. Until we made the arrangement with Canada by which we put our own officials in Montreal and Quebec, until we made the arrangement with the Canadian government by which they enforce the immigration laws in Canada, there was no protection at all. Any alien that came into a Canadian port could walk across the border anywhere. Now no alien can get into a Canadian port that could not get into a similar American port.

Mr. MANN. I would like to ask the gentleman a question. Has this bill the support of the Department of Commerce and Labor?

Mr. BENNET of New York. Yes; the gentleman will find the letter of the Secretary on the second page.

Mr. MANN. On the second or third page?

Mr. BENNET of New York. On the second page.

Mr. MANN. I would like to ask the gentleman whether in preparing the report he thought it would add to the value of the letter of the department by inserting it twice? [Laughter.]

Mr. BENNET of New York. The gentleman now speaking did not prepare the report. It was prepared by the gentleman from Massachusetts [Mr. GARDNER].

Mr. MANN. I thought it might be one of the new rules prepared by the gentleman from Massachusetts that, instead of quoting the letter once in the report, it would add to the expense and value by copying it twice.

Mr. BENNET of New York. Everybody is not as careful as the gentleman from Illinois.

Mr. MANN. The gentleman from Massachusetts is always careful, especially when dealing with the subject of the rules. I would like to know from him whether it is one of his rules to have a letter printed in a report twice.

Mr. BENNET of New York. I am going to yield to the gentleman from Massachusetts to answer the question.

Mr. GOULDEN. Let me ask the gentleman if this is the unanimous report of the committee?

Mr. BENNET of New York. It is not; there are minority views.

Mr. Speaker, I reserve the balance of my time.

Mr. BONYNGE. Mr. Speaker, I will ask the gentleman what is the committee amendment?

Mr. BENNET of New York. The committee amendment simply strikes out "twenty-seven" and inserts "twenty."

Mr. BONYNGE. To what does that refer?

Mr. BENNET of New York. The Senate alluded to the act of February 27. It is simply a clerical error. I reserve the balance of my time.

Mr. BURNETT. Mr. Speaker, the very form of this bill I think ought to defeat it. The proposition involved is that a law that is now in existence shall be superseded or suspended until some other law in the dim and distant future shall be passed. This is just the reading of the bill:

That until the provisions of section 12 of the immigration act of February 20, 1907, relating to outward alien manifests, shall be made applicable to passengers going out of the United States to Canada by land carriage, said provisions shall not apply to passengers going by vessels employed exclusively in the trade between the ports of the United States and the Dominion of Canada and the Republic of Mexico.

Mr. Speaker, the form of the bill itself ought to condemn it, as I say, and then the bill itself is wrong. The Secretary of Commerce and Labor, instead of really indorsing and approving the bill, says in his report:

It would be highly desirable to require all railway lines doing an international business to comply with the provisions of section 12, which are now applicable only to steamship lines.

It is proposed by this bill that, because the law does not go far enough and apply to railroad companies going into Canada and Mexico, it shall not apply to these steamship lines that go from Boston or from ports of the United States into Canada and Mexico. The purpose of section 12 of the immigration law was to require that all steamship companies leaving our ports should make manifests of outgoing aliens in order that we might have statistics giving information in regard to those who were outgoing. It was frequently said, especially by those who are opposed to restriction of immigration, that those who came in did not form a fair estimate as to the number, because many of them went out. In order to test that contention, the last immigration law enacted in February, 1907, required that all steamships leaving American ports should keep these manifests of outgoing aliens. Now, this bill asks us to suspend that law until we make it apply to railroad companies, and the Secretary of Commerce and Labor says that it ought to apply to railroad companies. The gentleman from California [Mr. HAYES] and myself filed a minority report on the idea that we are going backward in this bill, that instead of repealing the law so far as these particular steamship lines are concerned, it ought to be made to apply as well to railroad companies as to steamship companies, and hence that the law ought not to be amended in the way provided by this bill, but that it ought to be extended further.

Mr. REEDER. Will the gentleman permit a question?

Mr. BURNETT. Yes.

Mr. REEDER. I want to ask the gentleman if the committee that made the minority report regard that it is possible to make this law applicable to railroads?

Mr. BURNETT. I think it is. It is a very simple requisition in the first place. Just read what is required.

Mr. REEDER. Then, I want to ask why such a bill was not prepared instead of this one?

Mr. BURNETT. The immigration law did not go far enough. We could not get everything that we wanted in the law, and

therefore we went as far as we could in order to pass the bill, hoping that by amendment we might perfect it. Here is all that is required in the manifests, and it is very simple and does not take a great deal of time to make it: It says that steamships leaving from any port of the United States shall file before departure with the collector of customs of each port a complete list of all such alien passengers taken on board; and such list shall contain the name, age, sex, nationality, and residence in the United States, occupation, and the time of last arrival of such alien in the United States. That is not much. The companies have their blanks all ready. The gentleman indicates that the steamship companies make up that list after they leave the port. If they do, it is in violation of the law, because the law requires that before leaving port these manifests shall be taken for statistical purposes, in order that we might have full information as to those that are going out.

Mr. BENNET of New York. Does not the law provide, on page 6 of the immigration law at the last end of section 12, that vessels making regular trips may, when expedient, arrange for delivery of such lists of outgoing aliens at a later date, so that they do not have to make it before they leave the ports?

Mr. BURNETT. What section is that, section 6?

Mr. BENNET of New York. No; section 12. It says that in case of vessels making regular trips from the United States the Commissioner-General of Immigration, with the approval of the Secretary of Commerce and Labor, may, when expedient, arrange for the delivery of such lists of outgoing aliens at a later day.

Mr. BURNETT. It does not matter about that, Mr. Speaker, whether it does or not, so far as that is concerned. The purpose here is to repeal the law and go backward in the steps that we have already taken in regard to gathering these statistics. If they are valuable it ought to be complied with, and the law extended instead of abrogated. There is another thing. It was brought to the attention of the committee that there were steamship lines running regularly across from several Canadian ports to European countries, and if that is true how easy it would be for the aliens who desire to leave this country and go to Europe, in order to avoid giving the very important information required by these manifests, to go to the Canadian ports and then take ship for the European ports, and in that way absolutely abrogate and neutralize the law.

Mr. RYAN. May I ask the gentleman a question?

Mr. BURNETT. Yes.

Mr. RYAN. Can not people who leave this country go to Canada over the bridges at Niagara Falls and Buffalo, or cross in other ways? Can not they go to Europe by these same steamboat lines and the statistics will be inaccurate because their records will not have been taken?

Mr. BURNETT. Of course. Therefore the law ought to go further instead of going backward. It ought to be made to apply to the railroad companies as well as to the steamship lines.

Mr. RYAN. The question I was about to ask was this—

Mr. GARDNER of Massachusetts. Mr. Speaker—

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. GARDNER of Massachusetts. For the purpose of asking the gentleman from Alabama a question.

Mr. BURNETT. Mr. Speaker, I must refuse to yield until I finish with the gentleman from New York [Mr. RYAN].

Mr. GARDNER of Massachusetts. Mr. Speaker, I raise the point of order that the House is not in order, and it is impossible to hear what the gentleman from New York is saying.

The SPEAKER pro tempore. The House will be in order.

Mr. RYAN. Mr. Speaker, the point I wanted to make was that the statistics were inaccurate now in regard to people going from the United States to Canada; and until you have a complete register of all people, whether going by steamship or railroad, in my opinion there ought to be none, because I think it is unfair to ask the steamships to register their people when the railroads or footbridges are not required to perform the same duty.

Mr. BURNETT. Mr. Speaker, the same argument would say we ought to repeal the law entirely as to the ships that are leaving this country and are going to any country, because some escape the operation of the law by rail across into Canada. The contention of those of us who differ from the majority of the committee on this question is that instead of repealing the law or getting rid of a part of it, we ought to go further and extend the law and require that the railroads that are crossing into Canada and Mexico collect these statistics. That could be done quite easily, as blanks could be provided for the taking of the manifest at all stations, and that would be an accurate manifest of aliens who are outgoing. But, Mr. Speaker, the



proposition of the gentleman from New York is that instead of vitalizing the law we ought to repeal it entirely and put it where it would not be effective as to those who go in these ships into Canada and Mexico.

I would now ask the gentleman from New York to use some of his time.

Mr. BENNET of New York. How much time have I remaining?

The SPEAKER pro tempore. Fifteen minutes.

Mr. BENNET of New York. I yield to the gentleman from Massachusetts [Mr. GARDNER] ten minutes.

Mr. BURNETT. How much time have I, Mr. Speaker?

The SPEAKER pro tempore. The gentleman has ten minutes remaining.

Mr. GARDNER of Massachusetts. Before the gentleman from Alabama [Mr. BURNETT] takes his seat I would like to ask him if he thinks these statistics obtained from these four steamboat lines are of any value?

Mr. BURNETT. Well, Mr. Speaker, I will answer that if they are honestly obtained from the steamboat companies they are of value. The gentleman voted for the bill in its form, he helped to pass the bill in its form, and he certainly was not asking for something that was nugatory and of no benefit at all as applied to the steamship companies; and yet if they are beneficial for the steamships going across the Atlantic or Pacific, then they are certainly beneficial in requiring the boats, if they are going into Canada, to make up the manifest—if the law is enforced. If the law is not enforced, then they are not. I doubt if any of the immigration laws as enforced by the present Secretary of Commerce and Labor are of much benefit, as he seems to try to nullify instead of enforcing them. [Laughter and applause.]

Mr. GARDNER of Massachusetts. Mr. Speaker, I hope that the gentleman will yield me as much of his time as he has occupied of mine. Now, Mr. Speaker, these statistics are perfectly valueless. On our outgoing trans-Atlantic steamship lines they are of value. That is why they put them in the law. But here are three steamboat lines running from Boston, one to Yarmouth, one to Halifax, and one to St. Johns, and I understand there are two steamboat lines running from Seattle to Vancouver. The statistics obtained on those steamboat lines do not amount to a drop in the bucket as compared to the passage across the border by train or over the border from the east to the west coast or by ferries crossing at Detroit or by the traffic on the Great Lakes. And no figures whatever are kept on that vast volume of traffic, and therefore it is perfectly valueless to take the statistics from these small steamboat lines which run and make night trips from Boston to the provinces of Canada.

The gentleman from Alabama [Mr. BURNETT] asks why we do not extend it. Why do you not extend your laws so that everybody who goes on a ferry has to fill out a paper like that [exhibiting], or so that everybody crossing on a railroad train has to fill out a paper like that? Because it is not practicable. And that is why we did not put it into the law. We asked all about these steamboat lines, and now we wish to correct it.

Now I read from a letter written by the chairman of the Interstate Commerce Commission. We wrote to him to find out whether it was practicable to do what the gentleman from Alabama [Mr. BURNETT] suggests; whether it was practicable to extend this law to the ferries and the steamboat lines, and he tells us that it is not practicable. He says:

The members of the commission have no special familiarity with the subject-matter of your communication, but so far as we can judge it would not be practicable to apply the provisions of section 12 of the immigration act of 1907, copy of which was inclosed in your letter, to transportation lines, such as steam and electric roads and ferries, operating between the United States and Canada and the United States and Mexico.

Mr. Speaker, look at the practical effect of this law. People come from the interior, people come from Pennsylvania, people come from New York State with tickets to Halifax and St. Johns. They go down to the steamboat wharves; they go aboard of the steamer for the night trip, and go to bed. They go to sleep, and it comes on rough. Sometimes there are 600 or 800 passengers, but not more. Then the purser comes along, and he wakes all those ladies and children and asks them to tell him their family name, their given name, their age, their sex, their calling or occupation, the country of which they are a citizen or subject, their race or people, their State, their city or town, their country of last permanent residence, and the country of intended future permanent residence.

Mr. BENNET of New York. Will the gentleman yield for just a question?

The SPEAKER pro tempore. Does the gentleman from Massachusetts yield to the gentleman from New York?

Mr. GARDNER of Massachusetts. Yes.

Mr. BENNET of New York. Assuming that one of the passengers is a large, able-bodied citizen, how far does the gentleman from Massachusetts think that the purser would ask him the questions in that list before there was some peculiar language in the stateroom?

Mr. GARDNER of Massachusetts. It is not the language, gentlemen; it is the call for steward. [Laughter.]

You can imagine yourselves in the place of those passengers on that rough voyage by sea and having the purser knock at your door, in order to try to get you to answer those questions. Just as sure as you are born you would come back by rail, and then what would become of your statistics? You apparently had a crowd going and nobody coming back, and you have vitiated what little statistics you are able to obtain.

Mr. Speaker, in pure justice to these small steamboat lines running out of Boston do not put this law any further in force. There is nobody asking for it. Mr. Larned, Deputy Commissioner of Immigration, told me it was impracticable.

Everybody who knows anything about that knows that it is impracticable; and the only result under heaven is to drive the people from these little steamboat lines to the great railroads that cross the border and the ferries which cross from the city of Detroit. I yield back the balance of my time.

Mr. BENNET of New York. How much time does that leave me?

The SPEAKER pro tempore (Mr. WEEKS). That leaves the gentleman from New York six minutes and the gentleman from Alabama ten minutes.

Mr. BENNET of New York. I will ask the gentleman from Alabama to consume the remainder of his time now, as, so far as I know, there will be but one speech on this side.

Mr. BURNETT. I yield five minutes to the gentleman from California.

Mr. HAYES. Mr. Speaker, this is a bill of great importance, and there developed, when it was under consideration by the Committee on Immigration, quite a difference of opinion in regard to it. For that reason I believe it is hardly proper that a bill of this kind should be brought up and an effort made to push it through on the last night of the session, as the gentleman from New York proposes. I believe that under these circumstances this bill ought to be voted down. Gentlemen, there is no immediate pressing demand for legislation of this kind.

Now as to the merits of the bill. The troubles that the gentleman from Massachusetts so eloquently depicts would come from an effort to enforce this law or to administer it can easily be overcome by regulations of the Department of Commerce and Labor, or, if necessary, by legislation by the Congress of the United States.

There is no need for a man when he crosses the ferry every day to be obliged to answer these questions. An arrangement can be made so that he can have a permanent certificate, when all he will have to do will be to show it as he goes on board a ferryboat or a train.

Mr. GARDNER of Massachusetts. Mr. Speaker, I will ask the gentleman from California if he has consulted the officials of the Immigration Bureau about this?

Mr. HAYES. I did some time ago. I consulted one of the officials.

Mr. GARDNER of Massachusetts. May I ask the name of that official?

Mr. HAYES. I believe the Assistant Secretary of Commerce and Labor.

Mr. GARDNER of Massachusetts. I say "any of the immigration officials?"

Mr. HAYES. No; I have not.

Now, Mr. Speaker, the Secretary of Commerce and Labor evidently thinks that it would be possible to make this regulation apply to railroad companies, for he has stated that in effect in a letter which he wrote to the Committee on Immigration on the subject, saying that it was highly desirable that it should be done, and I and the gentlemen who signed the minority report with me believe it is not only desirable but absolutely necessary to have this done. These statistics will be robbed largely of their value unless it is done. As has already been stated, other steamship lines will be formed, such as the line from Montreal and other Canadian ports, and many aliens will take that route, being shorter than by New York, and these statistics will thus be very imperfect. I see no reason why, under proper regulations, these statistics may not be gathered by the railroad companies from the aliens they carry over the border.

I believe that instead of loosening up the regulations by which we should keep track of the immigration into and emigration from this country these regulations should be enlarged and stiffened up. Therefore I believe this bill should not pass.

Mr. HACKNEY. Do you know whether the present law requiring this information is beneficial in keeping track of the aliens coming from Canada and British Columbia?

Mr. HAYES. These reports are.

Mr. HACKNEY. It is valuable in that respect?

Mr. HAYES. Because these reports will enable the immigration officials to better keep track of the movement of Asiatics on the borders is one of the reasons why I am opposed to the passage of this bill. There should be strict surveillance of the travel between Mexico and Canada and this country, and aliens, especially Asiatics, should not be allowed to pass backward and forward without any track being kept of them.

The SPEAKER. The time of the gentleman has expired.

Mr. BURNETT. I yield two minutes to the gentleman from Alabama [Mr. CLAYTON].

Mr. CLAYTON. Mr. Speaker, the presentation of this bill at this time furnishes an object lesson of the unwisdom, in the closing hours of the session, of Congress passing upon important measures without giving them proper consideration. Now, here we have a standing committee of this House appointed to deal with the subject-matter involved in this bill. This committee has been sitting time after time during the long and the short sessions of Congress for the consideration of just such measures as this; and yet the House to-night is presented with this spectacle of a divided committee on a matter that must be of great importance, or else the gentleman from Massachusetts would not be so insistent upon its instant passage. And certainly the gentleman from California and my colleague from Alabama would not be so insistent in their opposition to it if they did not think it a hurtful measure. [Applause.]

Therefore, Mr. Speaker, in view of the fact that we are soon to have an extraordinary session, when this matter can be considered, this House to-night ought to vote down this measure in order that the committee may properly consider it and the House may have the benefit of the further action of the committee after it has given it a full and careful consideration. [Loud applause.]

Mr. BURNETT. I yield two minutes to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. Mr. Speaker, I have listened with great interest to the remarks of the gentleman from Massachusetts [Mr. GARDNER]. The main objection of the gentleman from Massachusetts, it seems, is that a person must write his name in full, his age, sex, and previous condition. I will ask the gentleman if every man who lives in Boston or any other place in this country, under the tariff law that the gentleman helped to put upon the statute book, when that man comes into this country from a foreign country, is not required to write his name, age, and be also able to tell everything that he has brought in from a foreign country; and not only to write it all down, but swear to it. And is it any more inconvenient, is it any more unrepugnant to have to do what is required under this bill than to carry out the other rule that has been promulgated ever since we have had a high protective tariff? [Applause.]

Mr. BURNETT. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. Two minutes.

Mr. BURNETT. Mr. Speaker, I will not reiterate what I said a moment ago. This is really a step in the direction of breaking down the manifest law as applied to the steamships. I know of their ways that are devious. I know the tricks that they play. I know the efforts that they make to break down the immigration laws whenever they can; and this is simply a step in the direction of breaking down that wholesome provision which requires that they shall keep these manifests. At this time the pretext is that the boats from Boston do not have time to make them. They have from fifteen to twenty hours in going from Boston to the Canadian ports; and yet the gentleman says the passengers may be seasick, and it is irksome to make them. It is true as to the large ships that many get seasick. Sometimes people are seasick all the way across. Yet the gentleman says that fifteen or twenty hours are not a sufficient time for them to sign up a paper already made out, stating their names, age, sex, and occupation while they lived here and how long they had remained in this country. A few simple lines would cover it all. If the steamship companies break this down you will have them coming here next time with the proposition that the steamships be released entirely from keeping these manifests. Then those who oppose restriction will come up here with the same old false cry, that as many aliens have been going out of the country as have been coming in. It was for the purpose of getting exact statistics in order to disprove that contention and to furnish accurate statistics that this law was passed. If this bill passes, you will see in the next session

of Congress that the abandonment of the manifests will be advocated by the steamship companies and by gentlemen on this floor. [Applause.]

Mr. GARDNER of Massachusetts. May I ask the gentleman a question?

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. BENNET of New York. Mr. Speaker, in my four years of service this is the first time that the gentleman from Massachusetts [Mr. GARDNER] and myself have thoroughly agreed upon any proposition touching the immigration question. The reason that we do so to-night is because of the absolute, plain, evident justice of the proposition. This bill does not in any way touch the question of immigration into this country. It touches merely the question of statistics. It puts the steamships and the railways on the same plane. It corrects an injustice which we admit in the original bill. The Interstate Commerce Commission advised us that these laws could not be made applicable to railways. They are not now applicable to railways. Therefore, unless we wish to confuse the statistics, we ought to pass this bill.

Personally I do not think the great body of American people care very much how many Canadians come into this country or go out of it; while a great proportion of our population, for one reason or another, care a great deal how many Europeans or Asiatics come in. I was one of the men who drafted this section 12, under which we can find out accurately about the number of Europeans and Asiatics that leave our shores every year. It is beneficial legislation, and I want the statistics to be collected as accurately as possible. If you pass this bill and wipe out these inaccurate statistics relative to temporary absences of Canadians domiciled in this country, you aid in making the statistics more accurate. I hope that the bill will pass.

The SPEAKER. The question is on the motion to agree to the amendment and pass the bill.

The question being taken, on a division (demanded by Mr. BURNETT) there were—ayes 137, noes 104.

Mr. KIMBALL, Mr. SHACKLEFORD, and Mr. BURNETT demanded the yeas and nays.

The yeas and nays were refused, 8 Members, not a sufficient number, rising in support of the demand.

Mr. BURNETT. Tellers, Mr. Speaker.

Tellers were ordered, and the Speaker appointed Mr. BENNET of New York and Mr. BURNETT.

The House again divided; and the tellers reported that there were—ayes 104, noes 87.

So the rules were suspended and the bill was passed.

BILLS AND RESOLUTIONS WITH MORE THAN ONE NAME ATTACHED.

Mr. FITZGERALD. Mr. Speaker, I present the following privileged report (H. Rept. No. 2322).

The Clerk read as follows:

RIGHT OF MEMBERS TO PRESENT BILLS OR RESOLUTIONS WITH THE NAME OF MORE THAN ONE MEMBER ATTACHED THERETO.

Mr. FITZGERALD, from the select committee to investigate and report as to the right of Members to present bills and resolutions with the name of more than one Member attached thereto submits the following report:

The select committee appointed under House resolution No. 553 to investigate and report as to the right of Members to present bills or resolutions as provided by the rules with the name of more than one Member attached thereto beg leave to report as follows:

"Bills, resolutions, petitions, and memorials are introduced or presented to the House in accordance with the provisions of the first four sections of Rule XXII."

The rule is as follows:

"1. Members having petitions or memorials or bills of a private nature to present may deliver them to the Clerk, indorsing their names and the reference or disposition to be made thereof; and said petitions and memorials and bills of a private nature, except such as, in the judgment of the Speaker, are of an obscene or insulting character, shall be entered on the Journal, with the names of the Members presenting them, and the Clerk shall furnish a transcript of such entry to the official reporters of debates for publication in the Record.

"2. Any petition or memorial or private bill excluded under this rule shall be returned to the Member from whom it was received; and petitions and private bills which have been inappropriately referred may, by the direction of the committee having possession of the same, be properly referred in the manner originally presented; and an erroneous reference of a petition or private bill under this clause shall not confer jurisdiction upon the committee to consider or report the same.

"3. All other bills, memorials, and resolutions may, in like manner, be delivered, indorsed with the names of Members introducing them, to the Speaker, to be by him referred, and the titles and references thereof and of all bills, resolutions, and documents referred under the rules shall be entered on the Journal and printed in the Record of the next day, and correction in case of error of reference may be made by the House, without debate, in accordance with Rule XI, on any day immediately after the reading of the Journal, by unanimous consent, or on motion of a committee claiming jurisdiction, or on the report of the committee to which the bill has been erroneously referred.

"4. When a bill, resolution, or memorial is introduced 'by request,' these words shall be entered upon the Journal and printed in the Record."



Bills may also be reported to the House by a Member as a result of instructions of a committee to which has been referred petitions on given subjects (1st sess., 32d Cong. Jour., p. 935); and bills are also so reported from committees to which messages from the President or some other papers have been referred. It has been held almost universally that unless a memorial, petition, bill, or other paper upon a designated subject has been referred to a committee it can not report a bill on a subject-matter not thus before it.

These procedures are as firmly established as any founded upon the written rules of the House. It is apparent, therefore, that the introduction or presentation of bills and resolutions is governed in some instances by the practice of the House rather than by express rule. Investigation discloses that in construing the rules it is necessary to keep in mind the prevailing practice prior to the adoption of the rule to be construed and the purpose sought to be accomplished by its adoption.

As at present constituted, Rule XXII has been continued since the revision in the Fifty-first Congress.

To ascertain accurately its meaning and to understand the rights conferred by its provisions it is necessary to trace the various changes in the practice of the House prior to its adoption.

The general parliamentary rule is stated by Jefferson in his Manual, as follows:

"When a Member desires to bring in a bill on any subject, he states to the House in general terms the causes for doing it, and concludes by moving for leave to bring in a bill, entitled," etc. (Jefferson's Manual, sec. 23, p. 163, Manual and Digest, 60th Cong., 2d sess.)

With the aid of Hind's Precedents, it has been possible to trace readily the evolution in the practice of the House in relation to the introduction of petitions, memorials, bills, and resolutions. The first rule in reference to petitions and memorials was adopted by the House April 7, 1789, and was as follows:

"Petitions, memorials, and other papers addressed to the House shall be presented through the Speaker or by a Member in his place, and shall not be debated or decided on the day of their being first read, unless where the House shall direct otherwise; but shall lie upon the table to be taken up in the order they were read." (Hind's Precedents, Vol. IV, p. 263.)

The rule as to the presentation of bills was as follows:

"Every bill shall be introduced by motion for leave or by an order of the House on the report of the committee; and in either case a committee to prepare the same shall be appointed. In cases of a general nature one day's notice, at least, shall be given of the motion to bring in a bill, and every such motion may be committed." (Hind's Precedents, Vol. IV, p. 283.)

As early as 1803 the reading of memorials and petitions took considerable time, and in course of time became extremely burdensome.

In 1842, on motion of Mr. John Quincy Adams, the following rule was adopted:

"That Members having petitions and memorials to present be permitted to hand them to the Clerk, indorsing the same with their names and the reference or disposition to be made thereof, and that such petitions and memorials be entered on the Journal, subject to the control and direction of the Speaker, and if any petition or memorial be so handed in which, in the judgment of the Speaker, is excluded by the rules that the same be returned to the Member from which it was received."

In 1874, on the report Mr. Samuel J. Randall, from the Committee on Rules, a provision was adopted requiring the reporters of debates to furnish for publication a list of memorials, petitions, and other papers, with their reference, each day presented under the rule.

Section 1 of the present Rule XXII is substantially the rule of 1842 with the provision adopted in 1874, and in addition the words "bills of a private nature."

About the year 1870 bills for the establishment of post routes had become exceedingly numerous. The time taken in their presentation was so great that the following rule was adopted:

"But the Speaker shall not entertain a motion for leave to introduce a bill or joint resolution for the establishment or change of post routes, and all propositions relating thereto shall be referred, under the rule, like petitions and other papers, to the appropriate committee."

This was the first time that a rule was adopted which permitted the introduction of bills or resolutions without personal recognition and by motion.

In 1879 bills for the improvement of rivers and harbors were placed in the same category as post-route bills and were required to be presented and referred as were petitions and memorials.

The most comprehensive revision of the rules was made in 1880. The provisions already mentioned as having been adopted as to bills for post routes and the improvement of rivers and harbors were included at that time as section 5 of the then Rule XXI, which related to bills. Section 1 of Rule XXII was adopted practically as it is at present, except that the words in the first clause "or bills of a private nature" were not included.

In December, 1887, Mr. Randall reported the provisions requiring the filing of all private bills at the box at the desk, instead of presenting them in the open House on the call of States and Territories on Mondays, which was then the day and method for presenting bills. He explained that the effect of the change would be to permit the presentation of private bills on any day instead of confining their introduction to Monday.

In the revision in the Fifty-first Congress, in 1891, the result of which is commonly referred to as the "Reed Rules," the rule for the call of States and Territories in their alphabetical order for the presentation of bills was dropped. Rule XXII as it is at present was framed, and practically all bills, resolutions, petitions, and memorials were required to be presented in the same manner—by placing them in the basket, or, as the rule provides, by delivering them either to the Speaker or the Clerk, according to their character.

The rule is substantially as it has been for many years as to petitions and memorials, and section 3 was designed to include all bills and papers which prior to its adoption had been presented on the call of States and Territories, but which thenceforth were to be presented without the formality of recognition.

The present practice is the result of a gradual evolution, the result of imperative demands for time for more important matters than the merely formal presentation of bills. With 396 Representatives and Delegates introducing in one Congress more than 25,000 bills, it is apparent that unless some rule similar to the one now in force was devised that the time occupied in presenting bills would be a burden which could not long be tolerated.

While the rule itself does not in express terms prohibit the attaching of the name of more than one Member to a bill or resolution when

it is delivered to the Clerk or to the Speaker, as the case may be, for reference, attention is called to the second clause, requiring that under certain conditions the bill "shall be returned to the Member from whom it was received." The House, however, in the conduct of its business is not controlled, nor is the business conducted, merely in accordance with the express rules of the House. There are many situations not specifically covered by the written rules which are nevertheless regulated definitely by the procedure which has come down from time immemorial and which procedure is essential to the orderly conduct of the business of the House.

Rule XLIV, which was first adopted in 1837, provides that "the rules of parliamentary practice in Jefferson's Manual shall govern the House in all cases to which they are applicable and in which they are not inconsistent with the standing rules and orders of the House and joint rules of the Senate and House of Representatives."

A casual examination of Rule XXII does not disclose any inhibition against the attachment of more than a single name to a bill or resolution. Examined in the light of the evolution of the rules and practice relating to the presentation of bills, however, and bearing in mind the purpose sought to be accomplished by the changes made from time to time resulting finally in the introduction of all bills without the formality of recognition, it seems clear to the committee that the underlying principle of individual recognition still prevails and that the presentation of a bill involves such recognition.

A careful search has been made to ascertain whether the question referred to the committee had ever been raised and determined. No record of such a decision has been found.

The committee has had called to its attention the action of Mr. Thomas B. Reed when Speaker, in a matter involving the same question to be determined by this committee.

Mr. JOHN SHARP WILLIAMS, of Mississippi, informed the committee that he had received a memorial from the legislature of Mississippi while Mr. Reed was Speaker. There were attached to the memorial the names of all of the Representatives from that State, and Mr. WILLIAMS placed it in the basket at the Clerk's desk. In the Record the day following, the memorial was reported as having been presented by Mr. WILLIAMS alone. Upon inquiry, he was informed that the Speaker, Mr. Reed, had stricken all other names from the memorial, and he later informed Mr. WILLIAMS that he had done so since, under the rules, it was impossible for more than one Member to present a memorial.

Had this decision been made in such manner as to have been preserved in the records of the House, it would undoubtedly have been regarded as controlling forever.

A search of the files of the document room discloses that at least 10 bills and resolutions have been presented with the name of more than one Member attached thereto.

Some of these bills were presented in the Fifty-ninth Congress, the others during this Congress. The search could not possibly be complete in its results, since no record is kept of bills so introduced, and it is necessary to rely largely upon the recollection of the employees in the document room.

The information obtained indicated that while the practice has not been so prevalent and long continued as to justify the assertion that it has become a custom and part of the unwritten regulations controlling the procedure and business of the House, it has undoubtedly been sufficiently indulged to vindicate those who, in the absence of a controlling ruling or some action by the House, contend for the practice.

Possible abuses from the continuance of the practice are not discussed, since the committee is unanimously of the opinion that under the true and proper construction of the rule the attaching of the name of more than one member to a bill or resolution is unauthorized.

JOHN J. FITZGERALD,  
MARLIN E. OLMSTED,  
FRANK D. CURRIER,  
CHARLES E. TOWNSEND,  
SWAGAR SHERLEY.

Mr. FITZGERALD. Mr. Speaker, I move that the committee be discharged from further consideration of the subject.

Mr. MANN. Will the gentleman yield?

Mr. FITZGERALD. Certainly.

Mr. MANN. This is a unanimous report?

Mr. FITZGERALD. This is a unanimous report. Perhaps I might state, by permission of the Speaker, as it may be of interest to the House to know, that three members of the committee have at one time or another joined with other members in attaching their names to bills. After investigation of the matter, the committee concluded, as the report shows, that under a proper construction of the rules such practice was not authorized.

Mr. MANN. If the House should adopt the report, of course that would have no effect on any proposition that has already been submitted?

Mr. FITZGERALD. None whatever.

Mr. MANN. Then why does not the gentleman move to adopt the report and discharge the committee?

Mr. FITZGERALD. Mr. Speaker, at the suggestion of the gentleman from Illinois, I shall modify my motion, that the report be adopted and the committee be discharged.

Mr. SHACKLEFORD. I would like to ask the gentleman what useful purpose can be served by bringing in this report at the last hour of the session, when there is not a chance to discuss it? Is not the resolution introduced here precisely like what often happens in a court, where a particular plea can not be filed except when consent of the court is given? There may be three or four or more men sign a plea as counsel, but only one man can stand in the place and ask permission to file the plea. It can not be filed without leave of court. Does the gentleman from New York insist that the plea must be stricken from the files because more names are signed to it than that of

the man who asked permission to file it? Is there any difference between that and this?

Mr. FITZGERALD. I think the usages and practice controlling parliamentary bodies is so peculiar to the bodies themselves that there can be no fair contrast with what might be proper in a court.

Mr. SHACKLEFORD. I ask the gentleman what useful purpose is to be gained by waiting until the last days of the session, when we are about to inaugurate a President, to bring up a resolution, without any opportunity for fair discussion?

Mr. FITZGERALD. The committee was directed to make the report. Since the committee was appointed until this week I have been engaged day and night in work of the Committee on Appropriations in preparing and considering the sundry civil appropriation bill, as has also one other of the members of the committee.

It has been utterly impossible to bring a report in earlier. Since the report is unanimous, and since three members of the committee have been among those who have believed that the practice of attaching more than one name was authorized, after investigation have come to the conclusions stated in the report, it seems to me that since no attempt is made in any way to interfere with any bill or resolution which has been introduced in that way prior to this time, there can not be any objection to the adoption of this report, but that it will be conducive to proper procedure in the House to adopt it at this time.

Mr. UNDERWOOD. In other words, if the gentleman will allow me, the result of the report is not to reflect upon the past procedure of the House, but merely to make a precedent for the House in the future?

Mr. FITZGERALD. That is so.

Mr. SHACKLEFORD. If this report is correct, are not the other bills where two or more names have been attached invalid, and ought they not to be stricken from the files?

Mr. FITZGERALD. No; not unless the House takes some action. Nobody has suggested that any action should be taken in regard to any bill or resolution heretofore introduced. It seemed to the committee that it might be desirable if the practice be unauthorized to have it declared so, and it has been done in a manner that anybody reading the report would say that without such an investigation as has been made there was some justification for the belief that the practice was justifiable.

Mr. MANN. Would not the adoption of the report simply mean to say that in the opinion of the House, without striking anything from the files, without in any way reflecting upon any Member who has signed reports of that character, in the future it would be the desire of the House that only one Member introduce memorials?

Mr. MURDOCK. Did the committee find whether any action similar to the action now taken by this committee had been taken in previous Congresses?

Mr. FITZGERALD. There is no record of any case, and the only case like it is that one called to the attention of the committee as pointed out in the report of the committee by the gentleman from Mississippi [Mr. WILLIAMS] when he presented a memorial from the State of Mississippi, to which he attached the names of all of the members of the Mississippi delegation, and Mr. Speaker Reed struck from that memorial all of the names excepting the name of Mr. WILLIAMS, which appeared first on the memorial, and informed him that under the rules and practices of the House it was impossible for more than one Member to present a memorial; and, as the committee states, if that decision had been made in a manner in which it had been preserved in the records of the House, nobody would have ever questioned it, and it would have been controlling since that time.

Mr. SHACKLEFORD. But was it made in that manner so that it could be stated as a precedent?

Mr. FITZGERALD. It was not.

Mr. SHACKLEFORD. Then it is not a precedent.

Mr. OLMSTED. Will the gentleman yield?

Mr. FITZGERALD. I yield to the gentleman.

Mr. OLMSTED. Mr. Speaker, I merely wish to say that this does not change the rules of the House in any way. This report, if adopted, will merely express the opinion of the House as to what is the proper practice under the present rules of the House. If it shall be the desire of the next House when it comes to adopt rules to so change the present rules as to permit two or more Members to join in offering one bill or resolution, well and good; but until that time it will know the adopted construction of the present rules. We found that in one case a committee had instructed two Members to make a report. They both put their names to it as offering it, and put it in the basket.

Now, suppose it had been a privileged report, could two people rise at one time and say, "We demand recognition to present a privileged report?"

Could a dozen Members be recognized to present one bill? Could a dozen rise and say, "We present a bill entitled so-and-so?" Such a proposition could not be considered for a moment. The placing of the bill in the basket simply takes the place of the personal recognition which was formerly the practice. This report simply expresses the opinion, without reflecting upon the integrity of any bill or resolution heretofore offered, that no more than one Member may present one bill or resolution. I may say that we found that even one member of the Committee on Rules had joined another Member of the House in presenting a bill. This report simply expresses an opinion as to the better practice to be observed in the future.

Mr. DAVIS. Will the gentleman yield?

Mr. OLMSTED. Yes.

Mr. DAVIS. Upon the theory that the gentleman has just advanced, and the case which of course this special committee was appointed to investigate—

Mr. OLMSTED. We were not appointed to investigate any special case.

Mr. DAVIS. Was not the committee appointed as a special committee to investigate the resolution that was introduced by the so-called "insurgents?"

Mr. OLMSTED. No; there was no reference made to any particular case in the resolution under which the committee was appointed.

Mr. MANN. There are a large number of these bills, I may say to the gentleman from Minnesota.

Mr. OLMSTED. We found 10 or more.

Mr. DAVIS. Take the case of the insurgent resolution that was introduced upon the idea the gentleman has just expressed, would it have been proper for the gentleman whose name is at the head of those signing that resolution to have presented it to the House?

Mr. OLMSTED. Undoubtedly.

Mr. DAVIS. And to have stated that he, on behalf of Messrs. So-and-so, mentioning seven or eight Members, presented the following resolution.

Mr. OLMSTED. I think he could present it if he were recognized.

Mr. DAVIS. Calling them by name?

Mr. OLMSTED. If he were recognized, he could present it, and he could say anything that he was permitted to say.

Mr. DAVIS. Would it be proper for him to say, "I, in behalf of John Smith and John Doe and others, present the following resolution?"

Mr. OLMSTED. If he could not say it on the floor, he could not say it in the basket.

Mr. DAVIS. Is not that the same system that the chairman of the committee adopts when he presents a report of a committee and says that on behalf of the committee he presents the following report?

Mr. OLMSTED. He says that he is directed by that committee to do it.

Mr. DAVIS. That shows that he is directed by a number of men to do it.

Mr. OLMSTED. Yes; by a committee.

Mr. DAVIS. Then this particular resolution would have been proper, and it would have been proper for one of the Members who introduced that resolution to have said, "I and certain others hereby introduce for consideration the following resolution, or place it in the basket."

Mr. HAMILTON of Michigan. But they were not a committee.

Mr. DAVIS. Neither was there a committee in this John Sharp Williams case.

Mr. OLMSTED. And that is why Speaker Reed struck the other names off.

Mr. FITZGERALD. The gentleman understands the principle underlying that, and the evolution shows it, that the presentation of a memorial which is dropped in the box is, in effect, a recognition, and it would be impossible for more than one man to be recognized to present a memorial. Only one man can present it.

Mr. DAVIS. What I was trying to get at is this: Would it be proper for one man, then, to say that on behalf of—naming 15 or 20 Members of the House—"I hereby present the following resolution for consideration?"

Mr. FITZGERALD. He does the same thing by dropping it in the basket. I do not think a gentleman could go on and say that on behalf of somebody besides himself he did something unless we adopt a procedure here that would eliminate completely individual initiative and responsibility. It is the indi-



vidual responsibility of the Member on the floor that must be considered.

Mr. DAVIS. But he does it by direction of a committee, say, of 16. Why can not he say that by direction of a committee of 15 or 20 members he does so and so?

Mr. RYAN. Does not the rule provide that a bill or memorial must be submitted by one Member alone?

Mr. FITZGERALD. Nothing specific.

The SPEAKER. What is the motion of the gentleman from New York?

Mr. FITZGERALD. Mr. Speaker, the report having been unanimous, and not thinking there would be any contention, I moved that the report be adopted and the committee be discharged.

Mr. GARDNER of Massachusetts. Mr. Speaker, will the gentleman from New York yield me a little time before he moves the previous question upon the adoption of the report?

Mr. FITZGERALD. How much time does the gentleman desire—five minutes?

Mr. GARDNER of Massachusetts. Yes.

Mr. FITZGERALD. Well, I yield the gentleman from Massachusetts five minutes.

Mr. GARDNER of Massachusetts. Mr. Speaker, I do not think it makes any difference whether you adopt this rule or not. Nobody cares whether one man introduces a resolution or whether 29 men introduce a resolution, but I understand the gentleman brings it up as a privileged matter. Am I correct?

Mr. FITZGERALD. The committee was directed to report.

Mr. GARDNER of Massachusetts. At no particular time; it was a privileged resolution.

Mr. FITZGERALD. If it was not reported to-day or to-morrow, I suggest to the gentleman, it could never be reported.

Mr. GARDNER of Massachusetts. In all events it comes in here, if it comes at all, as a privileged matter, and when it came up originally it was a privileged matter. And that means, Mr. Speaker, that the gentleman from New York has discovered a new way, besides an appeal, of reviewing the action of the Speaker.

If his report means anything, it means that the Speaker transcended his power when he referred that bill to any committee at all, because if it was not properly introduced the Speaker could not have referred it to a committee, and I am delighted to find that it is now a privileged matter to ascertain whether or not the Speaker's action has been correct, because in the future as a privileged matter, when the Speaker makes a rule, for instance, as he did in the case of the gentleman from Tennessee [Mr. GAINES] when he brought in the Lilley resolution, that the control of the floor passed to the gentleman from New York [Mr. PAYNE], those of us who did not think so have now the means of bringing before this House as a privileged question a resolution in order to see whether his decision was correct or whether it was not correct.

Not only that case, but when the gentleman from New York [Mr. FITZGERALD] raised the point of order that the control of the floor passed from Mr. BENNET of New York to Mr. SABATH of Illinois and the Speaker ruled otherwise, those of us who disagreed in that decision now find that whether one gentleman or another chooses to appeal or not we have the means we did not have before of reviewing a decision of the Speaker, and for that reason I do not care two shakes of a cat's tail whether the resolution of the gentleman goes through or not. I am very glad to learn that it is a matter of privilege to review the action of the Speaker. [Applause and cries of "Vote!"]

Mr. OLLIE M. JAMES. Mr. Speaker, I would like to ask the gentleman from New York [Mr. FITZGERALD] a question.

Mr. HEPBURN. Mr. Speaker, will the gentleman yield to me for a moment for a question?

Mr. FITZGERALD. Yes.

Mr. HEPBURN. I would like to ask the gentleman if there is any question in his mind as to the right of the 29 gentlemen introducing that resolution each in his turn to have introduced the same resolution?

Mr. FITZGERALD. If the gentleman will permit me to say, first, I have no ulterior designs against the particular 29 gentlemen.

Mr. HEPBURN. It was the action back of the 29 gentlemen that inspired the gentleman from New York to action, however.

Mr. FITZGERALD. Not particularly their action, but the number of names by the appearance in the Record did attract my attention.

Mr. HEPBURN. Will the gentleman answer my question?

Mr. FITZGERALD. I said I knew of no—

Mr. HEPBURN. No rule that would prohibit it?

Mr. FITZGERALD. None whatever.

Mr. HEPBURN. And that course might have been pursued; and the gentleman reports now, as I understand, that it would be the better practice that 29 gentlemen each for himself should have introduced this bill and required the printing of it, and left the record to be made with regard to each one of them, and that that would be the better practice, rather than the 29 uniting in one in order to save the extraordinary printing of 28 of these bills?

Mr. FITZGERALD. I doubt if the gentleman from Iowa [Mr. HEPBURN], by the most careful examination of the report, will find anything that will justify his conclusions as to the position he ascribes to me. [Cries of "Vote!"]

The SPEAKER. The question is on the adoption of the report and the discharge of the committee.

The question was taken, and the motion was agreed to.

#### CODIFICATION OF THE LAWS.

Mr. MOON of Pennsylvania. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate joint resolution 140, and have it considered at this time.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Senate joint resolution (No. 140) to create a joint committee to consider the revision and codification of the laws of the United States.

*Resolved, etc.*, That a special joint committee be appointed, consisting of five Senators, to be appointed by the Vice-President from Members of the Sixty-first Congress, and five Members of the House of Representatives, to be appointed by the Speaker from the Members of the Sixty-first Congress, to examine, consider, and submit to Congress recommendations upon the revision and codification of laws reported by the statutory revision commission heretofore authorized to revise and codify the laws of the United States, including all laws of a general nature, permanent in character, passed since the submission to Congress on December 15, 1906, of the final report of said commission; and that the said joint committee be authorized to sit during the recess of Congress and to employ necessary assistants, to order such printing and binding done as may be required in the transaction of its business, and to incur such expense as may be deemed necessary; all such expense to be paid in equal proportions from the contingent funds of the Senate and House of Representatives.

The SPEAKER. Is there objection?

There was no objection.

The resolution was ordered to be read a third time, was read the third time, and passed.

#### TREATY BETWEEN UNITED STATES AND RUSSIA.

The SPEAKER laid before the House the House joint resolution No. 235, concerning and relating to the treaty between the United States and Russia, with a Senate amendment.

The Senate amendment was read.

Mr. SABATH. Mr. Speaker, I move that the House concur in the Senate amendment.

The amendment was agreed to.

#### REPRESENTATIVE JAMES S. SHERMAN.

Mr. FOSTER of Vermont. Mr. Speaker, it seldom happens in the history of the House of Representatives that we furnish to the republic a Vice-President. We shall do that to-morrow noon when the Hon. JAMES SCHOOLCRAFT SHERMAN takes the oath of office. [Loud applause.]

I am sure, Mr. Speaker, that I voice the sentiment of the entire membership of the House when I say that we regret Mr. SHERMAN's leaving us. Nevertheless, our loss is the Nation's gain. And I am sure also, Mr. Speaker, that I speak in behalf of the entire membership of the House when I say that Mr. SHERMAN will carry with him to his new office the respect, the friendship, and the best wishes of the House of Representatives. [Loud applause.]

Mr. Speaker, it sometimes occurs to some of us that with that intuitive mind of yours you occasionally recognize a Member before he asks for recognition. Again, Mr. Speaker, I believe that I speak the sentiment of the entire membership of the House when I respectfully ask you just now to recognize the gentleman from New York [Mr. SHERMAN]. [Loud and long-continued applause.]

The SPEAKER. The gentleman from New York [Mr. SHERMAN] is recognized. [Loud applause.]

Mr. SHERMAN. Mr. Speaker, were it not for the particularly auspicious occasion, so far as I am concerned I should hesitate to emphasize the arbitrary right which the gentleman from Vermont suggests that the Chair has. But, Mr. Speaker, I do value the privilege of occupying the floor for just a moment or two in response to the thought which the gentleman from Vermont has brought to my mind.

It is twenty-one years, Mr. Speaker, last December since I entered the House of Representatives in the Fiftieth Congress. I have served here since then continuously, save only for one term, and that intermission was occasioned by my acceptance of an invitation differing from that ordinarily given me by a considerate constituency, to remain at home and become better

acquainted with that constituency during that period of two years. [Laughter.]

In the Fiftieth Congress, Mr. Speaker, there sat but five men who are to-day Members of Congress—your honored self; the gentleman from Pennsylvania, Mr. BINGHAM; the gentleman from Pennsylvania, Mr. DALZELL; the gentleman from New York, Mr. COCKRAN, and myself. It is true that both Colonel HEPBURN and Mr. PAYNE rank me in service, because they had sat in a prior Congress but were not Members of the Fiftieth Congress. There have been wonderful changes in the House of Representatives in those twenty-one years. In the first place, the House to-day has a membership of more than 60 greater than it had at that time—a membership greater by almost the number that were originally provided by the Constitution for the First Congress, which was, as I recollect it, 65. Then we had a membership of 332; now of 391.

I can almost see, Mr. Speaker, fling by me in my memory some of the great men of that period. I can see over yonder Samuel J. Randall, of Pennsylvania [applause]; strong, able, fearless, a concise debater, a splendid presiding officer, fair in debate, considerate in his antagonisms, mindful for his country, standing here, day after day, performing the work that an honest conscientious guardian of the Nation's interests should perform.

I remember, sir, that at that time there sat in the chair which you now occupy that great citizen of Kentucky, since elevated to the Senate, then to the Treasury portfolio, a man who in every decision in that chair meted exact justice to both sides of this House. [Loud applause.]

Mr. Speaker, I think I but speak the plain truth when I say that from John G. Carlisle until now, to the present Speaker, through Crisp, and Reed, and Henderson, and yourself, through all, no man on either side of this House has the right to claim that he has ever received from any Speaker other than his just deserts, other than fair treatment. [Loud applause.]

I can almost see, sir, sitting in the seat which is now mine, the first seat on this side, little Charley O'Neill, as we called him; concise, prim, considerate, courteous, gallant to a degree; always at his post of duty performing his share of legislation.

I can see back here "Pig Iron Kelley," as he was called, William D. Kelley, with his erect form, notwithstanding his three and seventy years of life, with his sonorous voice resounding through this Hall, always voicing the sentiment of his State and his party in favor of that great economic principle which I have always believed is the mainstay of the Republican party.

I can see over yonder Breckinridge the greater, and Breckinridge the lesser, the Breckinridge from whose lips there came like ripples of water liquid eloquence, whose equal there never was in this House or in any other body, William C. P. Breckinridge. [Loud applause.] He was a natural-born orator.

Right over here sat that other man from Massachusetts, the impassioned orator without equal in any legislative body, John D. Long. [Applause.] Up the middle aisle sat he, a leader who was elevated to the highest gift in the American Republic—aye, the highest gift, I believe, in the hands of any electorate in the world—William McKinley, of Ohio. [Great applause.] William McKinley, beloved by the Members on both sides of this Chamber; beloved by the people of this country; who served the people on battlefield, in forum, and executive chair, ably, faithfully, and well; and who with an appeal to the Almighty to forgive his slayer when he fell by the hand of an assassin, passed over to the great beyond. And standing by him in the aisle was the ponderous and powerful, calm and forceful, not eloquent always, ready always, fair always, able, a leader of men born was he, Thomas B. Reed, of the State of Maine. [Loud applause.]

All these men, Mr. Speaker, save Mr. Carlisle, have gone to their reward. Others, Mr. Speaker, some you and I have known and respected, have admired, for whom there has grown up even our strong affection, are still here.

I came to the House the youngest Member; I go out not the oldest, but among the oldest, Mr. Speaker, and I can not think of going out without more than a tinge of sadness. It has been a delightful service in this House. A wonderful period during which we have served. We have grown in population, in wealth, in enterprise; we have extended our territory. Indeed, we have become, Mr. Speaker, within those twenty years a world power and recognized as such.

The strength of our navy has been recently demonstrated, and in its globe-encircling voyage that navy has been the admiration of the world. [Applause.] It was at the beginning of my service here that the American Navy first began its progress toward its present wonderful development, under the recommendation of William C. Whitney, of the State of New York. [Applause.]

But, Mr. Speaker, I did not mean to encroach upon the time of the House to this extent. I did wish to say that I look back upon my service here with delight. For you gentlemen who are now in the Chamber, and for scores upon scores of others who have done their duty and who have passed on, some to the great beyond and some to perform duties in private life, I have formed for many of these a warm and a close affection. For many of those into whose faces I now look I have more than a personal regard, an affection which borders on love.

Mr. Speaker, there can never be for a boy anything like the early friendships. There never can be for me anything which quite measures up to the delight and the satisfaction of my service in the Congress of the United States. [Applause.] As I think of going out, there comes to my mind the words which many of you remember—

Love goes from love,  
Like schoolboy to his books—

And I guess there are none of us so old but that we remember, when the skating was good or the baseball game was on, with what reluctance we went to our books. And that is my feeling to-night, Mr. Speaker. I go from this body with reluctance. I sever my official connection with you all with the utmost regret.

I carry with me, for a little time of service in the other end of this Capitol, and then to private life, the keenest remembrance of the kindly consideration that I have always received from both sides of the House. That of this side I always felt as though perhaps I was somewhat entitled to. Over there it did not seem quite as though I had the right to expect the generous treatment, gentlemen of the Democracy, that I have always received at your hands. [Applause.] And I take delight to-night in giving public expression to it.

All this memory will be with me while life lasts; and I trust, gentlemen, that the friendship will not be all upon one side. I hope I will live, for a little time at least, in the minds and the hearts of many of you. I shall not stay constantly over at the other end of the Capitol, boys. [Applause.] I am coming over to mingle with you now and again. Of course I shall find some associates over there. Why, Mr. Speaker, more than one-third of the United States Senate to-day is made up of men who have served with me in this House during the last twenty years. [Applause.] Thirty-two of the 90 United States Senators have had their schooling in this House.

Therefore, Mr. Speaker, that body can be properly looked upon as a very great, if not the greatest legislative body in the world. [Applause and laughter.] It, perhaps, may be looked upon as a college, for which a very considerable minority were prepared in this Chamber.

Gentlemen, please take with you to your homes my assurances of respect, of esteem, of regard; respect and esteem and regard for men who, it seems to me, time and again have shown their patriotic devotion to their country, who have shown their desire to do that which is right. And, Mr. Speaker, I say, what some other gentleman said in debate here to-night, that during all these years I have not found a man on either side of the Chamber whose actions I believed were impelled by any improper or impure motive. [Applause.] We have differed, to be sure, differed at times diametrically. Our antagonisms at times have been keen, our contests sharp.

But, Mr. Speaker, victor and vanquished have always been ready to accord to the other side the honesty of their beliefs, the sincerity of their purposes, the patriotism of their acts.

Take with you, gentlemen, to your homes my regard, my esteem, my affection; and I hope that after the morrow, when the excitement of that day has passed, you will in the greatest comfort possible under the congested conditions reach your homes in safety; and I sincerely hope each of you will find all your loved ones waiting for you there, happy and contented, and that peace, prosperity, and plenty and length of days may abide with you, one and all. [Prolonged applause.]

#### PERSONAL PRIVILEGE.

Mr. WALDO. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. WALDO. Mr. Speaker, on February 20, 1908, at the request of Hon. Lorrin Andrews, late attorney-general of Hawaii, and who represented the American lawyers and other American citizens, residents of Shanghai, China, I presented to the House articles of impeachment against Lebbeus R. Wilfley, judge of the United States court for China.

These articles charged judicial outrages and gross abuse of power which, in my judgment, showed Judge Wilfley to be utterly unfit to hold judicial office.



The President, without any investigation of the facts, except to hear Judge Wilfley and his friends, sent to the subcommittee of the Judiciary Committee, which was then investigating the facts, a copy of a letter from himself to Secretary Root, in which the President used this language:

I have received and read your report of February 29 upon the charges submitted by Lorrin Andrews, under date of November 19, 1907, against Judge Wilfley; it appearing from your report that Congressman WALDO stands sponsor for the charges.

And concluded letter as follows:

It is not too much to say that this assault on Judge Wilfley in the interest of the vicious and criminal classes is a public scandal.

This was evidently an intentional reflection upon the uprightness of my motives and conduct and an invasion of my privileges as a Member of this House.

Judge Wilfley was charged with disbaring as unfit and unqualified, without hearing and in defiance of law, all the American lawyers whom he found practicing in Shanghai when he came there; of holding a sham and fraudulent examination, which he asserted the leaders of the bar did not pass, while only two lawyers did, members of a partnership in which the one member was disqualified to try cases by age and infirmities, the other by youth and inexperience.

Several of those held unfit and not qualified were then and are to-day members in good standing of the bar of the Supreme Court of the United States, lawyers of high standing and ability and of the best character and reputation.

Judge Wilfley was charged with convicting American citizens of crimes in defiance of law and evidence and then refusing bail pending appeal from his outrageous decisions and even attempting to evade the order of the circuit court of appeals directing him to admit to bail.

Judge Wilfley was charged with appointing receivers, stripping American citizens of their property and business without an opportunity to obtain counsel or to present evidence, while at the same time he protected fraudulent lottery and gambling schemes conducted by his friends.

Judge Wilfley appeared before the committee of this House, cross-examined in person, and made a statement or speech of an hour and a half, not under oath, in which he admitted practically every charge against him except the lottery charge, which was proved by his own letter in evidence, his only defense being that he acted with good motives, and that the Americans in Shanghai were very corrupt and disreputable.

The subcommittee reported, although the acts complained of were in the nature of tyranny or judicial outrage showing unfitness for judicial office, they were not, each considered by itself, impeachable offenses, but nevertheless closed its report with these grave reflections:

It is obviously true that an aggregation of entirely legal acts may develop into a system of tyranny and oppression; and that an inequitable exercise of judicial discretion may convert the machinery of justice into an engine of despotic and autocratic power. This may be accomplished without the taint of individual corruption and with a laudable purpose of purifying a community and of inaugurating civic reform.

Terror to evil doers if purchased at the price of judicial fairness and overstrained legal authority is achieved at too great an expense, for it defeats its own high aim and warps the very fabric of the law itself.

The temptation of an honest judge to—

"Bend once the law to his authority  
To do a great right—do a little wrong—"

is fraught with such danger to our whole system of remedial justice that it merits the condemnation of every legal mind.

Such acts of legal oppression and of abuse of judicial discretion lie at the base of these charges. They are made before the House of Representatives in the form prescribed by law and custom, and are presented as a question of high privilege upon the solemn responsibility of a Member of the House. Charges so presented against this court have a peculiar and dangerous significance. In this case they are dismissed as falling short of impeachable offenses, by what we believe to be sound principles of legal construction, and Judge Wilfley is therefore denied any opportunity of defense. He can file no answer, make no denial, nor explain to the House the legality or necessity for his action.

These charges therefore stand uncontroverted, and if Judge Wilfley's judicial acts in the future are marked by the rigorous and inflexible harshness imputed to him they will hang as a portentous cloud over this new court, impairing his usefulness, impeding the administration of justice, and challenging the integrity of American institutions.

It was never my contention that any one of the judicial outrages committed by Judge Wilfley upon the American lawyers and residents of Shanghai was in itself sufficient to warrant his impeachment. I did and do now assert that the continued defiance of law and the rules of justice and equity by Judge Wilfley, and his continuous series of judicial outrages upon the rights of American citizens, show him to be utterly unfit to hold judicial office.

Such judicial outrages, even if committed, as Judge Wilfley claims, "with good intention," are, in my opinion, "high crimes and misdemeanors" under the Constitution and grounds for

impeachment. If it were not so, the people of a community would be, as the Americans of Shanghai were, the helpless prey of an unscrupulous judicial tyrant.

This report of the subcommittee was accepted by the Judiciary Committee and a resolution adopted recommending that no further action be taken by the House.

Members of the Judiciary Committee, and Members of the House, who had used every honorable means to protect Judge Wilfley from the result of his high-handed and unjust treatment of American citizens in Shanghai, told Judge Wilfley that he had barely escaped impeachment, and warned him that on his return to China he must alter his judicial methods and conduct and in the future temper his judgments with some consideration of justice and equity.

This Judge Wilfley failed to do, but on his return to China was even more disregarding of all law and rules of equity and justice.

Mr. MANN. Will the gentleman yield?

Mr. WALDO. I had rather finish, and then I will yield.

Mr. MANN. Then, I make the point of order that the gentleman is not stating a question of personal privilege.

Mr. WALDO. I submit to the Chair that if there is any question of personal privilege this is one.

Mr. MANN. I was going to ask the gentleman if he himself thought it was a question of personal privilege.

Mr. WALDO. I do.

Mr. MANN. I have listened very attentively, and I do not think the gentleman has yet stated a question of personal privilege.

Mr. WALDO. This is an attack on a Member of the House.

Mr. MANN. I think it is an attack on some one who is not a Member of the House.

Mr. WALDO. Not at all; I have not related the charge in detail. I have gone over it in a concise way, simply calling the attention of the country to the fact that I had been charged with having committed an act of public scandal as a Member of this House. I think I am in order.

Mr. CLAYTON. Mr. Speaker, I rise to a point of order that the gentleman presents no question of personal privilege. I have listened carefully to what he has said, and it seems to me the whole effort is to kick a judge now out of office and to kick a President who goes out to-morrow. [Laughter.]

Mr. WALDO. I have no such intention, and I think the gentleman will fail to find any such intention in anything that I have said.

The SPEAKER. May the Chair suggest to the gentleman that he ask unanimous consent to print his statement?

Mr. WALDO. I shall only take about six minutes more.

The SPEAKER. The Chair does not like to rule on a question of privilege.

Mr. CLAYTON. I have no objection to the gentleman taking six minutes more if he wants to hasten the outgoing Republican President.

Mr. WALDO. I would suggest to the gentleman that I should have been through by this time if I had not been interrupted.

Mr. PAYNE. That is not the question at all. If I understand the gentleman, what he proposes to say now is on a line with what he has been saying. As I understand, Judge Wilfley has retired to private life. The matter was investigated by the Judiciary Committee and the contention of my colleague was not founded on fact. I object to cumbering the Record now with any more charges against Judge Wilfley.

Mr. MILLER. I would like to suggest to the gentleman from New York that Judge Wilfley has been fired from public life into private life, and very justly as I think.

Mr. PAYNE. Well, there are two attacking a man who can not protect himself in this body. I object to any further statements in this line.

Mr. MANN. I will not insist on the point of order.

The SPEAKER. But the gentleman from New York makes the point of order.

Mr. MANN. If the gentleman from New York is going to talk very long, I will.

Mr. WALDO. I should have been through twice over if I had not been interrupted. I ask unanimous consent of the House that I may proceed, although it seems to me that it is not necessary to ask unanimous consent.

Mr. KIMBALL. I object.

The SPEAKER. Does the gentleman from New York ask unanimous consent to print the remainder of his statement?

Mr. WALDO. I will, if the Chair rules that it is not a question of personal privilege.

The SPEAKER. The gentleman from New York asks unanimous consent to print the balance of his statement. Is there objection? [After a pause.] The Chair hears none.

The balance of the statement is as follows:

In the case of Captain Price, the United States circuit court of appeals in California had reversed the judgment of conviction of assault with a deadly weapon and sent the case back for a new trial, stating that in case Captain Price was not acting in self-defense his action, at the most, would constitute only a simple assault.

On the second trial before Judge Wilfley, shortly after his return to Shanghai, the complaining witness failed to appear. Judge Wilfley, in defiance of the law of all civilized countries, ordered the stenographer's minutes of the witnesses' testimony at the first trial read as evidence on the second trial. The Chinaman who had corroborated the testimony of the complaining witness on the first trial that the complaining witness had not in the first instance assaulted Captain Price with a carving knife now testified that this was false; that the complaining witness had first assaulted Captain Price with a carving knife; and that he had testified falsely on the first trial because the complaining witness had paid him to do so and because of the threats of District Attorney Bassett.

On this kind of evidence Judge Wilfley convicted Captain Price of assault a second time and sentenced him to prison for three months at hard labor. A second time Judge Wilfley refused to admit Captain Price to bail; a second time Captain Price's lawyer was obliged to go all the way to San Francisco, Cal., to apply for a mandamus; and a second time the circuit court of appeals ordered Judge Wilfley to admit Captain Price to bail.

Judge Wilfley next attempted to get Captain Price's book-keeper and cashier in his large restaurant and casino business deported in defiance of law. Because the United States consul-general refused to commit this gross outrage against an American citizen, Judge Wilfley made false and scandalous charges against the consul-general, asserting that he was now standing in with the disreputable element in Shanghai; more than that, Judge Wilfley has, since his return to America, been repeating these false and scandalous charges to anyone who would listen to him.

Since these last scandalous judicial and nonjudicial outrages upon the Americans of Shanghai Judge Wilfley has been permitted by cable to resign.

He attempted to get from the people of Shanghai a protest to the President against his recall, and at the same time announced in the public press that his resignation was entirely voluntary.

Such action as I took in this case was taken after long deliberation and with a consideration of the consequences of the President's custom of acting on impulse without consideration or knowledge of facts. I knew well the President's inability to confess a wrong done a friend in haste and ignorance.

Although time has shown that I was right and the President was wrong, I never expect him to admit it or to do me such partial justice as is now possible.

I can only rely upon the approval of sober-minded men, my friends and countrymen within this House and without—to whom the final event will now show the uprightness of my motives and the necessity of my action for the protection of defenseless Americans in a far land, at any cost to myself.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, 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. 28245) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 3952) to restore to the active list of the United States Marine Corps the name of Robert Morgan Gilson.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 25980. An act for the relief of Sarah J. Fowler.

#### INTERNATIONAL EXHIBITION, BRUSSELS.

Mr. COUSINS. Mr. Speaker, I move to suspend the rules, discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (H. R. 27818) providing for participation in the Universal and International Exhibition to be held at Brussels in 1910, and to pass the bill, which bill I send to the desk and ask to have read.

The Clerk read as follows:

*Be it enacted, etc.,* That the President be, and he is hereby, authorized to accept the invitation extended by the Government of Belgium to the Government of the United States to participate in the Universal and International Exhibition to be held at Brussels from April to November, 1910.

In accepting said invitation it is hereby declared to be the purpose of the Government of the United States to participate in said Universal and International Exhibition at Brussels by erecting suitable buildings and making an appropriate exhibit of arts, industries, manufactures, and products of the soil and mines, and, as far as practicable, of the functions of the General Government of the United States, and an exhibit of such other articles as the President of the United States may direct: *Provided,* That such participation, buildings, exhibits, and all expenses connected therewith, including salaries, clerical and other services, and transportation of persons and exhibits shall not exceed \$300,000.

Toward the expenses herein authorized incident to the participation of the United States in the said exhibition there is hereby appropriated the sum of \$100,000, to be immediately available and to remain available until expended.

SEC. 2. That the President be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint one commissioner-general and six commissioners, one of whom shall be a Senator of the United States and one of whom shall be a Member of the House of Representatives. Said six commissioners shall serve without salary, but shall be paid \$2,000 in lieu of all personal and traveling expenses.

It shall be the duty of the commissioner-general, under the direction of the Secretary of State, immediately to take such steps as are necessary to ascertain the general plan and scope of the said Universal and International Exhibition at Brussels, and the extent and character of the exhibit that will best serve the interests of the United States and its citizens and will be best adapted to illustrate the growth and development of the country and the character of our people.

That as soon as practicable the said commissioners shall report fully to the President and the Secretary of State the result of such investigation, together with their recommendations and the estimated cost of such participation in the said exhibition within the foregoing authorization, and that it shall be the duty of the commissioner-general, under the direction of the Secretary of State, to construct such buildings as may be necessary, and to make all arrangements essential to participation, within the meaning and scope of this act.

That the said commissioner-general shall receive as compensation for his services the sum of \$8,000 per annum, together with his actual traveling expenses, including sleeping-car service and a per diem in lieu of subsistence of \$7 when actually traveling in the discharge of his duties.

That the President shall also appoint a secretary, at a compensation of \$6,000 per annum, together with his actual traveling expenses, including sleeping-car service and a per diem in lieu of subsistence of \$6 when actually traveling in the discharge of his duties as such secretary, who shall act as disbursing agent and who shall perform such duties as may be assigned to him from time to time by the commissioner-general, and who shall render his accounts at least quarterly to the proper accounting officers of the Treasury of the United States, and shall give bond in such sum as the Secretary of the Treasury may require. That the term of service of the commissioner-general and the secretary herein provided for shall not exceed two years. And the said commissioners, subject to the approval of the Secretary of State, shall appoint from time to time such clerical and other assistants as may be necessary and as may hereafter be necessary and as may hereafter be appropriated for in connection with the participation herein authorized.

SEC. 3. That upon the request of the Secretary of State the Secretary of War is hereby authorized to furnish free transportation on government transports from seaports on the Atlantic seaboard to Belgium and return of all government exhibits and for such officials or employees connected with the commission or in charge of any or all government exhibits.

The Secretary of Agriculture is hereby authorized to prepare suitable exhibits of agricultural and food products of the States and Territories of the United States, and shall exhibit the same under the direction and control of the commissioner-general.

All officers and employees of the executive departments and of the Fish Commission and of the Smithsonian Institution, in charge of or responsible for the safe-keeping of exhibits belonging to the United States, may permit such exhibits to pass out of their possession for the purpose of being transported to and from and exhibited at said exhibition as may be requested by the commissioner-general, whenever authorized to do so, respectively, by the heads of the departments and the Commissioner of Fisheries and the Secretary of the Smithsonian Institution; such exhibits and articles to be returned to the said respective departments to which they belong at the close of the exhibition.

The commissioner-general shall employ such number of experts as may be needed, having special attainments in regard to the subjects of the group or groups in said exhibition to which they may be assigned, respectively, and he may employ from time to time such other experts as he may deem necessary in the preparation and installation of such exhibits.

Mr. MANN. Mr. Speaker, I demand a second.

The SPEAKER. The gentleman from Illinois demands a second. Under the rule a second is ordered. The gentleman from Iowa is entitled to twenty minutes and the gentleman from Illinois to twenty minutes.

Mr. COUSINS. Mr. Speaker, I have not proposed this bill for the purpose of making a speech at this closing hour by any means. I shall speak but a very few moments in its behalf. It was reported from the Committee on Foreign Affairs by the gentleman from Rhode Island [Mr. CAPRON], who is at his home ill. It has seemed to me all the time, ever since the bill has been reported, that it should have at least respectful consideration, and I believe the unanimous support of every Member in this House and of the other House. It is the ordinary proposition for a universal exposition. It is a proposition which comes from the great Government of Belgium. It is to be their great international exposition in 1910.

That Government when we held our last exposition at St. Louis appropriated \$300,000; made her exhibits there one of the very best among the five great nations of the world. She is fifth to-day in the nations of the earth as to commerce and trade. She is one of the best customers that the United States



has, maybe because she has to be and maybe not. Our relations with that Government are the most cordial. It seems to me it would be very shortsighted if on the heels of our great St. Louis Exposition we did not recognize this invitation of this great neighbor of ours across the sea and reciprocate in like, as she did in the days when we were having our great exposition here. During the last five years we have participated in but one great international exposition in Europe, that of Paris. During that time the six foremost nations of the earth have participated in five expositions here in our country.

I wish to offer the proposition that we can do no less than recognize this invitation, that as a great nation, enjoying friendly and extensive commercial relations with Belgium, we can do no less than recognize her as she did us at St. Louis.

Mr. SULZER. Will the gentleman yield?

Mr. COUSINS. Yes.

Mr. SULZER. Mr. Speaker, I am very much in favor of this bill, and I sincerely hope it will pass. I would like to ask the gentleman when the exposition at Brussels will be held.

Mr. COUSINS. From April until November, 1910.

Mr. SULZER. Hence it is important to pass the bill at this session of Congress.

Mr. COUSINS. Unless it is passed now it can not be made practical.

Mr. TAWNEY. Is it not a fact that this Government appropriated \$300,000 to participate in the Louisiana Purchase Exposition?

Mr. COUSINS. That is very likely.

Mr. OLLIE M. JAMES. How much is it to cost the Government?

Mr. COUSINS. Not to exceed \$300,000, including everything. It seems to me that there is no argument needed in a case of this kind, when we come to consider that a nation that is fifth in the trade and commerce of the world, and who came to us at St. Louis a year or two ago appropriating \$300,000, representing all the vast industries that she has—agriculture, mining, and manufacturing—now asks us to participate in her exposition. We asked them to come. They accepted, and appropriated liberally. Now, they ask us to return. It surely would be shortsighted in us not to do it, laying aside the question of commerce, even as to the matter of amity. I reserve the balance of my time.

Mr. MANN. Mr. Speaker, I do not know that I have any objection to this bill. I think, on the contrary, that we ought to be represented at the Brussels Exposition. This bill, however, contains one of the most remarkable sections which ever has come before this House. Section 2 provides:

That the President be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint one commissioner-general and six commissioners, one of whom shall be a Senator of the United States and one of whom shall be a Member of the House of Representatives.

It seems to me a remarkable proposition that if the House of Representatives is to be represented among the commissioners-general, or among commissioners, that that Member shall be appointed by the President and confirmed by the Senate. Since when did we turn over all of our power to the Senate of the United States to select a Member from the House to act upon a commission? It is customary in these matters to let the Senate select its member of the commission, and to permit the House to select its member of the commission. But here is a proposition, originating I do not know where. The bill was never introduced into the House except as reported from the Committee on Foreign Affairs, and I give that committee the credit to say that I think that they never read the bill through, as it was evidently sent to them by some one outside of the legislative branch of the Government.

Certainly the Committee on Foreign Affairs would not presume to propose in this House that when you select a Member of the House to represent it you shall ask the Senate to make the selection. Now, the distinguished gentleman now occupying the chair—and it will be a great regret to us that he will not occupy the position of the head of this commission in the next Congress—I am sure would not condone such an offense as a Member of the House. Why, if it were proposed to select the distinguished gentleman from Indiana [Mr. LANDIS] as the most fitting representative of the House, would we think it necessary to go to the other end of the Avenue and ask the President to ask the Senate if he might be the representative from the House? Is it the intention by this legislation to utterly and entirely abandon the prerogatives and privileges of the House of Representatives?

This bill will not pass; it is a House bill, and the only purpose that can be effected by passing the bill through the House to-night is to say that we no longer want our rights as Members of the House, but that we seek to go into the other end of the

Capitol so that we may there control the action of the House. It will not send commissioners to Brussels, the passage of the bill in the House to-night will not provide an exhibit at Brussels, but it will register the last expiring effort of the House of Representatives to efface itself from taking a part in the government of the United States. Mr. Speaker, I reserve the balance of my time. [Applause.]

Mr. MACON. Mr. Speaker, before the gentleman takes his seat will he allow me to suggest there is one other bad feature about this bill, and that is it proposes to take \$300,000 out of a depleted Treasury in order to make entertainment for people somewhere, which the people of the United States will not even have an opportunity to attend themselves.

Mr. MANN. Well, as I suggested to my friend from Arkansas, the passage of the bill through the House, in my opinion, will not take a dollar from the Treasury, because I do not think it will pass through the Senate; possibly it might, but it will register the will of the House that it wants to efface itself.

Mr. OLLIE M. JAMES. The gentleman, in making that statement with a degree of assurance that it will not pass the Senate, perhaps has not taken into his conclusions the rapidity with which a bill like this can go through the Senate.

Mr. MANN. It might go through the Senate, but I do not think it will pass. I yield two minutes to the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT. Mr. Speaker, I do not care to discuss the question of dignity suggested by the gentleman from Illinois. The gentleman from Illinois has suggested that the bill will not pass the Senate. It occurs to me that the greatest inducement which could lead the Senate to pass the bill would be the provision to which he has called attention, of the Senate passing upon the Member from the House who should be a member of the commission. But, Mr. Speaker, without reference to the question of dignity, I wish to say that the people of the United States, in my humble judgment, are getting exceedingly tired of paying for expositions, and they are particularly tired of paying for expositions in which they have no interest, directly or indirectly.

Mr. Speaker, I now yield back the balance of my time.

Mr. COUSINS. Mr. Speaker, I yield three minutes to the gentleman from New York [Mr. SULZER].

Mr. SULZER. Mr. Speaker, this bill should pass. I agree with the gentleman from Iowa, and I differ with the gentleman who has just taken his seat regarding the advantages of these expositions. They benefit and elevate the people far beyond the conception of the unthinking. These great international expositions do much good in an educational way and go far to establish cordial relations between people of different countries, dissipate prejudices, and broaden humanity. We must do as other great countries do. We must be abreast of the times. [Applause.] When we held expositions in this country we invited all other countries to participate, and they generally did so. We are a world people and we should participate in all the great expositions. When we consider the friendship of Belgium and the advantages bound to result from our participation in this exposition, I believe it will be a mistake to defeat this bill. I am in favor of expositions, and I hope this measure will pass without opposition. The money invested in this display in the products of our fields and forests and factories will return to us an hundredfold. We can not be a country apart. We must hold our place in the forefront of the world's progress.

Mr. OLLIE M. JAMES. Will the gentleman yield? The gentleman from Iowa [Mr. COUSINS] assured us that \$300,000 was to be appropriated for the purpose of this exposition. If the gentleman will examine this bill, he will find out that it starts off with a salary of \$8,000 to the commissioner-general, and besides that he is to get his actual traveling expenses, sleeping-car service, and per diem in lieu of subsistence of \$7 a day. In addition to that there is a secretaryship of \$6,000, for sleeping-car service an additional \$7 a day, and then there are 8 commissioners, at \$2,000 each. Now, how much will be left, after all these officers are paid, for the exposition in Belgium?

Mr. SULZER. I only have a few minutes. I can not yield for a speech. I hope we will appropriate sufficient money to fittingly take part in this exposition. If we do not, we will be recreant to the best interests of the people of the country.

Mr. OLLIE M. JAMES. Is this to be an exposition of office-holders or an exposition of the products of the United States?

Mr. SULZER. Mr. Speaker, I believe, and I want to say this as emphatically as I can, that it will be to the best interests of the producers of this country for us to participate in a fitting way in this Brussels Exposition. I hope the bill passes.

The SPEAKER. The time of the gentleman has expired. [Cries of "Vote!"]

The SPEAKER pro tempore (Mr. LANDIS in the chair). The question is on suspending the rules and passing the bill with committee amendments.

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. SULZER. Division, Mr. Speaker.

The House divided; and there were—ayes 60, noes 70.

So the motion to suspend the rules was rejected.

#### SUNDRY CIVIL APPROPRIATION BILL.

Mr. TAWNEY. Mr. Speaker, I submit the conference report on the bill H. R. 28245, the sundry civil appropriation bill, and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER pro tempore. Is there objection?

There was no objection.

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. 28245) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1910, 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, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 24, 28, 29, 32, 33, 41, 42, 44, 58, 60, 70, 71, 74, 75, 79, 81, 96, 113, 114, 116, 118, 119, 121, 122, and 127.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 21, 22, 23, 30, 31, 35, 36, 37, 39, 45, 47, 48, 49, 52, 54, 55, 56, 57, 59, 61, 62, 63, 64, 65, 66, 69, 72, 73, 76, 77, 78, 80, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 97, 98, 99, 100, 101, 105, 106, 107, 108, 109, 110, 112, 115, 117, 120, 124, 125, 126, 128, and 129, and agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "two hundred and fifty thousand dollars;" and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Point Judith breakwater lights, Rhode Island: For establishing lights and fog signals on the breakwater of the national harbor of refuge, Point Judith, Rhode Island, twelve thousand dollars."

And the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: Add at the end of said amendment the words "to be immediately available;" and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: Add at the end of said amendment the words "to be immediately available;" 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 named in said amendment insert "sixty thousand dollars;" and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "one hundred and fifty thousand dollars;" and after the word "dollars" at the end of the said amendment insert the following, "and the said commission shall complete their entire work and make their final report, and the commission shall cease on the first day of March, nineteen hundred and ten;" and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended as follows: On page 100 of the bill, in line 5, strike out the word "fifty" and insert in lieu thereof the word "twenty-five;" and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43,

and agree to the same with an amendment as follows: Add at the end of said amendment the words "to be immediately available;" and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In line 4 of said amendment, after the word "services," insert the words "for the Senate Office Building;" and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: On page 106 of the bill, in line 3, strike out the words "to indict" and insert in lieu thereof the words "or other juries to indict and try;" and the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In line 3 of said amendment strike out the word "seventy-five" and insert in lieu thereof the word "sixty;" and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "two hundred and twenty-five thousand dollars;" and the Senate agree to the same.

Amendment numbered 67: That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows: Strike out all after the word "Treasury," in line 8 of said amendment; and the Senate agree to the same.

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

Amendment numbered 102: That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment as follows: On page 166 of the bill, in line 8, strike out the words "forty-two thousand six" and insert in lieu thereof the words "forty-seven thousand one;" and the Senate agree to the same.

Amendment numbered 103: That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "five hundred dollars;" and the Senate agree to the same.

Amendment numbered 104: That the House recede from its disagreement to the amendment of the Senate numbered 104, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "four hundred and two thousand two hundred dollars;" and the Senate agree to the same.

Amendment numbered 111: That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "four million three hundred and twenty-eight thousand seven hundred and fifty dollars;" and the Senate agree to the same.

Amendment numbered 123: That the House recede from its disagreement to the amendment of the Senate numbered 123, and agree to the same with an amendment as follows: In line 6 of said amendment, after the word "the," insert the words "Congress and the;" and on page 200 of the bill, in line 25, strike out the words "forty-one thousand two hundred and thirty-two" and insert in lieu thereof the words "forty-eight thousand and thirty;" and the Senate agree to the same.

Amendment numbered 130: That the House recede from its disagreement to the amendment of the Senate numbered 130, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended as follows: On page 215 of the bill, in line 20, after the word "shall," insert the words "transmit the estimates to Congress as heretofore required by law and;" and change the number of the section to 7; and the Senate agree to the same.

Amendment numbered 131: That the House recede from its disagreement to the amendment of the Senate numbered 131, and agree to the same with an amendment as follows: In lieu of the number proposed insert "8;" and the Senate agree to the same.

Amendment numbered 132: That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment as follows: In lieu of the number proposed insert "9;" and the Senate agree to the same.



Amendment numbered 133: That the House recede from its disagreement to the amendment of the Senate numbered 133, and agree to the same with an amendment as follows: After the word "is" at the end of line 13 of said amendment insert the words "specifically and in express terms;" and change the number of the section to 10; and the Senate agree to the same.

J. A. TAWNEY,  
WALTER I. SMITH,  
JOHN J. FITZGERALD,

*Managers on the part of the House.*

EUGENE HALE,  
GEO. C. PERKINS,  
H. M. TELLER,

*Managers on the part of the Senate.*

The statement was read, as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill making appropriations for sundry civil expenses for the fiscal year 1910 submit the following written statement in explanation of the accompanying conference report:

The bill as finally agreed upon appropriates \$137,609,906.93. The Senate by its amendments added to the bill \$1,954,719.

By the conference agreement the Senate yields from \$1,134,658, and the House agrees to \$820,061.

Among the principal items agreed to by the House are the following:

Everett, Wash., public building, \$40,000.

Riverside, Cal., public building, \$50,000.

For the National Museum, \$250,000, instead of \$300,000 as proposed by the House and \$190,000 as proposed by the Senate.

For Ambrose Channel, New York, lights, \$40,000.

For Alcatraz light station, California, \$35,000.

For lights in Alaskan waters, \$60,000.

For Immigration Commission, \$150,000, with a requirement that said commission shall report and cease on the 1st day of March, 1910.

For the Senate Office Building, \$123,000.

For topographical surveys, Geological Survey, \$350,000, as proposed by the Senate, instead of \$300,000, as proposed by the House.

For geological surveys, \$225,000, instead of \$260,000, as proposed by the Senate.

For additional wing to Freedmen's Hospital building, Washington, D. C., \$55,700.

For additional shop building for Frankford Arsenal, \$23,500.

For addition to the building for offices of the President, \$40,000.

For water supply, Presidio of San Francisco, \$100,000.

For payment to the Catholic Church in Porto Rico, \$120,000.

The principal items inserted by the Senate which are stricken from the bill include:

For six launches and revenue cutters for the Revenue-Cutter Service, at a total cost of \$615,000.

For light keepers' dwellings, \$75,000.

For Winter Quarters Shoal light-vessel, Virginia, \$135,000.

For Buffalo breakwater light station, \$43,200.

For aids to navigation in Puget Sound, \$41,600.

For gauging streams, the increase from \$100,000 to \$200,000.

For investigation of structural materials, the increase from \$100,000 to \$150,000.

For Platt National Park, Oklahoma, \$20,000.

For continuing improvement of Potomac Park, \$50,000.

For traveling expenses of the President, \$25,000.

The following items proposed to be stricken out of the bill by the Senate are restored, as follows:

For special examiners, division of naturalization, \$125,000 instead of \$150,000.

For fees of clerks of courts for services in naturalization cases, \$25,000.

For testing machine for the Bureau of Standards, \$50,000.

Provisions of law inserted by the House and stricken out by the Senate are restored as follows:

Fixing the compensation of linotype operators in the Government Printing Office.

The section requiring the estimates of expenditures to be submitted by the Secretary of the Treasury to the President, when the same exceed the estimated revenues, for his suggestions to Congress with reference to their reduction or for such loans or new taxes as may be necessary to cover the deficiency.

Section 9, inserted by the Senate, repealing certain unexpended balances of appropriations is agreed to.

J. A. TAWNEY,  
WALTER I. SMITH,  
JOHN J. FITZGERALD,

*Managers on the part of the House.*

Mr. TAWNEY. Mr. Speaker, I move the adoption of the report, and on that motion I ask for the previous question.

Mr. CLARK of Missouri. Mr. Speaker, I want to ask just one question. That \$25,000 for traveling expenses goes out?

Mr. TAWNEY. That is out.

Mr. BENNET of New York. Will the gentleman from Minnesota [Mr. TAWNEY] yield me two or three minutes?

Mr. TAWNEY. I yield three minutes to the gentleman.

Mr. BENNET of New York. Mr. Speaker, I think that as a member of the Immigration Commission I ought perhaps to say that the provision inserted in the bill for the commission is, so far as I am concerned, and as far as I have been able to consult the members of the commission, entirely satisfactory. There is no reason why we ought not to complete our work in a year, and there is no reason why we ought to spend in the fiscal year provided for by this bill more than the money appropriated.

The gentleman from Kansas [Mr. MURDOCK], who the other day made the point of order against the appropriation of \$300,000 as it came from the committee, deprived me of the unique opportunity of offering an amendment, which I had already prepared, reducing the amount of the appropriation from \$300,000 to \$200,000.

Mr. TAWNEY. If the gentleman will permit an interruption, the \$300,000 recommended from the Committee on Appropriations is the amount estimated by the commission.

Mr. BENNET of New York. Not by the commission, if the gentleman will permit me, but by the bureau. The committee has treated us with great liberality and entire fairness, and I thought that the commission at that time owed a duty to the committee, and thinking that it ought not to spend as much money, I had intended to make the motion at that time.

Mr. MURDOCK. How much does the bill now carry?

Mr. BENNET of New York. One hundred and fifty thousand dollars, and I think it is enough.

Mr. BURNETT. Will the gentleman yield two or three minutes to me?

Mr. TAWNEY. I yield three minutes to the gentleman from Alabama [Mr. BURNETT].

Mr. BURNETT. Mr. Speaker, I desire to say that I shall not offer any objection or amendment, or try to prevent the adoption of the report of the committee of conference on the sundry civil bill, but I think the time that is given to the Immigration Commission to make its final report is entirely too long. I believe, Mr. Speaker, that this commission can make its report by the 1st day of December or, at least, by the 1st day of January, without any trouble whatever.

In support of that I want to read just one clause of the report of the commission that was filed the other day. I am a member of that commission and know something of its work. I think, without question, if this House will require the commission to do so they can make their final report by the 1st day of January, when legislation on this question can proceed. Here is what we said:

The plans of the commission are realized, the various lines of work outside Washington will be terminated as sufficient data is secured from each, and practically all field work will be completed in the early fall, probably by September 15, 1909. When field investigations are completed, the work will consist entirely of compiling the data secured and in preparing reports upon the various subjects.

Mr. Speaker, these tabulations and compilations are going on now. Why, then, should it be necessary, after the field work has been completed on the 15th of September, to extend the time of making its final report beyond two months and a half, solely for the purpose of preparing this report?

Mr. FITZGERALD. Will the gentleman yield?

Mr. BURNETT. Certainly.

Mr. FITZGERALD. Let me say to the gentleman that there is nothing to prevent the commission from presenting its report earlier. The House conferees believed it could be presented in a month from the completion of the field work; but the insistence of the Senate was that there should be longer time given. I did not believe it was necessary.

Mr. SABATH. Unless to extend the appropriation.

Mr. OLLIE M. JAMES. I want to suggest to the gentleman from New York that I know of nothing that hastens the report of one of these commissions like fixing the time when it shall die.

Mr. FITZGERALD. That is true. I was as anxious as the gentleman from Alabama that the life of the commission should end on the 1st of December, and to give the commission \$100,000, but it was impossible to bring that about, and this was the best that could be done.

Mr. BURNETT. Well, Mr. Speaker, I think if the gentlemen had had this report of the commission before them, in which the commission states that the field work will be completed by the 15th of September, certainly two months and a half would leave the commission ample time to make its report.

The SPEAKER. The time of the gentleman has expired.

Mr. TAWNEY. I yield the gentleman two more minutes.

Mr. BURNETT. When this report was prepared, Mr. Speaker, I reserved the right as a member of the commission to make objection to the suggestion that they made, that their report could be completed by the end of the next fiscal year, because, as stated by the gentleman from Kentucky, if it was forced to do so, it could soon report. This commission was created at the time for the purpose of preventing legislation restricting immigration. There is no doubt that that was the purpose, Mr. Speaker; and it has accomplished that purpose so far, because every time any effort is made to report restrictive legislation before the Committee on Immigration those opposing it say, "Oh, wait until your commission reports;" and that is the real reason why it was desired that this commission should postpone its report during the next fiscal year, in order to prevent any legislation, although the people all over the country are demanding it. Therefore I believe that the 1st day of December, or the 1st day of January, at the very farthest, should be the time fixed for them to file their report. If they were required to do so, they would do it. But this commission will follow the rule of all other commissions and take every minute of time the law gives them to finish its work, unless the appropriation gives out before that time.

Mr. TAWNEY. Mr. Speaker, just one minute. In answer to the gentleman from Alabama, I desire to state that the contention elsewhere was in favor of a continuation of this commission for a period of two years, at a very much greater cost to the Government than the amount now authorized. The managers on the part of the House felt that they were making a fairly good compromise settlement by securing the final report of the commission on March 4, 1910, instead of December 1, 1909, or January 1, 1910, as the gentleman from Alabama now suggests. I take it that under all the circumstances, and in view of the fact that under this provision the existence of this commission is terminated entirely, we have made a very good compromise.

I want to say, in addition, by the conference agreement the Senate yields \$1,134,658 and the House agrees to \$820,061. The addition made by the Senate to the House bill was only \$1,954,719. So that the managers on the part of the House feel that they secured a fair settlement with the other branch of the legislative department on their proposed increases to our bill.

I now move the adoption of the conference report.

The question was taken, and the conference report was agreed to.

#### ENROLLED BILLS SIGNED.

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

H. R. 23973. An act for the relief of pensioners of the Metropolitan police fund;

H. R. 12512. An act for the relief of persons who sustained damage by explosion near Frankfort Arsenal, Philadelphia;

H. R. 4168. An act to carry out the findings of the Court of Claims in the case of James A. Paulk;

H. R. 3622. An act for the relief of John D. McLain;

H. R. 1549. An act granting a pension to Lela L. Ellis;

H. R. 16696. An act for the relief of the estate of Peter McEnery, deceased;

H. R. 2950. An act for the relief of certain officers of the United States Signal Corps;

H. R. 15603. An act for the relief of John W. Wood;

H. R. 12712. An act for the relief of the estate of Samuel J. Rogers;

H. R. 21029. An act for the relief of James W. Sears;

H. J. Res. 225. Joint resolution authorizing the selection of a site and the erection of a pedestal for the Alexander Hamilton memorial in Washington, D. C.; and

H. J. Res. 261. Joint resolution authorizing the President of the United States to invite the International Congress of Applied

Chemistry to hold its eighth meeting in the United States of America in the year 1912.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 2982. An act to codify, revise, and amend the penal laws of the United States;

S. 9402. An act for the relief of John H. Layne;

S. 8822. An act providing for the relinquishment by the United States of certain land to the county of Kootenai, in the State of Idaho;

S. 8379. An act for the relief of the owners of British steamship *Maroa*;

S. 7859. An act for the relief of Parsey O. Burrough;

S. 6055. An act to amend section 691 of subchapter 7, building associations, of the Code of Law for the District of Columbia;

S. 5905. An act for the relief of the executors of the estate of Harold Brown, deceased;

S. 4426. An act for the relief of Thomas C. Clark;

S. 3810. An act for the relief of Howard B. Carpenter;

S. 3164. An act to correct the military record of Paul Sinock;

S. 2544. An act for the relief of William Martinson; and

S. 671. An act to construct a road along the south bank of Anacostia River.

#### RECESS.

Mr. PAYNE. Mr. Speaker, I move that the House do now take a recess until 10 o'clock.

The motion was agreed to; and accordingly (at 1 o'clock and 3 minutes a. m.) the House was declared in recess.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

A letter from the Superintendent of the Capitol Building and Grounds, transmitting preliminary report relating to underground transportation between the Capitol and certain other public buildings (H. Doc. No. 1499)—ordered to be printed as a House document with illustrations.

A letter from the president of the Board of Commissioners of the District of Columbia, transmitting the report of the excise board for the fiscal year ended October 31, 1908 (S. Doc. No. 755)—to the Committee on the District of Columbia and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS.

Under clause 2 of Rule XIII, bills were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. LANDIS, from the Committee on Printing, to which was referred the bill of the House (H. R. 28247) to codify, revise, and amend the laws relating to the public printing and binding and the distribution of public documents, reported the same with amendment, accompanied by a report (No. 2308), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. COLE, from the Committee on Territories, to which was referred the bill of the Senate (S. 8058) authorizing the Attorney-General to appoint as special peace officers such employees of the Alaska school service as may be named by the Secretary of the Interior, reported the same with amendment, accompanied by a report (No. 2310), which said bill and report were referred to the Committee of the Whole House.

#### ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk and laid on the table, as follows:

Mr. MILLER, from the Committee on Claims, to which was referred the bill of the Senate (S. 5252) to provide for the payment of certain moneys advanced by the States of Virginia and Maryland to the United States Government to be applied toward erecting public buildings for the Federal Government in the District of Columbia, reported the same adversely, accompanied by a report (No. 2318), which said bill and report were laid on the table.

Mr. MUDD, from the Committee on Expenditures in the Department of Justice, to which was referred the resolution of the House (H. Res. 430) requesting the Attorney-General to inform the House relative to the fees received by officers, clerks, attorneys, and special counsel in the Department of Justice beyond the salaries fixed by law, reported the same adversely, accompanied by a report (No. 2309), which said resolution and report were laid on the table.



## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. RODENBERG: A bill (H. R. 28436) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Sac and Fox Indians of the Mississippi in Oklahoma against the United States—to the Committee on Indian Affairs.

By Mr. HITCHCOCK: A bill (H. R. 28439) to increase the revenues—to the Committee on Ways and Means.

By Mr. McDERMOTT: Resolution (H. Res. 608) requesting the Secretary of Commerce and Labor to investigate concerning moving-picture machines, etc.—to the Committee on the Judiciary.

By the SPEAKER: Memorial of the legislature of South Dakota, praying for a reduction of the duty on wool—to the Committee on Ways and Means.

Also, memorial of the legislature of Wisconsin, praying for certain improvements in Shiloh Military Park—to the Committee on Military Affairs.

Also, memorial of the legislature of Kansas, praying for the retention of the pension agency at Topeka, Kans.—to the Committee on Appropriations.

Also, memorial of the legislature of Oregon, praying for the establishment of forest reserves in the eastern Appalachian Mountains—to the Committee on Agriculture.

Also, memorial of the legislature of Oregon, praying for legislation for the conservation of the national resources—to the Committee on Agriculture.

Also, memorial of the legislature of Oregon, praying for appropriations to provide for the instruction in forestry in agricultural colleges—to the Committee on Agriculture.

Also, memorial of the legislature of Oregon, praying for legislation regulating the shipment of intoxicating liquors between the States and Territories—to the Committee on the Judiciary.

Also, memorial of the legislature of Oregon, praying for the removal of the duty on burlap—to the Committee on Ways and Means.

By Mr. ESCH: Memorial of the legislature of Wisconsin, asking for the enactment of a law creating a volunteer retired list—to the Committee on Military Affairs.

By Mr. WEISSE: Memorial of the legislature of Wyoming, relating to creating forest reserves—to the Committee on the Public Lands.

Also, memorial of the legislature of Wyoming, relating to homestead laws—to the Committee on the Public Lands.

By Mr. CARY (by request): Memorial of the legislature of Wisconsin, concerning the enactment of a law creating a volunteer retired list—to the Committee on Military Affairs.

By Mr. SULLOWAY: Memorial of the legislature of New Hampshire, favoring passage of bill for the establishment of national forest reserves in the White Mountain region—to the Committee on Agriculture.

By Mr. HUMPHREY of Washington: Memorial of the legislature of Washington, concerning the creation of a national park in the Olympic Forest Reserve—to the Committee on the Public Lands.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. LANGLEY: A bill (H. R. 28437) granting a pension to James Crum—to the Committee on Invalid Pensions.

Also, a bill (H. R. 28438) granting a pension to Frank Risner—to the Committee on Pensions.

Also, a bill (H. R. 28440) granting an increase of pension to George F. Gose—to the Committee on Invalid Pensions.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Memorials of the child-labor committee of Los Angeles, Cal.; the Gurley Memorial Presbyterian Church, of Washington, D. C.; Mary A. Goodman and 9 others, of Hartford, Conn.; Joseph W. Malone and 20 others, of Brooklyn, N. Y.; R. G. Oliver and 19 others, of Hartford, Conn.; and Clarkson N. Fowler and 32 other citizens of Connecticut, praying for legislation to mitigate the evils of child labor—to the Committee on the Judiciary.

Also, memorial of Waldron (Ark.) Council, Order United American Mechanics, praying for legislation to exclude Asiatics from the United States—to the Committee on Foreign Affairs.

Also, memorial of the Illinois Daughters of the American Revolution, praying for legislation to provide for retaining the wall at Fort Massac—to the Committee on Appropriations.

Also, petition of T. L. Cleveland and 10 other members of Union Grange, of Winnebago County, Ill., praying for federal aid in the construction of national highways—to the Committee on Agriculture.

Also, memorial of Danville (Ill.) Lodge, Benevolent and Protective Order of Elks, praying for the establishment of a reservation in Wyoming for the care and maintenance of the American elk—to the Committee on the Public Lands.

Also, memorial of Honolulu Harbor, No. 54, of Honolulu, Hawaii, praying for the passage of the so-called "Hayes bill," in relation to the merchant marine—to the Committee on the Merchant Marine and Fisheries.

Also, memorial of the Cairo Commercial Club, praying for legislation to improve the inland waterways—to the Committee on Rivers and Harbors.

Also, memorial of the Raymond Shingle Weavers' Union, of Raymond, Wash., protesting against the sentence of Samuel Gompers and others by the federal courts—to the Committee on the Judiciary.

Also, memorial of the Federated Trades Council of Waukesha, Wis., protesting against the sentence by the federal court of Samuel Gompers, John Mitchell, and others—to the Committee on the Judiciary.

Also, memorial of the W. A. Jordan Company, of Galesburg, Ill., and other firms, corporations, and individuals in the United States, praying for the reduction of the duty on raw and refined sugars—to the Committee on Ways and Means.

Also, petition of George M. Cohan, Samuel H. Harris, and Victor Moore, members of "The Talk of New York" dramatic company, asking removal of duty on costumes—to the Committee on Ways and Means.

By Mr. ASHBROOK: Petition of Western Engineers' Society of Western Pennsylvania, for appropriation for geological testing station at Pittsburg—to the Committee on Appropriations.

Also, petition of J. T. Miller & Sons, of Millersburg, Ohio, for a maximum and minimum tariff on flour, the minimum 25 per cent at least below the present duty—to the Committee on Ways and Means.

Also, petition of Perry Peck and others, of Licking County, Ohio, against reduction of tariff on wool—to the Committee on Ways and Means.

By Mr. BARTLETT of Georgia: Petition of wholesale grocers of Macon, Ga., asking reduction of tariff on sugar—to the Committee on Ways and Means.

By Mr. BURLEIGH: Petition of Maurice L. Adams, of Clinton, Me., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. BURNETT: Petitions of the Presbyterian Church of Guntersville, the Methodist Episcopal Church of Union Springs, the Baptist Church of Union Springs, and the Methodist Episcopal Church of Collinsville, all in the State of Alabama, favoring legislation against shipments of intoxicants into prohibition States—to the Committee on the Judiciary.

By Mr. BURTON of Delaware: Petition of the Benevolent and Protective Order of Elks, requesting passage of bill for establishment of a reserve in Wyoming—to the Committee on the Public Lands.

By Mr. BUTLER: Petition of Edwin D. Solenberger, chairman of a mass meeting in borough hall, Lansdowne, Pa., favoring H. R. 24148, for federal bureau for children—to the Committee on Expenditures in the Interior Department.

By Mr. DRAPER: Petition of the American Institute of Architects, asking the creation of a bureau of arts and public buildings—to the Committee on Public Buildings and Grounds.

By Mr. FORNES: Petition of the American Institute of Architects, of New York City, favoring a bureau of arts and public buildings—to the Committee on Public Buildings and Grounds.

By Mr. FRENCH: Petition of citizens of Nampa, Parma, Weiser, and Meriden, Idaho, favoring an interstate liquor law subjecting liquor to control of laws of the State into which it is shipped—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Potlatch, Idaho, against the removal of the duty on lumber—to the Committee on Ways and Means.

By Mr. FULLER: Petition of American Protective Tariff League, favoring a permanent tariff commission—to the Committee on Ways and Means.

Also, petition of United Confederate Veterans of New Orleans, for amendment of the Hepburn law, for free transportation for members of the Grand Army of the Republic and the United Confederate Veterans—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Providence (R. I.) Public Library, to place imported books and papers on the free list—to the Committee on Ways and Means.

Also, petition of E. A. Smith, president of Cairo Commercial Club, favoring the passage of a liberal river and harbor bill—to the Committee on Rivers and Harbors.

Also, petition of Public Library of the District of Columbia, favoring the Tacoma Park branch library bill (H. R. 11758)—to the Committee on the District of Columbia.

Also, petition of the National Pocahontas Memorial Association of New York City, against S. 4453, for a Pocahontas monument—to the Committee on the Library.

By Mr. GARDNER of Michigan: Petition of the Benevolent and Protective Order of Elks, creating a reserve for care of American elks in Wyoming—to the Committee on the Public Lands.

By Mr. GOEBEL: Petition of Phoenix Council, No. 85, Junior Order United American Mechanics, of Cincinnati, Ohio, favoring enactment of an effective Asiatic exclusion law—to the Committee on Immigration and Naturalization.

By Mr. GOULDEN: Petition of the American Institute of Architects, of New York City, favoring a bureau of arts and public buildings—to the Committee on Public Buildings and Grounds.

By Mr. HAMILTON of Michigan: Petition of Grange No 338, of Allegan County, Mich., favoring parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

By Mr. HINSHAW: Petition of citizens of Geneva, Nebr., favoring a national highways commission—to the Committee on Agriculture.

By Mr. HOUSTON: Paper to accompany bill for relief of Burkett F. Starnes (H. R. 24539)—to the Committee on Invalid Pensions.

Also, papers to accompany H. R. 28390, granting an increase of pension to William Davis—to the Committee on Invalid Pensions.

By Mr. HOWELL of New Jersey: Petition of the National Consumers' League, urging that the work of Doctor Wiley may not be hampered—to the Committee on Interstate and Foreign Commerce.

By Mr. HUBBARD of West Virginia: Petition of George M. Snook & Co., of Wheeling, W. Va., for reduction of duty on gloves—to the Committee on Ways and Means.

By Mr. KNAPP: Petition of citizens of Woodville, N. Y., favoring the enactment of a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Ellisburg, N. Y., against enactment of Sunday-rest legislation—to the Committee on the District of Columbia.

By Mr. LOUD: Petition of citizens of Arenac County, Mich., against passage of Senate bill 3940—to the Committee on the District of Columbia.

By Mr. MCKINNEY: Petition of residents of the Fourteenth Congressional District of Illinois—to the Committee on Ways and Means.

By Mr. MANN: Petition of the Woman's Republican Club of New York City, indorsing work of Dr. Harvey Wiley—to the Committee on Interstate and Foreign Commerce.

Also, petition of Chicago (Ill.) Lodge, No. 4, Benevolent and Protective Order of Elks, for reservation for the care of the American elk—to the Committee on the Public Lands.

Also, petition of the Cairo Commercial Club, for legislation to improve inland waterways—to the Committee on Rivers and Harbors.

Also, petition of the American Protective Tariff League, against a permanent nonpartisan tariff commission—to the Committee on Ways and Means.

By Mr. NORRIS: Petition of residents of McCook, Nebr., against parcels-post and postal savings bank bills—to the Committee on the Post-Office and Post-Roads.

By Mr. PEARRE: Petition of Frostburg (Md.) Lodge, No. 470, Benevolent and Protective Order of Elks, favoring a reservation for the American elk and appropriation of \$30,000 therefor (H. R. 21980)—to the Committee on the Public Lands.

By Mr. STURGISS: Petition of the Elkins Produce and Grocery Company, of Elkins; Grant Rinehart, of Lehigh; and E. J. Moran, of Tucker County, all in the State of West Virginia,

favoring reduction of duty on raw and refined sugars—to the Committee on Ways and Means.

Also, petition of C. W. Thomian, of West Virginia, favoring reduction of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. SULZER: Petition of the New York Chapter of the American Institute of Architects, favoring the creation of a bureau of arts and public buildings—to the Committee on Public Buildings and Grounds.

By Mr. WILSON of Pennsylvania: Petition of Williamsport (Pa.) Lodges Nos. 193 and 173, Benevolent and Protective Order of Elks, for creation of American elk reservation in the State of Wyoming (H. R. 21980)—to the Committee on the Public Lands.

By Mr. WOOD: Petition of the King Confectionery Company, of Trenton, N. J., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

## SENATE.

[Legislative day of Wednesday, March 3, 1909.]

The Senate met at 9.30 o'clock a. m., Thursday, March 4, 1909, on the expiration of the recess.

The PRESIDING OFFICER [Mr. GALLINGER in the chair]. The Senate will receive a message from the House of Representatives.

### 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 amendment of the Senate to the joint resolution (H. J. Res. 235) concerning and relating to the treaty between the United States and Russia.

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 bill (H. R. 28245) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes.

The message further announced that the House had passed the joint resolution (S. R. 140) to create a joint committee to consider the revision and codification of the laws of the United States.

The message also announced that the House had passed the bill (S. 7785) relative to outward alien manifests on certain vessels, with an amendment, in which it requested the concurrence of the Senate.

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

H. R. 6183. An act granting to the Siletz Power and Manufacturing Company a right of way for a water ditch or canal through the Siletz Indian Reservation, in Oregon; and

H. R. 19607. An act to authorize the Secretary of Commerce and Labor to cooperate, through the Bureau of the Coast and Geodetic Survey and the Bureau of Fisheries, with the fish commissioner of the State of North Carolina in making surveys of the waters of North Carolina where fishing is prohibited by law.

### RECESS.

Mr. HALE. The House will not be in session until 10 o'clock. I move that the Senate take a recess until half past 10 o'clock.

Mr. SMITH of Michigan. I ask the Senator to modify his motion, so that the Senate may meet at 10.

Mr. HALE. I will modify it, and move that the Senate take a recess until 10 o'clock.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Maine—that the Senate take a recess until 10 o'clock.

The motion was agreed to; and at the expiration of the recess (at 10 o'clock a. m.) the Senate reassembled.

### ALIEN MANIFESTS ON VESSELS.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 7785) relative to outward alien manifests on certain vessels, which was, in line 4, to strike out "twenty-seventh" and insert "twentieth."

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

The motion was agreed to.

### EXECUTIVE SESSION.

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