De Witt Clinton Jones.
Wendell Ambrose Jones.
Edward Elmer Lamkin.
Samuel Connell Lindsay.
Charles Herbert Lowell.
Laurence McEvoy.
Elmer Ellsworth Mansfield.
Clarence Martin.
James Vance May.
Ben Hicks Metcalf.
George Seltzer Mintzer.
Charles Bernhard Julius Mittelstaedt.
John Lawson Norris.
Clarence Quinan.
Ivah James Ransbottom.
Ernest Charles Schultze.
Harry Clay Smith.
William Hickman Spiller.
Charles Seymour Stern.
William Stoutenborough Terriberry.
James William Thornton.
Clarence Allen Warwick.
Joseph Hall Whiteley.
Roy Alexander Wilson.
Shadworth Oldham Beasley.
Frederick Douglass Branch.
John Carling.
Charles Arthur Cattermole.
Frederick Arthur Wellington Conn.
Charles Grant Eicher.
Bruce Ffoulkes.
John Gilbert.
Lewis Theophilus Griffith.
Howard Albertus Grube.
Vernon Jay Hooper.
Simon Pendleton Kramer.
George Bradford Lawrason.
William Cooper Le Compte.
Harry Rodgers Lemen.
Peter Duncan MacNaughton.
William Barton Orear.
Palmer Heath Lyon.
Frank David Pease.
Alva Sherman Pinto.
John Joseph Repetti.
Herman Joseph Schlageter.
Robert Scott Spilman.
Walter Hoepfner Winterberg.
Clifford Thomas Sappington.
Alfred Carlyle Prentice.
Clarence Arthur McWilliams.
Edmund Dougan Clark.
John Vernon Frazier.
Ernest William Haass.
Haigazoon Kruger Kaprielian.
Arthur Waller Slee.
Rufus Bartlett Hall.
Richard Henry Whitehead.
John Overton.
Charles Sherman Carter.
James Jesse Peterson.
William Henry Condit.
Robert Emmett Austin.
John Elmer Bacon.
Joseph Lawyer Bell.
Caspar Ralph Byars.
Malone Duggan.
Charles Henry Fischer.
Albert Pope Fitzsimmons.
Edward Burke Bailey.
Bonaparte Preston Norvell.
David Wilmot Overton.
Archibald Moltz Wilkins.
George Francis Wilklow.
Charles Franklin Smith.
Daniel Baen Street.
Joseph G. Wilson.
Robert Emmett Caldwell.
Gerry Sanger Driver.
Francis Valentine Langenderfer.
Fred Fellows Sprague.
Michael Edward Connor.
John Milton Armstrong.
Thomas Andrew Burcham.
Frederick Ellsworth Clark.
Herbert Clay Lieser.
Frederick William O'Donnell.
Cassius Derby Silver.
Alfred Harrold Thomas.
Frank Christollo Vanatta.
William Cotman Whitmore.
James Ward.
Shelley Uriah Marietta.
Blase Cole.

PROMOTIONS IN THE NAVY.

Lieut. Commander Douglas E. Dismukes to be a commander.
Lieut. Commander Henry J. Ziegemeier to be a commander.
Lieut. Herbert G. Sparrow to be a lieutenant commander.
Lieut. (Junior Grade) John E. Pond to be a lieutenant.
Machinist Raymond L. Drake to be a chief machinist.

COMMANDERS TO BE CAPTAINS.

Albert P. Niblack and
William S. Sims.

POSTMASTERS.

KANSAS.

Fred S. Hazelton, Norton.
Charles G. Webb, Stafford.

MAINE.

Edward W. Hyde, Bath.
Harry E. Reed, Millinocket.

MICHIGAN.

Frank Friedrich, Traverse City.

MONTANA.

Thomas J. Waddell, Stanford.

NEBRASKA.

William A. Price, Laurel.

OKLAHOMA.

Martin Baswell, Poteau.
William H. Cleveland, Mountain View.
Clay Cross, Skiatook.

TENNESSEE.

Willis F. Arnold, Jackson.
Wayne J. Johnson, Oakdale.
John R. Richards, Oliver Springs.
Albert L. Scott, Dickson.

WISCONSIN.

Joseph W. Fritz, Ladysmith.
Nicholas A. Lee, Colfax.

SENATE.

TUESDAY, *May 16, 1911.*

The Senate met at 2 o'clock p. m.

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

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

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a concurrent resolution adopted by the Legislature of the Territory of Hawaii, which was referred to the Committee on Pacific Islands and Porto Rico and ordered to be printed in the RECORD, as follows:

Concurrent resolution.

Whereas the citizens of Hawaii, previous to annexation of the islands by the United States, had established and maintained for more than 50 years an independent national government, and thereby demonstrated their capacity for self-government under and equal to the responsibilities of a sovereign State; and

Whereas annexation by one of the great powers of the world was inevitable, owing to the mere numerical weakness of such a small State and its inability to support armed defense on land and sea; and

Whereas immediately following the annexation of Hawaii by the United States Congress passed an organic law giving Hawaii the status of a Territory that has been the traditional stepping-stone to statehood; and

Whereas under this form the citizens of Hawaii have conducted their government in a conservative, patriotic, and able manner, providing liberally in all manner for the development of the highest standards of American citizenship among all classes of the cosmopolitan population; and

Whereas Hawaii, the State, is as certainly the natural and ultimate destiny of these islands as was the annexation by and admission as an integral part of the United States of America; and

Whereas the record of our people of the present day, the evidences of their thrift in the figures of per capita, the proofs of their intelligence and ambition as shown by the small percentage of illiteracy among them, is such as to command for them a respect and confidence equaling that accorded the citizens of any State in the Union: Therefore be it

Resolved by the house of representatives, session of 1911 (the senate concurring), That the Congress of the United States is hereby re-

quested and respectfully petitioned to pass an enabling act authorizing the citizens of the Territory of Hawaii to, and naming the date when they shall, elect delegates to a constitutional convention for the purpose of framing a constitution for the government of the State of Hawaii, the same to be in full force and effect when approved by Congress and the President in the manner and form usual to the admission of States; and be it further

Resolved, That a copy of this resolution be forwarded to the President of the United States, the President of the United States Senate, and the Speaker of the House of Representatives at Washington, and to the Hon. Jonah K. Kalanianaole.

THE HOUSE OF REPRESENTATIVES,
OF THE TERRITORY OF HAWAII,
Honolulu, Hawaii, April 25, 1911.

We hereby certify that the foregoing concurrent resolution was adopted in the house of representatives of the Territory of Hawaii on the 25th day of April, A. D. 1911.

H. L. HOLSTEIN,
Speaker House of Representatives.
EDWARD WOODWARD,
Clerk House of Representatives.

THE SENATE OF THE TERRITORY OF HAWAII,
Honolulu, Hawaii, April 25, 1911.

We hereby certify that the foregoing concurrent resolution was adopted in the senate of the Territory of Hawaii on the 25th day of April, A. D. 1911.

ERIC A. KNUDSEN,
President of the Senate.
JOHN H. WISE,
Clerk of the Senate.

The VICE PRESIDENT presented a concurrent resolution adopted by the Legislature of the Territory of Hawaii, which was referred to the Committee on Pacific Islands and Porto Rico and ordered to be printed in the RECORD, as follows:

Concurrent resolution.

Whereas the welfare and civic progress of Hawaii depend upon building up in this Territory a larger citizen population; and

Whereas such a population, by providing a stronger local militia and by supporting diversified agriculture and the production within the Territory of foods now imported, will increase the value of Hawaii to the military defense of the United States; and

Whereas assisted immigration has already created in this Territory a population of Caucasian farmers and farm laborers numbering nearly 30,000: Therefore be it

Resolved by the senate of the Legislature of Hawaii (the house of representatives concurring), That Congress is requested to amend the organic act so as to provide substantially as follows:

That the Territory of Hawaii shall have authority to employ funds raised by taxation to prepay the fares and otherwise to encourage the immigration to Hawaii of Caucasians, whether from the mainland of the United States or from other countries: *Provided*, That such immigrants, except in respect to being assisted, shall be eligible to admission to the United States under such Federal immigration laws as may at the time of their arrival be in force: *And provided further*, That the Territory of Hawaii shall be bound to return to the country from which they came any such immigrants who may, within three years after their landing in the United States, become public charges.

And in order to protect the Territory of Hawaii in securing the benefit of such expenditures, any labor agent or other person who shall solicit to leave the Territory immigrants thus assisted with Territorial funds to come to Hawaii shall provide bonds satisfactory to the treasurer of Hawaii that he will pay the expense of returning to the country from which they came all immigrants thus solicited and removing from the Territory to the mainland of the United States who may, within three years after landing in the United States, become public charges; and shall, in addition, reimburse the Territorial government for the cost of bringing to Hawaii any immigrants who may, in consequence of this solicitation, remove from the Territory, and the Legislature of said Territory is hereby authorized to make suitable laws for carrying out these provisions; and be it

Resolved, That a certified copy of this resolution be sent to the President and Vice President of the United States, the Speaker of the House of Representatives, the Delegate to Congress from Hawaii, and the Governor of Hawaii.

THE SENATE OF THE TERRITORY OF HAWAII,
Honolulu, Hawaii, April 19, 1911.

We hereby certify that the foregoing concurrent resolution was this day adopted in the senate of the Territory of Hawaii.

ERIC A. KNUDSEN,
President of the Senate.
JOHN H. WISE,
Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES
OF THE TERRITORY OF HAWAII,
Honolulu, Hawaii, April 22, 1911.

We hereby certify that the foregoing concurrent resolution was this day adopted in the house of representatives of the Territory of Hawaii.

H. L. HOLSTEIN,
Speaker House of Representatives.
EDWARD WOODWARD,
Clerk House of Representatives.

The VICE PRESIDENT presented a concurrent resolution adopted by the Legislature of the Territory of Hawaii, which was referred to the Committee on Pacific Islands and Porto Rico and ordered to be printed in the RECORD, as follows:

Concurrent resolution.

Whereas from an early period in the history of the United States it has been a settled policy in those States and Territories owning public lands to set aside large areas solely for educational purposes; and

Whereas no provision was made, at the time this Territory became a part of the United States, to prevent the alienation of valuable revenue-producing lands from the people to private individuals and corporations, in order that the development of land and water of the Territory of Hawaii might be conserved in the interests of the education and the promotion of homesteading; and

Whereas it is desirable and fitting that adequate and permanent provision be made for the support and maintenance of education and the promotion of homesteading throughout the Territory of Hawaii, which provisions may best be made by setting apart for such uses the rents, issues, and profits of the developed public lands and waters requiring action of the Congress of the United States of America; and

Whereas it appears from the records of the land department of the Territory of Hawaii that in the neighborhood of 40,000 acres of developed agricultural lands, with water appurtenant thereto or capable of being led thereon, are under lease (principally to large corporations) in many instances at a very low rental; and

Whereas it is estimated that such developed lands and developed waters would, if handled in accordance with good business principles, return an income to the Territory of Hawaii about $400,000 a year; and

Whereas with a property-tax rate of 1 per cent on the actual cash value, the Territory finds itself without the funds necessary to carry on its educational measures and the proper aid to homesteaders throughout the Territory; and

Whereas heretofore the Legislature of the Territory of Hawaii did petition the Senate and House of Representatives of the United States of America, in Congress assembled, to amend "An act to provide a government for the Territory of Hawaii," approved April 30, 1900; and

Whereas said petition contained in detail the proposed amendments to said act; and

Whereas the Senate and House of Representatives of the United States of America, by act approved May 27, 1910, amended said "act to provide a government for the Territory of Hawaii" as petitioned by the said Legislature of the Territory of Hawaii, excepting as to homesteading, the plan of which as submitted by the said legislature in its petition to Congress was so altered, changed, and amended that the same became, and is, entirely unfit to afford the greatest, or, in fact, any appreciable benefit to the Territory of Hawaii and its inhabitants; and

Whereas the present law, in so far as it relates to developed lands and developed waters which now produce an annual income of about $150,000, but which under systematic control should, upon the expiration of the present leases and licenses, yield an annual income of about $400,000, will, unless amended so as to make said lands and waters capable of reasonable exploitation, result not only in an annual loss of $250,000, but may, through being allotted to speculative homesteaders at a small fraction of its real value, be entirely lost to the Territory: Therefore be it

Resolved by the Legislature of the Territory of Hawaii, That the Congress of the United States of America be, and it hereby is, respectfully requested to make such provision by the passage of an act substantially in the words and figures following:

An act to provide for the support and maintenance of the public schools and the promotion of homesteading.

Be it enacted, etc.:

SECTION 1. That from and after the passage of this act all the developed public land and all developed water of the Territory of Hawaii, excepting those lands that have already been applied for under the provisions of section 73 of the organic act, as amended by Congress, and have since been surveyed, plotted, and mapped, less such portion thereof as may have been set aside for specific purposes, together with all rights, easements, privileges, appurtenances, rents, issues, and profits thereof, shall be held and administered by a commission, of which the governor of the Territory of Hawaii and the land commissioner, or other person holding a position corresponding thereto, shall be ex-officio members, the remaining three members, who shall not be pecuniarily interested in any sugar plantation in the Territory of Hawaii, to be appointed by the governor, by and with the approval of the senate of the Territory of Hawaii; the first three members to be appointed to said commission shall hold offices respectively for the terms of four, six, and eight years; all appointments thereafter shall be for the full term of eight years. Said appointees shall be removable by the governor with the consent of the Senate. Said members, other than the ex-officio members of said commission, shall receive as compensation for their services such sum as the Legislature of the Territory of Hawaii shall from time to time appropriate for that purpose.

SEC. 2. Said commission, so appointed as aforesaid, is hereby authorized to hold, manage, lease, license, rent, or otherwise utilize said lands and waters, except by sale of same or any part thereof or any interest therein as said commission may deem best, to the end that as large a revenue as possible may be derived therefrom, and in order to more effectually accomplish this purpose, the restrictions imposed by law upon the management, handling, and dealing in and with public land and water in the Territory of Hawaii, shall not be held or considered to apply as to said developed land and developed water in any respect other than as specifically set forth in this act: *And provided*, That at any time upon two years' notice having been previously given after the first five years of any lease, the legislature may, upon the request of the governor of the Territory of Hawaii, remove any of said lands from the operation of this act for the purpose of making the same available at a value not less than the market value of same to be placed thereon by three appraisers appointed by said legislature under the law relating to homesteading: *Provided, however*, That no lease or license shall be granted by said commission for a period of more than 21 years, and that all leases and licenses made by said commission shall contain a clause giving them—the said commissioners—the right to readjust the rentals thereunder at the end of each seven-year period of said lease or license. Said readjustment, in the event the lessee or licensee and said commissioners are unable to agree as to the rental value for the next period, shall be subject to review by the supreme court of the Territory of Hawaii, the decision of which said court shall be final. Every lease or license shall contain a condition with a covenant by the lessee that he or it will make such reasonable contracts for buying cane from the homesteaders and neighboring farmers as shall have been approved by the commission.

SEC. 3. The revenues derived from such land and water shall be paid by the said commission to the treasurer of the Territory of Hawaii, who shall deposit the same in a special fund. Such fund shall from time to time be appropriated by the Legislature of the Territory of Hawaii solely for the purpose of improving and extending the educational system of said Territory of Hawaii, or for use for the promotion of homesteading in the following proportions, to wit: Fifty per cent of such revenue to be for the use and benefit of the public schools, 40 per cent thereof for the promotion of homesteading, and 10 per cent thereof for the use and benefit of the College of Hawaii.

SEC. 4. Said commission shall, within 30 days after its appointment, make and publish rules and regulations affecting its powers, and from time to time alter and amend the same, which rules and regulations shall, upon the application of a majority of said commission, be reviewable by the supreme court of the Territory of Hawaii, and the

judgment of said supreme court as to the effect and reasonableness of said rules and regulations shall be final.

SEC. 5. The term "developed land," as used herein, shall mean public lands which have heretofore been used or are now being used for agricultural purposes.

The term "developed water," as used herein, shall mean water which has heretofore been used or is now being used for agricultural purposes and purposes incidental to the development of lands and the growing and transportation of crops and the cultivation of the soil.

SEC. 6. This act shall take effect upon its approval.

THE SENATE OF THE TERRITORY OF HAWAII,
Honolulu, Hawaii, April 26, 1911.

We hereby certify that the foregoing concurrent resolution was this day adopted in the senate of the Territory of Hawaii.

ERIC A. KNUDSEN,
President of the Senate.
JOHN H. WISE,
Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES
OF THE TERRITORY OF HAWAII,
Honolulu, Hawaii, April 26, 1911.

We hereby certify that the foregoing concurrent resolution was this day adopted in the house of representatives of the Territory of Hawaii.

H. L. HOLSTEIN,
Speaker House of Representatives.
EDWARD WOODWARD,
Clerk House of Representatives.

The VICE PRESIDENT presented a concurrent resolution adopted by the Legislature of the Territory of Hawaii, which was referred to the Committee on Pacific Islands and Porto Rico and ordered to be printed in the RECORD, as follows:

Concurrent resolution requesting Congress to enact and the President to approve an act authorizing the construction of a ditch from Hilo to Kau, island and Territory of Hawaii, and for other purposes incidental thereto.

Whereas there are large areas of fertile land in the district of Kau, island and Territory of Hawaii, both of public and private ownership, which are nonproductive or productive only to a limited degree by reason of the lack of rainfall or water for irrigation; and

Whereas there are many streams in the district of Hilo, on said island, much of the water of which is at times running to waste; and

Whereas it will be in the public interest to have such waste water conveyed to said arid and semiarid lands for the purpose of developing the same and bringing them under cultivation; and

Whereas the cost of constructing the ditches, reservoirs, and other structures necessary or incidental to the transportation of said waters as aforesaid and of maintaining and operating the same will be large, rendering it necessary for parties undertaking such work to raise money to operate by means of the issuance of bonds; and

Whereas it is improbable that private capital, without the guaranties hereinafter contemplated and provided for, would undertake to finance the said enterprise; and

Whereas, in the opinion of this legislature, the public interests will be advanced by the successful development of said lands in the district of Kau by means of said waters to the extent of warranting public assistance in that behalf in manner herein set forth; and

Whereas the sanction and approval of Congress is necessary in order to secure to the grantee hereunder the rights, powers, privileges, and authority herein enumerated: Now therefore be it

Resolved, That the Legislature of the Territory of Hawaii doth hereby recommend to and petition the Congress of the United States to pass, and the President to approve, an act of Congress in substantially the following form, viz:

SECTION 1. The right and power is hereby granted to John T. McCrosson and to his associates and assigns, and to such corporation as may be organized by him or them for the purpose of taking over and exercising the rights, powers, and privileges hereby conferred, hereinafter collectively referred to as the Ditch Co., to construct a ditch, together with the tunnels, dams, water heads, reservoirs, roads, trails, conduits, buildings, machinery, and other structures or appliances necessary or proper for conducting or storing water to flow through said ditch from any point in the district of Hilo (which term shall be held to include both North and South Hilo), island and Territory of Hawaii, through the said district to and through the districts of Puna and Kau, in said island and Territory, and to any point or points therein: *Provided*, That said ditch shall be constructed at an elevation of not less than 2,500 feet at its nearest point to the land of Hakalau, district of Hilo, and shall have a fall of not more than 6 feet to the mile within the limits of said district of Hilo.

SEC. 2. The right and power is also granted to the Ditch Co. to develop, produce, use, sell, and transmit power produced by water within the district of Kau, but not elsewhere.

SEC. 3. And also the right and power to buy, take on lease, or otherwise acquire by private purchase, and to hold all land or interests in land necessary, convenient, or proper for the purposes aforesaid, or any of them.

SEC. 4. And also the right and power to condemn and take any land, or interest in land, necessary or proper for rights of way or for dam or reservoir or building sites for the purposes aforesaid, or any of them, subject, however, in all respects, as near as may be, to the obligations, restrictions, payments, and procedure now or hereafter imposed or prescribed by the laws of the Territory of Hawaii for the exercise of the right of eminent domain by public railroads in the Territory: *And provided, however*, That nothing in this act contained shall authorize or empower the condemnation of water or water rights nor permit the Ditch Co. to take or divert water now used in the said district of Hilo.

SEC. 5. The commissioner of public lands for the Territory of Hawaii, hereinafter referred to as the "commissioner," is hereby authorized and directed to execute to the Ditch Co., and the governor of the Territory of Hawaii, hereinafter referred to as the "governor," is authorized and directed to approve a lease of all such public lands in the district of Kau, to be designated by the Ditch Co., as are capable of being economically irrigated from the ditches of the company, together with rights of way for ditch purposes over all Government lands situated in said districts of Hilo, Puna, and Kau. The lease shall provide that if within six months from the date of the first delivery of water in the said district of Kau by the Ditch Co. it is ascertained to the satisfaction of the Ditch Co. that any of the lands theretofore designated by it are incapable of being economically watered from its waterways, such lands, or any portion thereof, shall be surrendered by the said Ditch Co. by notice in writing to the commissioner, and no rent for said lands so surrendered, if any, shall be charged or collected by the lessor, and that the surrender of a portion of such lands, as herein provided, shall in nowise affect the lessee's tenancy of the remaining lands under said lease; that the term of said lease shall be 50 years from the date hereinafter set forth; that the Ditch Co. shall have the right and authority at all times after the execution of said lease to enter upon all such public lands in the district of Kau for the purpose of surveys, construction work, etc.; that the rent to be paid for said lands shall be at the rate of $1 per acre per annum, payable to the Territory, at its option, either in water from the waterways of the Ditch Co. at the lowest rate payable by any consumer of water furnished by the company or in cash; that the Ditch Co. shall furnish to homesteaders or settlers along the line of the company's waterways, or such other person or persons along said waterways as the commissioner, with the approval of the governor, may direct, at a point or points to be designated by such officials, such water due as rental for said public lands. The Ditch Co. shall have full right to sublet the said lands or any part thereof, or to assign the lease in whole or in part, either by way of security or otherwise, subject, however, in all things to the provisions hereof. The lease shall be made subject to any unexpired and outstanding lease of any or all of such lands and shall contain appropriate provisions to secure the construction and maintenance of the necessary works for supplying such lands with water, and the reversion of such works to the Territory upon the termination of the lease, as hereinafter provided: *Provided, however*, That nothing herein shall authorize the withdrawal of any lands now open or applied for for settlement purposes.

SEC. 6. Not more than 30 per cent of the lands so held under lease by the Ditch Co. may at any time after the expiration of six months from the date of the first delivery of water as aforesaid by the Ditch Co. be withdrawn for public purposes or homesteaded or sold for other purposes under the laws relating to public lands in Hawaii, such withdrawal of lands to be, as far as practicable, in blocks of not less than 500 acres, and the right of way of the Ditch Co. through such land so withdrawn to be reserved to it, in which case the rent reserved shall be proportionately reduced at the rate of $1 per acre for the land so withdrawn, homesteaded, and sold: *Provided*, That written notice of intention to withdraw any portion of such public lands, together with a proper description of the lands so to be withdrawn, shall be served upon the Ditch Co. by the commissioner, with the approval of the governor, not less than three calendar months before such withdrawal is to take effect: *Provided also*, That growing crops, if any, upon said lands so to be withdrawn may be harvested by the Ditch Co. or those holding under it before such withdrawal is or shall be operative.

SEC. 7. The lease shall go into effect when the Ditch Co. shall have constructed a ditch from said district of Hilo to Pahala, in said Kau, with a delivering capacity of 100,000,000 gallons of water per day of 24 hours and when 50,000,000 gallons of water shall have been actually delivered by means of said waterway to said Pahala within a period of 24 consecutive hours, such date to be ascertained by the commissioner and fixed by him with the approval of the governor. Notice of the fixing of such date and the consequent beginning of the term of the lease shall be communicated in writing to the Ditch Co. by said officials within 10 days from the date thereof.

SEC. 8. A sum not less than $50,000 in cash shall be actually expended by the Ditch Co. in preliminary surveys, construction work upon said ditch or reservoirs, or for other good and useful purposes in that behalf within one year, $100,000 within two years, and $1,000,000 within three years from the date of the approval of this act by the President.

SEC. 9. The ditch shall be completed as far as said Pahala within four years, and as far as Waiohinu, in said Kau, within five years from the date of said approval.

SEC. 10. If the Ditch Co. shall fail to expend such respective sums of money, or any of them, within the respective times aforesaid, for the purposes aforesaid, then, and in any such case, all of the rights, powers, and privileges hereby granted, and the said lease, shall be forfeited and be null and void and of no effect, and all works and improvements up to that time erected or constructed shall immediately revert to and become the property of the Territory.

SEC. 11. If after such expenditures shall have been made the Ditch Co. shall fail to observe or perform any of the terms, requirements, or conditions herein contained or prescribed the governor shall give the Ditch Co. written notice to furnish to him within three months from the date of such notice assurances and proofs satisfactory to him that such breach or failure will be remedied and all terms, requirements, and conditions herein contained or prescribed observed, performed, or complied with within one year after the date of such notice. If the Ditch Co. shall fail to furnish to the governor assurances and proofs as aforesaid within such term of three months, or if, having furnished the same, there shall at the end of said term of one year remain unperformed, unfulfilled, or unobserved any term, requirement, or condition herein contained on the part of the Ditch Co. to be observed, kept, or performed, then and in such case all of the franchises hereby granted and the said lease shall be forfeited and be null and void and of no effect.

SEC. 12. That the times herein fixed for completion of the said ditch to various points, for the expenditure of moneys in surveys, construction, and other work aforesaid, and for the doing of any other or different act required by the Ditch Co., may for good cause shown be extended by order of the governor for a time which he shall deem reasonable in view of such cause.

SEC. 13. The corporation formed by the said J. T. McCrosson as aforesaid, for the purposes aforesaid, and its property used for or in carrying into effect the purposes aforesaid, or any of them, and its income shall be free from Territorial, municipal, and county property and income taxes for the term of 10 years after the approval of this act.

SEC. 14. The rates at which water flowing along said ditch and power produced thereby or incidental thereto shall be sold to applicants shall be fixed and published from time to time by the Ditch Co., with the approval of the governor, and such rates shall be the same to all.

SEC. 15. Such rates shall be based upon the yielding of not more than sufficient revenues to pay the following, viz:

(1) The reasonable expenses of maintenance and operation of the ditch and other plant and appurtenances.

(2) Interest on any bonds issued to procure money with which to construct the ditch and other plant and appurtenances at a rate not to exceed 6 per cent per annum, payable semiannually.

(3) An annual sinking fund to redeem all of such bonds within the term of the lease and franchises hereby granted.

(4) Dividends on the capital-stock issue of the Ditch Co. at a rate not to exceed 8 per cent upon the actual cost of the ditch and other plant and appurtenances.

SEC. 16. If at any time the income of the Ditch Co. shall exceed a sum sufficient for the purposes aforesaid the rates for water and such power shall be reduced to an estimated figure, approved by the governor, which will produce an income in compliance with the provisions of the section last aforesaid.

SEC. 17. The Ditch Co. shall at the end of each fiscal year ending June 30 file with the governor a report showing what its transactions have been during the previous year; what additions to the plant, if any, have been made; the actual cost thereof; its receipts and whence derived; and expenditures and for what made during the previous year. Such reports shall be open to public inspection. The books, papers, accounts, and records of said Ditch Co. shall at all times be subject to the inspection of the governor or the commissioner and to any agent or representative of said officers or either of them.

SEC. 18. At the end, or sooner determination, of the lease and franchises herein provided for the ditch and other plant and appurtenances shall revert to and become the property of the Territory of Hawaii, without payment therefor and free of all charges, expenses, liens, or obligations whatsoever.

SEC. 19. The Territory of Hawaii may at any time after 10 years from the completion of the ditch purchase from the Ditch Co. the ditch, together with all property and rights of whatsoever nature appertaining thereto, or used in connection therewith, for a sum equal to the cost thereof plus 20 per cent of such cost. The amount to be paid to the Ditch Co. for such purchase shall be determined by a commission of three persons, one to be appointed by the Ditch Co., or in case it should fail to do so within 30 days after requested to do so by the governor, then by the chief justice of the supreme court of Hawaii; one by the purchaser; and the third by the two so appointed, or in case they should fail to agree upon the third member within 30 days, then by said chief justice

Either the Ditch Co. or the Territory may appeal to the supreme court of Hawaii from the decision of such commission by filing a written notice of appeal with the commission within five days after the decision is rendered. It shall thereupon be the duty of the commission immediately to certify up to the supreme court the record of its proceedings, showing in such certificate the valuation claimed by the association, the valuation claimed by the purchaser, and the valuation as determined by the commission. Such certificates shall be accompanied by copies of all papers, documents, and evidence upon which the decision of the commission was based and a copy of such decision. Upon any such appeal the supreme court may, in its behalf, take or require further evidence to be introduced by either party.

Within six months after the determination of the purchase price as aforesaid the same shall be paid to the Ditch Co.

THE SENATE OF THE TERRITORY OF HAWAII,
Honolulu, Hawaii, April 7, 1911.

We hereby certify that the foregoing concurrent resolution was this day adopted in the senate of the Territory of Hawaii.

ERIC A. KNUDSEN,
President of the Senate.
JOHN H. WISE,
Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES,
OF THE TERRITORY OF HAWAII,
Honolulu, Hawaii, April 21, 1911.

We hereby certify that the foregoing concurrent resolution was this day adopted in the house of representatives of the Territory of Hawaii.

H. L. HOLSTEIN,
Speaker of the House of Representatives.
EDWARD WOODWARD,
Clerk of the House of Representatives.

The VICE PRESIDENT presented resolutions adopted by the Ancient Order of Hibernians of the District of Columbia, remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

Mr. GALLINGER presented a memorial of the congregation of the Seventh Day Adventists Church of Washington, N. H., and a memorial of the congregation of the Church of Seventh Day Adventists of Amherst, N. H., remonstrating against the observance of Sunday as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented a memorial of the Anglo-Alliance Division, No. 1, Ancient Order of Hibernians, of Dover, N. H., remonstrating against the ratification of the treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented the memorial of Harry H. Drew, of Ashland, N. H., remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which was referred to the Committee on Finance.

He also presented a memorial of the Georgetown Citizens' Association, of the District of Columbia, remonstrating against the proposed change in the name of Montrose Park, in that section of the city, which was referred to the Committee on the District of Columbia.

He also presented a petition of the Mount Pleasant Citizens' Association, of the District of Columbia, praying that the surplus current revenues of the District be expended on the improvement of park lands, which was referred to the Committee on the District of Columbia.

Mr. NELSON. I present memorials of 3,800 farmers of the Northwest, remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which I move be referred to the Committee on Finance.

The motion was agreed to.

Mr. NELSON presented a petition of Robson Post, No. 5, Grand Army of the Republic, of Albert Lea, Minn., remonstrating against the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

Mr. DU PONT presented a memorial of Local Division No. 6, Ancient Order of Hibernians, of Wilmington, Del., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented memorials of sundry citizens of Rockland, Del., remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which was referred to the Committee on Finance.

He also presented a petition of Washington Camp, No. 11, Patriotic Order Sons of America, of Odessa, Del., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

Mr. BURNHAM presented the memorial of Harry H. Drew, of Ashland, N. H., remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which was referred to the Committee on Finance.

He also presented a memorial of the congregation of the Seventh Day Adventists Church of Amherst, N. H., and a memorial of the congregation of the Seventh Day Adventists Church of Washington, N. H., remonstrating against the observance of Sunday as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented a memorial of Local Division No. 1, Ancient Order of Hibernians, of Dover, N. H., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Fortnightly Club of Keene, N. H., praying for the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

Mr. GAMBLE presented a memorial of sundry farmers and business men of Clark County, S. Dak., remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which was referred to the Committee on Finance.

Mr. O'GORMAN presented a petition of the DeWitt Clinton Health League, of New York City, N. Y., praying for the establishment of a national department of public health, which was referred to the Committee on Public Health and National Quarantine.

He also presented a memorial of the Trades and Labor Council of Dunkirk, N. Y., remonstrating against the adoption of the Taylor system of shop management by the Government in navy yards and arsenals, which was referred to the Committee on Naval Affairs.

He also presented a petition of the Trade and Labor Council, of Peekskill, N. Y., praying for the repeal of the present oleomargarine law, which was referred to the Committee on Finance.

He also presented a petition of the Pierce, Butler & Pierce Manufacturing Co., of Syracuse, N. Y., praying for the imposition of 1-cent postage on all packages weighing 1 ounce or less, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Chamber of Commerce of Olean, N. Y., praying for the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented memorials of Local Union No. 140, International Longshoremen's Association, of Oswego; of Local Union No. 38, Brotherhood of Paper Hangers, Decorators, and Painters of America, of Oswego; and of John H. Groat, of Kinderhook, all in the State of New York, remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. BRIGGS presented the petition of M. R. Caldwell, of Montclair, N. J., praying for the passage of the so-called parcels-post bill, which was referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Harrison, Kearney, Montclair, Clifton, New Brunswick, Jersey City, and Passaic, all in the State of New Jersey, remonstrating against the ratification of the treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

He also presented memorials of sundry citizens of Robbinsville and Lewell, in the State of New Jersey, remonstrating against the proposed reciprocal trade agreement between the

United States and Canada, which were referred to the Committee on Finance.

He also presented petitions of Washington Camps of Camden, Columbus, Milville, and New Brunswick, of the Patriotic Order Sons of America; of Union Council, No. 31, Junior Order United American Mechanics, of Rahway, and of sundry citizens, all in the State of New Jersey, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented a memorial of West Jersey Lodge, No. 87, International Association of Machinists, of Camden, N. J., remonstrating against the adoption of the so-called Taylor system of shop management in Government arsenals and navy yards, which was referred to the Committee on Naval Affairs.

Mr. DIXON. I present a resolution adopted by the Meagher County (Mont.) Wool Growers' Association regarding both tariff and reciprocity. The resolution is very short; it is not in the usual stereotyped form, and I think in the time—about three-quarters of a minute—it would take to read it the Senate might get some real information. I should like to have it read.

The VICE PRESIDENT. Without objection, the Secretary will read the resolution.

There being no objection, the resolution was read and referred to the Committee on Finance, as follows:

Be it resolved by the Meagher County Wool Growers' Association, held in convention at White Sulphur Springs, Mont., this 22d day of April, 1911, That we are opposed to any reduction in the present wool tariff or any legislation leading toward a reduction in the present duty on wool at this special session of Congress.

That the present cost of production be fully investigated, and that we have an opportunity to present to the Tariff Commission our facts and figures relative to the cost of producing our wool and mutton.

That we ask and demand the same protection on wool and mutton as other industries have on their products, and ask further that we be acceded sufficient duty to cover the difference in our cost of production and the cost of producing the same in other countries which are in position to export to this country.

We cordially invite any authorized agent of the Tariff Commission to meet with us relative to the cost of production, and will give them all facts regarding same, and further take them to our ranches and show them our method of handling our sheep and wools.

We feel that if we are given an opportunity of presenting our side of the situation that not only would there be no reduction in the duty on wools, but they would feel that an increase in the same would be our just deserts.

We solicit no pardon in demanding for our employees or ourselves that same protection which is accorded other industries whose hours of labor are 8 and 10, while ours range from 10 to 16 hours, sometimes all night and on Sundays.

We are willing to admit that the consumer is now paying 99 cents duty on a suit of clothes made of wools imported into this country, this on a strictly all-wool suit, which retails at from $40 to $50. This applies to the present duty, and is supposed to afford us a protection of 11 cents per pound in the grease, which we do not realize for some cause or other.

We are in favor of remodeling Schedule K so that we will be able to realize this protection in fact instead of in theory.

We are in favor of legislation regulating the manufacture and sale of all woolen products, and ask that all such products be inspected and labeled by a Government inspector so that woolen goods sold as wool are wool and not shoddy, cotton, or rags, and feel that we should be accorded the same protection in the manufacture and sale of woolen goods as is accorded other industries which are regulated by the pure-food law.

We are opposed to reciprocity as is set forth in the present bill before Congress.

C. W. COOK, *President.*
JAMES L. JOHNSTON, *Secretary.*

Mr. TOWNSEND presented the petition of G. L. de Muralt, of Ann Arbor, Mich., praying that an appropriation of $3,732.52 be made to reimburse him for loss in the installation of machinery in the Government power house at the navy yard, Charleston, S. C., which was referred to the Committee on Naval Affairs.

Mr. McLEAN presented the memorial of sundry citizens of Unionville, Conn., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Connecticut Merchants' Association, praying for the passage of the so-called parcels-post bill, which was referred to the Committee on Post Offices and Post Roads.

Mr. BROWN presented sundry affidavits in support of the bill (S. 52) granting an increase of pension to John Brown, which were referred to the Committee on Pensions.

MOBILE (ALA.) BICENTENNIAL.

Mr. ROOT. From the Committee on Industrial Expositions I report back favorably, without amendment, House concurrent resolution 8 in regard to the bicentennial celebration at Mobile May 26, 1911. I call the attention of the Senator from Alabama [Mr. JOHNSTON] to the resolution.

Mr. JOHNSTON of Alabama. I ask for the present consideration of the resolution.

Mr. GALLINGER. Let it be read.

The VICE PRESIDENT. The Secretary will read the concurrent resolution for the information of the Senate.

The concurrent resolution (H. Con. Res. 8) was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That the resolution passed by the Legislature of Alabama in regard to the bicentennial celebration at Mobile on May 26, 1911, be received. The said resolution reads as follows:

"Senate joint resolution 52.

"[No. 241.]

"Whereas this year, 1911, is the two hundredth anniversary of the foundation and settlement of the city of Mobile, first capital of La Province de la Louisiane in 1711; and

"Whereas the city of Mobile and her people are making preparation for celebrating the event: Therefore be it

"Resolved by the Senate of Alabama (the House of Representatives concurring), That the Legislature of Alabama does hereby request the Senators and Representatives in Congress from the State of Alabama to bring the said anniversary celebration to the attention of Congress and the several departments of the United States Government and the representatives at Washington of foreign powers.

"Approved, April 6, 1911."

Be it further resolved, That the Congress of the United States acknowledges with pleasure the receipt of said resolution and appreciates the courtesy of the notice extended of that important event in the Nation's history.

Resolved further, That we commend the action of the city of Mobile in making preparations for this celebration. We regard that territory as one of the most valuable acquisitions of the Government and congratulate Alabama and the people of Mobile upon her growth as a city, and extend our best wishes for a successful celebration and a large attendance of patriotic American citizens.

Resolved further, That a copy of these resolutions be forwarded to the mayor of the city of Mobile in evidence of our appreciation of the work that will be done on May 26, 1911, in commemoration of the founding and settlement of our beautiful and progressive city on the Gulf.

The VICE PRESIDENT. Is there objection to the present consideration of the concurrent resolution? The Chair hears none.

Mr. JOHNSTON of Alabama. Mr. President, I wish to state that Mobile enjoys the distinction of having lived under three flags besides the American. It was the capital of the Province of Louisiana in 1711. It is one of the most beautiful and progressive cities in the United States, and I am sure its citizens will be glad to have every Member of the Senate and of Congress attend the celebration, and will give them a most hearty and cordial welcome.

The concurrent resolution was unanimously agreed to.

BARRACKS IN HAWAIIAN ISLANDS.

Mr. WARREN. From the Committee on Appropriations I report back favorably without amendment the bill (S. 2183) to authorize change in construction of barracks and other necessary buildings for mobile troops in the Hawaiian Islands, and for other purposes, and I submit a report (No. 23) thereon. It is a short bill and the matter is rather important. I ask for its present consideration.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the Secretary of War to expend the funds heretofore appropriated and to enter into contracts heretofore authorized for the construction of a cavalry post, Territory of Hawaii, by the acts of Congress approved March 4, 1909, and June 25, 1910, for the construction of barracks and other necessary buildings for mobile troops to be stationed in the Hawaiian Islands, and not to exceed 10 per cent of the amount so authorized and appropriated may be expended for the acquirement of land to be utilized in connection with such construction.

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

STENOGRAPHER FOR COMMITTEE ON COAST DEFENSES.

Mr. CURTIS, from the Committee on Coast Defenses, to which was referred Senate resolution 39 submitted by him on the 9th instant, authorizing the committee to employ a stenographer, asked to be discharged from its further consideration and that it be referred to the Committee to Audit and Control the Contingent Expenses of the Senate, which was agreed to.

BILLS INTRODUCED.

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

By Mr. FLETCHER:

A bill (S. 2345) to provide for the erection of a public building in the city of Apalachicola, Fla.; to the Committee on Public Buildings and Grounds.

A bill (S. 2346) to establish a fish hatchery and biological station in the third congressional district of Florida; to the Committee on Fisheries.

By Mr. JONES:

A bill (S. 2347) increasing the cost of erecting a post-office and courthouse building at Walla Walla, Wash.; to the Committee on Public Buildings and Grounds.

By Mr. BROWN:

A bill (S. 2348) granting an increase of pension to John West (with accompanying papers); and

A bill (S. 2349) granting an increase of pension to Samuel Beatty; to the Committee on Pensions.

By Mr. LA FOLLETTE:

A bill (S. 2350) providing for the valuation of the segregated coal and asphalt lands in the Choctaw and Chickasaw Nations, in the State of Oklahoma, and for the sale of the surface and the disposition of the mineral rights therein; to the Committee on Indian Affairs.

By Mr. POINDEXTER:

A bill (S. 2351) granting a pension to Americus Galloway; and

A bill (S. 2352) granting an increase of pension to Oscar F. Burke; to the Committee on Pensions.

By Mr. GAMBLE:

A bill (S. 2353) granting an increase of pension to George H. Welshman; to the Committee on Pensions.

By Mr. DILLINGHAM:

A bill (S. 2354) granting an increase of pension to George A. Chaffee (with accompanying papers); to the Committee on Pensions.

By Mr. GORE:

A bill (S. 2355) extending the time for payment of balance due on purchase price of a certain tract of land; to the Committee on Indian Affairs.

By Mr. LODGE:

A bill (S. 2356) for the relief of John W. Morse; to the Committee on Naval Affairs.

By Mr. PAYNTER:

A bill (S. 2357) for the relief of J. Knight Lowery; and

A bill (S. 2358) for the relief of James R. Evans; to the Committee on Claims.

ELECTION OF PRESIDENT PRO TEMPORE.

Mr. CULBERSON. I ask unanimous consent to have printed as a Senate document in one document, first, Senate Report No. 3, Forty-fourth Congress, first session, being the report of Mr. Morton from the Committee on Privileges and Elections, January 6, 1876, on the tenure of office of the President pro tempore of the Senate; second, the proceedings of the Senate on March 12, 1890, on the subject of the resolution reported from the Committee on Privileges and Elections as to the election of President pro tempore, and so forth, being principally speeches, short speeches, of Senators George, Turpie, and Evarts. (S. Doc. No. 30.)

The VICE PRESIDENT. Is there objection? The Chair hears none, and the order will be entered.

SAMUEL GOMPERS ET AL. V. BUCK'S STOVE & RANGE CO.

Mr. GORE. I ask unanimous consent to have printed as a Senate document the opinion of the United States Supreme Court, handed down on yesterday, in what is known as the case of Samuel Gompers, John Mitchell, and Frank Morrison, petitioners, *v.* The Buck's Stove & Range Co. (S. Doc. No. 33.)

The PRESIDING OFFICER (Mr. LODGE in the chair). Is there objection to the request of the Senator from Oklahoma? The Chair hears none, and the order is entered.

CONSTRUCTION OF FAVORED-NATION CLAUSE.

Mr. PENROSE. I have a letter, addressed to the Committee on Finance, from the Secretary of State, containing a memorandum prepared by his direction, relative to the construction of the most-favored-nation clause in treaties of the United States. I ask unanimous consent to have the same printed as a public document. (S. Doc. No. 29.)

The PRESIDING OFFICER. The Senator from Pennsylvania asks that the document he sends to the desk, prepared under the direction of the Secretary of State, together with the letter of the Secretary, be printed as a public document. Is there objection? The Chair hears none, and it is so ordered.

ELECTION OF PRESIDENT PRO TEMPORE.

Mr. CULLOM. I move that the Senate proceed to the election of a President pro tempore of the Senate.

The motion was agreed to.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BACON (when his name was called). I have a general pair with the senior Senator from Maine [Mr. FRYE], which I transfer to the Senator from Oklahoma [Mr. OWEN], and vote. I vote for the Senator from South Carolina [Mr. TILLMAN].

Mr. BORAH (when his name was called). I have a pair with the Senator from Minnesota [Mr. CLAPP], who is not present. I therefore withhold my vote.

Mr. BROWN (when his name was called). On this question I have a pair for the day with the senior Senator from Arkansas [Mr. CLARKE]. I therefore withhold my vote. I desire this statement to stand for the rest of the roll calls.

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. CHILTON]. I transfer that pair to the Senator from Nevada [Mr. NIXON] and vote. I vote for the Senator from New Hampshire [Mr. GALLINGER].

Mr. JOHNSTON of Alabama (when the name of Mr. DAVIS was called). I desire to announce for the day that the junior Senator from Arkansas [Mr. DAVIS] is paired with the junior Senator from Illinois [Mr. LORIMER] on this question.

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN], which I transfer to the senior Senator from Wisconsin [Mr. STEPHENSON]. I make this announcement for the entire afternoon. I vote for the Senator from New Hampshire [Mr. GALLINGER].

Mr. DIXON (when his name was called). I am paired for the day with the senior Senator from Oregon [Mr. BOURNE]. If he were present, I should vote for the Senator from New Hampshire [Mr. GALLINGER], but the Senator from Oregon being absent, I withhold my vote, and announce this pair for the remainder of the day.

Mr. GUGGENHEIM (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. PAYNTER], who is unavoidably detained. I therefore withhold my vote, and make this announcement for the balance of the day.

The PRESIDING OFFICER (when the name of Mr. LODGE was called). I am paired with the senior Senator from Virginia [Mr. MARTIN]. If he were present, I should vote for the Senator from New Hampshire [Mr. GALLINGER] and the Senator from Virginia would vote for the Senator from Georgia [Mr. BACON]. I make this announcement for the day.

Mr. McCUMBER (when his name was called). I have a pair with the senior Senator from Mississippi [Mr. PERCY]. Were he present, he would vote for the Senator from Georgia [Mr. BACON] and I should vote for the Senator from New Hampshire [Mr. GALLINGER]. I make this statement as a reason for not voting during the day upon this subject.

Mr. SHIVELY (when the name of Mr. MARTIN of Virginia was called). The senior Senator from Virginia [Mr. MARTIN] is unavoidably absent from the Senate. He is paired with the senior Senator from Massachusetts [Mr. LODGE]. If the Senator from Virginia were present, he would vote for the Senator from Georgia [Mr. BACON]. I desire this announcement to stand for the day.

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the junior Senator from Delaware [Mr. RICHARDSON]. I transfer that to the junior Senator from Ohio [Mr. POMERENE], and vote. I vote for the Senator from Georgia [Mr. BACON].

The roll call having been concluded, it resulted as follows:

FOR MR. BACON—30.

Bailey	Hitchcock	Overman	Swanson
Bankhead	Johnston, Ala.	Rayner	Taylor
Bryan	Kern	Reed	Terrell
Chamberlain	Lea	Shively	Thornton
Culberson	Martine, N. J.	Simmons	Watson
Fletcher	Myers	Smith, Md.	Williams
Foster	Newlands	Smith, S. C.	
Gore	O'Gorman	Stone	

FOR MR. GALLINGER—29.

Bradley	Curtis	McLean	Smoot
Brandegee	Dillingham	Nelson	Sutherland
Briggs	du Pont	Oliver	Townsend
Burnham	Gamble	Page	Warren
Burton	Heyburn	Penrose	Wetmore
Clark, Wyo.	Jones	Perkins	
Crane	Kenyon	Root	
Cullom	Lippitt	Smith, Mich.	

FOR MR. CLAPP—7.

Bristow	Cummins	La Follette	Works
Crawford	Gronna	Poindexter	

FOR MR. LODGE—1.

Gallinger

FOR MR. TILLMAN—1.

Bacon

NOT VOTING—23.

Borah	Davis	Lorimer	Percy
Bourne	Dixon	McCumber	Pomerene
Brown	Frye	Martin, Va.	Richardson
Chilton	Guggenheim	Nixon	Stephenson
Clapp	Johnson, Me.	Owen	Tillman
Clarke, Ark.	Lodge	Paynter	

The PRESIDING OFFICER. Sixty-eight Senators have voted; 35 necessary to a choice. The Senator from Georgia [Mr. BACON] has 30, the Senator from New Hampshire [Mr. GALLINGER] has 29, the Senator from Minnesota [Mr. CLAPP] has 7, the Senator from South Carolina [Mr. TILLMAN] has 1, and the Senator from Massachusetts [Mr. LODGE] has 1. There is no choice. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BACON (when his name was called). Again announcing my pair and its transfer, I vote for the Senator from South Carolina [Mr. TILLMAN].

Mr. BORAH (when his name was called). I make the same announcement that I made on the previous call.

Mr. LA FOLLETTE (when Mr. BOURNE's name was called). I desire to announce that the senior Senator from Oregon [Mr. BOURNE] is unavoidably detained from the Senate. If he were present he would vote for the Senator from Minnesota [Mr. CLAPP].

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. CHILTON]. I transfer that pair to the junior Senator from Nevada [Mr. NIXON], and vote. I vote for the Senator from New Hampshire [Mr. GALLINGER].

Mr. GUGGENHEIM (when his name was called). I again announce my pair with the senior Senator from Kentucky [Mr. PAYNTER].

Mr. SMITH of South Carolina (when his name was called). I again announce my general pair with the junior Senator from Delaware [Mr. RICHARDSON] and the transfer of that pair to the junior Senator from Ohio [Mr. POMERENE]. I ask that this announcement stand for the balance of the day. I vote for the Senator from Georgia [Mr. BACON].

The roll call was concluded.

Mr. GORE. I desire to announce that my colleague [Mr. OWEN] is necessarily absent from the Senate and from the city on account of illness in his family. I make this announcement to stand for the day.

The roll call resulted as follows:

FOR MR. BACON—31.

Bailey	Hitchcock	O'Gorman	Stone
Bankhead	Johnson, Me.	Overman	Swanson
Bryan	Johnston, Ala.	Rayner	Taylor
Chamberlain	Kern	Reed	Terrell
Culberson	Lea	Shively	Thornton
Fletcher	Martine, N. J.	Simmons	Watson
Foster	Myers	Smith, Md.	Williams
Gore	Newlands	Smith, S. C.	

FOR MR. GALLINGER—29.

Bradley	Curtis	McLean	Smoot
Brandegee	Dillingham	Nelson	Sutherland
Briggs	du Pont	Oliver	Townsend
Burnham	Gamble	Page	Warren
Burton	Heyburn	Penrose	Wetmore
Clark, Wyo.	Jones	Perkins	
Crane	Kenyon	Root	
Cullom	Lippitt	Smith, Mich.	

FOR MR. CLAPP—7.

Bristow	Cummins	La Follette	Works
Crawford	Gronna	Poindexter	

FOR MR. LODGE—1.

Mr. Gallinger

FOR MR. TILLMAN—1.

Mr. Bacon

NOT VOTING—22.

Borah	Davis	McCumber	Pomerene
Bourne	Dixon	Martin, Va.	Richardson
Brown	Frye	Nixon	Stephenson
Chilton	Guggenheim	Owen	Tillman
Clapp	Lodge	Paynter	
Clarke, Ark.	Lorimer	Percy	

The PRESIDING OFFICER. On this roll call 69 Senators have voted; necessary to a choice 35. The Senator from Georgia [Mr. BACON] has 31; the Senator from New Hampshire [Mr. GALLINGER] has 29; the Senator from Minnesota [Mr. CLAPP] has 7; the Senator from South Carolina [Mr. TILLMAN] has 1; and the Senator from Massachusetts [Mr. LODGE] has 1. There is no choice.

NATHAN STRAUS PASTEURIZED MILK LABORATORY.

Mr. BORAH. I move that the Senate proceed to the consideration of House Joint Resolution No. 39.

Mr. GALLINGER. I will ask the Senator from Idaho to withhold his motion for a moment that I may ask for the consideration of a bill to which I am sure there will be no objection.

Mr. BORAH. I withhold the motion.

Mr. GALLINGER. A few days ago I asked unanimous consent for the consideration of the bill (S. 26) to authorize the acceptance by the United States of the gift of the Nathan Straus Pasteurized Milk Laboratory.

The Senator from Texas objected to it, and I think quite properly, and suggested certain amendments which have been agreed upon.

I now ask consideration for the bill, and I will offer the amendments which I think will remove all opposition to the bill. The bill has been read. It is a bill to authorize the acceptance by the United States of the gift of the Nathan Straus Pasteurized Milk Laboratory.

Mr. CULBERSON. Let the title of the bill be read.

Mr. GALLINGER. I have just read it. It is the bill (S. 26) to authorize the acceptance by the United States of the gift of the Nathan Straus Pasteurized Milk Laboratory.

The Senator from Texas has, upon consultation with me, satisfied himself that the amendments I will offer are very proper, and he does not object to the consideration of the bill.

The PRESIDING OFFICER. The Senator from New Hampshire asks unanimous consent for the present consideration of the bill stated by him. Is there objection?

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

Mr. GALLINGER. On page 2, in lines 12 and 13, I move to strike out the words "the practical utility of infants' milk depots in the reduction of infant mortality" and the comma.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. On page 2, lines 14 and 15, strike out the words "the practical utility of infants' milk depots in the reduction of infant mortality" and the comma.

The amendment was agreed to.

Mr. GALLINGER. In line 19 of the bill that I hold in my hand strike out the words "or sell" after the word "give."

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. On line 21, after the word "give," strike out the words "or sell."

The amendment was agreed to.

Mr. GALLINGER. In the next line, strike out the comma after the word "products," and the words "at prices to be fixed by him."

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. In line 22, after the word "products," strike out the comma and the words "at prices to be fixed by him."

The amendment was agreed to.

Mr. GALLINGER. In line 25, as it is here, after the words "may make," strike out the semicolon and insert a period, and strike out the remainder of the bill.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. On page 3, line 3, after the words "may make," strike out the semicolon and insert a period, and strike out the remainder of the bill.

The amendment was agreed to.

Mr. SHIVELY. I wish the Senator from New Hampshire would again indicate the precise words that he has had stricken out in lines 12 and 13.

Mr. GALLINGER. If the Senator has the same print that I have, we have stricken out in those lines the words "the practical utility of infants' milk depots in the reduction of infant mortality."

Mr. SHIVELY. I suggest to the Senator, if he will observe what is left there, whether it makes good sense?

Mr. GALLINGER. I think so. It will then read "for the purpose of investigating the relative value of pasteurized and raw milk for infant feeding, and for other appropriate scientific purposes." I think it reads all right.

Mr. SHIVELY. You begin by striking out the word "practical"?

Mr. GALLINGER. The word "practical."

Mr. SHIVELY. I thought you began by striking out the word "utility."

Mr. GALLINGER. No.

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

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

On motion of Mr. GALLINGER, the title was amended so as to read: "A bill to authorize the acceptance by the United States of the gift of the Nathan Straus Pasteurized Milk Laboratory for the purpose of investigating the relative value of pasteurized and raw milk for infant feeding, and for other appropriate scientific purposes."

ELECTION OF SENATORS BY DIRECT VOTE.

Mr. BORAH. I ask unanimous consent to call up the joint resolution (H. J. Res. 39) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the joint resolution.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Kansas [Mr. BRISTOW].

Mr. NEWLANDS. Mr. President, whilst I was addressing the Senate yesterday upon the importance of taking up immediately certain questions upon which public opinion has been formed, and crystalizing them into legislation, I referred, among others, to the great questions of the combinations of capital called trusts which have assumed of late years so powerful and menacing an aspect.

I stated that although the antitrust act had been passed over 23 years ago, no substantial result had been reached under it; that if the Supreme Court in pending cases should declare these great organizations to be valid organizations, then it would be necessary to have legislation which would treat them as public monopolies and regulate them as we do other public utilities; that if, on the other hand, the Supreme Court should determine that these great organizations should be broken up into their constituent elements, it would be important for us to legislate regarding interstate trade, as to the size and the extent of the operations and the extent of the capitalization of corporations engaged in interstate trade; so that on the one hand we would have the benefit of the combination of great capital in the enterprises of the country, and, on the other hand, we would be able so to regulate them as to protect the country from the abuses which have up to this time existed.

The Supreme Court yesterday acted upon this matter with reference to one of the great trusts in a decision which applies to them all, and, as the result probably of the inertia and the inaction of Congress, has taken upon itself what the dissenting member of that court, Mr. Justice Harlan, declared to be judicial legislation, and has written into the statute words which Congress never put there. And so to-day we have a decision upholding the antitrust act so far as it applies to unreasonable restraint of trade.

The question therefore presents itself to us whether we are to permit in the future the administration regarding these great combinations to drift practically into the hands of the courts and subject the question as to the reasonableness or unreasonableness of any restraint upon trade imposed by these corporations now existing and to be brought into existence in the future to the varying judgments of different courts upon the facts and the law, or whether we will organize, as the servant of Congress, an administrative tribunal similar to the Interstate Commerce Commission, with powers of recommendation, with powers of condemnation, with powers of correction similar to those enjoyed by the Interstate Commerce Commission over interstate transportation.

NATIONAL INCORPORATION.

We are told that the President is now about to urge upon Congress the passage of a national incorporation act, with a view to meeting this question, and doubtless determining the extent to which these combinations may capitalize themselves, the number of plants which they may own, the extent of their operations, placing them all under national jurisdiction as national creations.

So far as I am concerned, Mr. President, for years I have advocated the full exercise of the power of Congress over interstate commerce, even though it led to the organization of the artificial beings that are to enter into interstate commerce. But I have confined my advocacy of the latter proposition entirely to corporations organized for transportation—to the railways of the country—for I realized that railroads were natural monopolies and must be treated as such, that we could not rely upon the States to create the agencies for interstate and national purposes, and that the very necessity of long and continuous interstate lines, extending from ocean to ocean and from the Lakes to the Gulf, requiring that the Nation itself should act in the creation of the artificial agents that would carry on these great enterprises.

My feeling upon this question was accentuated by reason of the fact that the railroads themselves had fallen into the custom of resorting to the States that had the least restriction upon corporate powers, to States which had not within their jurisdiction a mile of the railroad affected, for the creation of the corporate agents that would undertake these great interstate and national functions; and I thought that it was an abdication of the functions of the National Government to permit a single State, which under the Constitution has no power whatever over interstate commerce, which with the other States granted that power in its entirety to the Government of the United States, to organize the corporation which is to operate in many States. I thought it was an outrage to permit this thing to be done by legislation of a single State in which the people of the other States had no participation, and that the proper exercise of the national functions required that the Federal Government should take hold of the entire subject matter.

I felt that such corporations would be more likely to be efficiently restrained by legislation in which the people of all the States participated than by legislation in which the people of only a single State participated. But even with reference to this question, the incorporation of interstate railroads, I gradually modified my views, for I realized that many of the States were unwilling to give up their jurisdiction over the State corporation within their boundaries, engaged, as they were, in State transportation as well as interstate transportation; and so my mind gradually drifted to a method of procedure by which the National Congress would organize not corporations that would own interstate railroads, but would organize corporations that would simply own the stock of State railroads, thus substituting national holding companies for the holding companies now created under the laws of such a State as New Jersey. I felt this would leave the individual corporations in the respective States now engaged in railroad transportation as State creations, absolutely subject to the jurisdiction of the State, so far as taxation, the police power, and State commerce were concerned, and would permit the unionizing, or, if we may so term it, the federalizing, of these State corporations through a national holding company, which would bind them together for the great national purposes of interstate commerce.

SENTIMENT OF PARTIES.

Now, Mr. President, I must admit that, so far as my own party in the Senate is concerned, the views which I entertain upon this subject have not made the headway I could wish. The Democratic Party believes in keeping power as near as possible in the hands of the people in the various localities, in the States, and entrusting to the National Government only those powers which are necessary for the national defense and for national purposes and in carefully scrutinizing the granted powers with a view to preventing any enlargement of national jurisdiction within the boundaries of the States. So the traditions and the principles of the Democratic Party have rather militated against the views which I have entertained, though I have absolute confidence of their correctness and am confident that these views will some time be incorporated in the laws of our country.

But we must take a practical view of this question. There was a time when a national incorporation act could pass Congress, and that was under the recommendation of a Republican President and by the action of a Republican House and a Republican Senate. But that condition of things exists no longer. The House is now Democratic. It will probably remain Democratic for years. The Republican ascendency in this body has been constantly diminishing and is now in danger. So I can not see any possibility within a reasonable time of the enactment of a national incorporation law even regarding railroads, much less regarding the commercial business of the country.

Now, the President contemplates this as his remedy for existing abuses, and we are told by the press that that recommendation is to be renewed and the bill which has been sleeping for so long a time in the Committee on the Judiciary will again be pressed. We all realize how futile such an endeavor will be; and it is therefore all the more incumbent upon us to determine at this session of Congress what is practicable, what will secure the assent of a Democratic House, what will secure the assent of a Senate under the control of a divided Republican Party.

It is absolutely necessary, therefore, for us to dismiss all partisan considerations. If anything is to be done, we must establish a modus vivendi as between the two great parties of the country, and passing some measure that does not contradict the principles or the traditions of either party, wait for the time when one or the other party is in complete and absolute power both in Congress and in the executive department.

Mr. President, why should we not, then, upon this great question, avail ourselves both of the lamp of reason, alluded to in a

recent Supreme Court decision, and of the lamp of experience? What has been our experience regarding that branch of interstate commerce which covers transportation? Our experience has been that 20 years ago, just about the time the antitrust act was passed, Congress passed the interstate-commerce act, creating a commission as its servant to attend to its duties under rules prescribed by Congress. The regulation of interstate commerce belonged to Congress. Congress wisely saw that it could not undertake that regulation in all its details; that it could not pass rate bills which would be satisfactory to every section of the country; that it could not reduce rates that were claimed to be excessive and increase rates that were claimed to be too low; that it could not correct the varying abuses which creep into the administration of every great enterprise. Therefore it created this commission as its servant to carry out its will under rules established by it.

The history of the last 23 years proves the wisdom of our action. By a gradual process of evolution this commission, as the result of gradual improvements in legislation and as the result of constantly increasing powers recommended by it and affirmed by Congress, has become a tribunal second in importance only to the Supreme Court of the land. It has made transportation a science. It has studied all the intricate questions relating to it, and in a recent illuminating decision has formulated a great state paper that has impressed the country and the world with its wisdom.

Now, contrast that action with the other action taken by Congress regarding the trusts. It would have been possible 23 years ago, when the interstate-commerce act was passed, with reference to interstate trade to have established an industrial or trade commission or board similar to the Interstate Commerce Commission with reference to transportation. If we had done so and had put upon that commission the same class of men who have been appointed upon the Interstate Commerce Commission, we would have had the constant corrective power of that commission applied both to the existing trade corporations and to the trade corporations afterwards created. Many abuses would have been prevented. Many abuses would have been corrected. As a result of the constant study and inquiry of a competent board engaged in this work as a specialization recommendations would have been made to Congress which would have been accepted, as were those recommendations made with reference to interstate transportation, and a great body of administrative law would have been built up and combinations of capital would have been effected without the abuses which have existed during the past 23 years.

ENFORCEMENT OF ANTITRUST ACT BY ATTORNEY GENERAL.

But instead of that we determined to trust the matter to the courts, and we gave the enforcement of the antitrust act to the Attorney General's office. So far as the Attorney General's office is concerned, I have no criticism to make regarding the present incumbent, Mr. Wickersham. I believe that he has discharged his full duty under the law and that he has prosecuted these trusts with a vigor and a determination unequaled in the history of the Attorney General's office. But it must be apparent, if we finally get a decision from the Supreme Court of the United States correcting existing abuses only 23 years after the passage of the act, that there has been negligence in the past upon the part of the Attorney General's office. It is necessarily so. The Attorney General's office is an office of shifting incumbency. During one administration there were as many, I believe, as five Attorneys General. How could you have any sequence of action, any logical policy, with such constant changes.

The Attorney General's office is also, in a measure, a political office. The chief of that department is subject to the direction and control of the President of the United States. We know how in times of great political exigency these great corporations summon their powers and make even governmental administrations tremble when an election is at hand. We know that a great, vigorous, strenuous, courageous President was brought to his knees at a time of great financial exigency, when a crisis had involved the entire country in its embrace, when a process of destructive liquidation was threatened, when the bank reserves of the country were tied up in New York and were there loaned out in enterprises of speculation and promotion, when there was universal suspension of payment upon the part of the banks of the country, and a great and powerful corporation, the Steel Trust, anxious to absorb a rival, the Tennessee Coal & Iron Co., persuaded Mr. Roosevelt to believe that the only way of relieving the tension without panic and saving the country was to permit it to absorb the rival corporation. We all recall that he wrote a letter to the Attorney General practically instructing him to commence no proceedings regarding it.

So, whilst these matters have been made public, I can not doubt that in numerous other emergencies the zeal of the administration and the zeal of the Attorney General's office was restrained by the exigency of the hour, whether financial or political.

Mr. STONE. I wish to ask the Senator a question, with his permission.

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Missouri?

Mr. NEWLANDS. Certainly.

TENNESSEE COAL & IRON CO.

Mr. STONE. Does the Senator believe that the letter written by the President to the Attorney General instructing him not to proceed against the Steel Trust and to permit it to absorb a rival is binding upon this administration or this Attorney General or the country, morally or legally?

Mr. NEWLANDS. I do not think it is. I wish to say, however, that I did not state that the President of the United States instructed the Attorney General to take no action. My recollection is that in a communication which was practically an instruction he gave his view of the transaction and indicated that he did not think it incumbent on the administration to intervene.

Mr. SUTHERLAND. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Utah?

Mr. NEWLANDS. Certainly.

Mr. SUTHERLAND. Do I understand the Senator from Nevada to complain that the antitrust act has not been enforced with sufficient vigor in the past?

Mr. NEWLANDS. I do.

Mr. SUTHERLAND. Does the Senator recall that the party to which he belongs was in control of the Government very soon after the antitrust law was passed for a period of four years; and if so, can he tell us how many prosecutions were instituted during that administration?

Mr. NEWLANDS. I think there were very few.

Mr. SUTHERLAND. Were there any?

Mr. NEWLANDS. I do not know of any.

Mr. SUTHERLAND. Is it not true that there was not a single one instituted?

Mr. NEWLANDS. I do not know.

Mr. SUTHERLAND. Is it not true, furthermore, that the Democratic Attorney General gave it as his opinion that the antitrust law was unconstitutional?

Mr. NEWLANDS. I do not recall that.

Mr. SUTHERLAND. Is it not true that no prosecutions were attempted under it during that Democratic administration?

Mr. NEWLANDS. But assuming that it is true, I do not propose for a moment to acquit a Democratic administration of any responsibility in this matter: I do not stand as a sponsor for the Cleveland administration. I never did. I felt always that the Cleveland administration was dominated by the same powers that have controlled the Republican Party in its legislative and administrative action. I am not making a political address. I am addressing myself to a system. I am not making an attack upon either party. I say it is in the highest degree unwise to turn over the administration of the great antitrust act to an office of shifting incumbency, subject to political influence and likely to be controlled by every exigency, political or financial.

Mr. LA FOLLETTE. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Wisconsin?

Mr. NEWLANDS. Certainly.

STANDARD OIL DECISION.

Mr. LA FOLLETTE. I was unable to hear that portion of the Senator's discussion of the recent decision of the Supreme Court in the Standard Oil case, but in so far as I did listen to his remarks, I understood him to express some disagreement with the opinion of the court on one or two points.

I wish to ask the Senator if he does not understand from the reported interview given out by the Attorney General that the decision was entirely satisfactory to the administration; and in this connection to call his attention to a statement prominently published in the Washington Post entitled "Attorney General Wickersham," in which he is reported to have said:

> Substantially every proposition contended for by the Government in this case is affirmed by the Supreme Court. In the reasoning by which the Chief Justice reaches the conclusion, in which the whole court concurs, he expresses the view that only contracts, combinations, etc., which in any way unreasonably or unduly restrain interstate trade and commerce, or which are unreasonably restrictive of competitive conditions, are within the prohibition of the first section of the Sherman Act.

I wish in this connection, with the Senator's permission, to direct attention, assuming that that expresses the present attitude of the administration, to quite a remarkable change which seems to have taken place in the views of the administration on that subject; and I will beg his indulgence while I read one paragraph from the special message of the President of the United States to Congress, transmitted to the Senate January 7, 1910. I read from page 14 of that message:

The Supreme Court in several of its decisions has declined to read into the statute the word "unreasonable" before "restraint of trade"—

"Restraint of trade" is quoted—

on the ground that the statute applies to all restraints and does not intend to leave to the court the discretion to determine what is a reasonable restraint of trade. The expression "restraint of trade" comes from the common law, and at common law there were certain covenants incidental to the carrying out of a main or principal contract which were said to be covenants in partial restraint of trade, and were held to be enforcible because "reasonably" adapted to the performance of the main or principal contract. And under the general language used by the Supreme Court in several cases, it would seem that even such incidental covenants in restraint of interstate trade were within the inhibition of the statute and must be condemned. In order to avoid such a result, I have thought and said that it might be well to amend the statute so as to exclude such covenants from its condemnation. A close examination of the later decisions of the court, however, shows quite clearly in cases presenting the exact question, that such incidental restraints of trade are held not to be within the law and are excluded by the general statement that, to be within the statute, the effect upon the trade of the restraint must be direct and not merely incidental or indirect. The necessity, therefore, for an amendment of the statute so as to exclude these incidental and beneficial covenants in restraint of trade held at common law to be reasonable does not exist.

Mr. NEWLANDS. Mr. President, I have to say that I indulged in no words of disapproval regarding the decision of the Supreme Court. I simply stated that the dissenting member of that court, Justice Harlan——

Mr. LA FOLLETTE. I beg pardon of the Senator. Will he permit me to read one further extract from the message in that same connection?

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Wisconsin?

Mr. NEWLANDS. I do.

Mr. LA FOLLETTE. I read from page 16 of the same message:

Many people conducting great businesses have cherished a hope and a belief that in some way or other a line may be drawn between "good trusts" and "bad trusts," and that it is possible by amendment to the antitrust law to make a distinction under which good combinations may be permitted to organize, suppress competition, control prices, and do it all legally if only they do not abuse the power by taking too great profit out of the business. They point with force to certain notorious trusts as having grown into power through criminal methods by the use of illegal rebates and plain cheating, and by various acts utterly violative of business honesty or morality, and urge the establishment of some legal line of separation by which "criminal trusts" of this kind can be punished, and they, on the other hand, be permitted under the law to carry on their business. Now, the public, and especially the business public, ought to rid themselves of the idea that such a distinction is practicable or can be introduced into the statute. Certainly under the present antitrust law no such distinction exists. It has been proposed, however, that the word "reasonable" should be made a part of the statute, and then that it should be left to the court to say what is a reasonable restraint of trade, what is a reasonable suppression of competition, what is a reasonable monopoly. I venture to think that this is to put into the hands of the court a power impossible to exercise on any consistent principle which will insure the uniformity of decision essential to just judgment. It is to thrust upon the courts a burden that they have no precedents to enable them to carry, and to give them a power approaching the arbitrary, the abuse of which might involve our whole judicial system in disaster.

Mr. NEWLANDS. Mr. President, I was remarking that I made no indication of disapproval of any part of the decision of the Supreme Court. I merely referred to the fact that the dissenting member of that court, Mr. Justice Harlan, had declared that the decision was a piece of judicial legislation. I called attention to the fact—and it seems that I am sustained by the President in that view—that if the various courts of the country, according to varying conditions, were hereafter to be called upon to determine as to whether a restraint of trade thus imposed by these corporations was reasonable or unreasonable, we could not expect any very satisfactory administration of the law, particularly in view of the fact that it has taken 23 years for us to ascertain what the law means, and in order to ascertain that it has been necessary, according to the views of Mr. Justice Harlan, to read into the statute certain words that are not there.

Mr. President, I am not commenting upon this for the purpose of criticizing the Attorney General's office or the President of the United States or the court, nor have I made reference to President Roosevelt with a view of criticizing him for his action. I have no doubt he acted patriotically under the then existing conditions, that he felt the great peril of the hour, and that he yielded, under compulsion, to action which he thought necessary in order to prevent a greater disaster than was consummated by the action which he approved. I am attacking this system of turning over the administration of our legislation regarding interstate trade to the Attorney General's office or to courts, when we should create a great administrative tribunal like the Interstate Commerce Commission, charged with powers over interstate trade similar to those possessed by that tribunal regarding transportation. I have claimed that if such a commission had been organized 23 years ago when the antitrust law was passed, these vast accumulations of menacing capital would have been prevented, that all the advantages of combination of capital would have been secured without the attendant abuses, and that we would have been saved the economic wrench that is now to take place through the dissolution of these giant combinations and the restoration of their constituent elements. I insist upon it that at this extraordinary session of Congress, with six months before us unembarrassed by general legislation, by appropriation bills, and by other matters that usually distract our attention, we have the opportunity to take up this great question in connection with the reciprocity bill and tariff matters and to press it to a wise solution.

THE TIME FAVORABLE FOR PROGRESSIVE LEGISLATION.

Why, Mr. President, how could there be a more favorable time? It is true that the heat of summer is about to intervene, but we could hold our sessions until the 1st of July and resume them upon the 1st of September, and thus secure the necessary rest and vacation, leaving us four or five months to legislate upon these important matters.

As it is, we have been here a month and have practically done nothing. We have not even as yet reached complete organization. Our committees, with the exception of the Finance Committee, are idle. Why can not the Interstate Commerce Committee or the Committee on the Judiciary be sitting at the same time that our Finance Committee is, and take up the great question of interstate trade? Why during this period can not our Commerce Committee, in charge of rivers and harbors, shape a measure for our action that will provide for the regulation of the flow of our rivers and for navigation, for inland waterway transportation, furnishing constructive machinery for this great work through boards of experts composed of the chiefs of the great services that are now working on detached parts of this problem, to whom can be added great engineers and constructors, so that the Nation within its jurisdiction and the States within their jurisdiction, by a system of cooperation, can work out a great plan of regulating river flow by the storage of flood waters in the arid regions, spreading them over the arid lands, and causing the desert to bloom by taking up these waters in artificial reservoirs and holding them for the development of water power and preventing them from adding to the destructive floods below; taking hold of great areas of swamp lands, and so controlling destructive streams as to open up vast areas of fertile soil to cultivation—all done not by usurpation of power by the Nation over the States, but by cooperation of the Nation with the States, each sovereignty acting within its jurisdiction and doing its work under plans devised by all with a proper apportionment of costs and benefits? Why should not that great committee, now idle, take up that question whilst the Finance Committee is holding its sessions and report a bill, possibly for action at this session of Congress, but certainly for action at the next session, so that the greatest constructive problem of the time may be satisfactorily solved?

BANKING.

Then there is another question—the banking question. Is there any question more pressing than that before the country to-day? We have, according to the statement of Mr. Aldrich, the late chairman of the Finance Committee of the Senate, the worst banking system that any civilized country of the world has, a banking system under which our banks have not become, as they should be, great machines of exchange, permitting the sale of products between individuals and communities and sections and furnishing the circulating medium through which the sales can be closed, but have been turned into great machines of promotion and speculation, absorbing the cash reserves of the country, tying them up, and then calmly inviting the country banks to suspend payment when an emergency comes.

Are we content to permit these annual or biennial or triennial or decennial breaks in exchange to continue, paralyzing the business of the country, paralyzing trade between communities and sections and States? Are we to take up this question as a question intrusted to the jurisdiction of the Nation alone through the grant of the States, the only right of the States upon the subject matter being to demand of the Union of States that it should fully and beneficially exercise the power granted?

Banks constitute the machinery of exchange. The functions of the banks have been perverted. In order to make them effi-

cient instruments of exchange they must have ample capital as a protection to their depositors; they must keep ample reserves as a protection against the demands of their depositors; and yet Congress has never legislated as to what proportion the capital of a bank shall bear to its obligations to its depositors. A bank with a capital of $50,000 can accept deposits to the extent of $50,000,000, and the only security that the depositors have is the reserve of their own money within the bank and the $50,000 capital of such a bank.

When banking was a science the laws of the various States absolutely required that no bank should loan its depositors money in excess of five times its capital, thus compelling the banks all the time to maintain a capital equal to 20 per cent of their deposit obligations. Yet the Congress of the United States has made no requirement upon this subject.

Our system ought to be a model system for every State in the Union, but, as the result of our carelessness and indifference upon this subject, the States themselves, formerly careful in this matter, have relaxed their care and within the last decade we have seen companies, misnamed trust companies, with small capital and large deposits, spring up in the various States, and it is these banks that have menaced the safety of the country, oftentimes involving the national banks themselves. It is our function, so long as a State bank engages in interstate commerce, to compel it to maintain the safety appliances that will make it an efficient instrumentality of exchange. We have the same power with reference to a State bank that we have with reference to a State railroad—the State bank engaging in interstate commerce and the State railroad engaging in interstate transportation—to compel either the State bank or the State railroad to apply the safety device that is necessary to make the one an efficeint instrumentality of exchange and the other an efficient instrumentality of transportation.

And yet we have done nothing upon this score, and the State banks of the country, under the example of the national banks, relaxing their old-time caution, have been organized with insufficient reserves, some trust companies keeping on hand only 2 or 3 per cent of their deposit obligations. This is the way in which Congress has acted upon that branch of interstate commerce, exclusively intrusted to its jurisdiction—the question of interstate exchange.

As I said yesterday, a system of transportation which would permit breaks here and there by the removal of tracks or by the removal of bridges would be regarded as intolerable, and if it involved interstate transportation the hand of the Interstate Commerce Commission would be laid upon such delinquency. Yet we permit similar breaks in the exchanges of the country to occur through our neglect of the proper precautions of legislation. No wonder the distinguished former Senator from Rhode Island, Mr. Aldrich, declared our system to be the worst banking system in the world. And now, instead of Congress addressing itself purely to the question of compelling national banks and State banks engaged in interstate commerce to maintain an adequate capital and an adequate reserve, instead of devising means by which they can be associated together in State associations for mutual protection and for the insurance of their depositors, the attention of the country is being directed by the Monetary Commission to a plan for practically reviving the old central-bank system—an improvement it may be, yet a central-bank system. And that, too, at a time when the Democratic Party is coming into power, or, rather, when it is increasing its power all the time in this body and is now sharing the responsibility of government with the Republican Party, and is likely to come into full power—a party whose traditions are against the creation of a central bank.

If this be so, and if the Republican Party is powerless, even if it had the will, to create a central banking system, is it not wise in this condition of things to establish a modus vivendi as to the banking question; to reach out for reforms that are within reach and which do not involve the principles or the traditions of either party? Why should not some committee of this body be sitting upon that question during these next five months instead of leaving it to the Finance Committee, which is already overcharged with labor? Why should not that whole question be referred to the Interstate Commerce Committee, which has jurisdiction of the question of interstate exchange and which could act on this question while the Finance Committee is deliberating upon matters relating to the tariff?

MERCHANT MARINE.

Mr. President, there is another question that is in the public mind, and that is the creation of a merchant marine. The Republican Party has stood for ship subsidy, although as yet it has not been able to put very extensive legislation upon the statute book in that regard. It is now powerless to accomplish its wish, for the Democratic Party is in power in the House and the Republican Party has not a sufficiently harmonious majority in this body to enable to carry out its will here.

What can we do with reference to foreign commerce as a nonpartisan measure? We all know that our Navy is an ill-proportioned Navy, a Navy composed almost exclusively of fighting ships without the auxiliary ships—the transports, the scouts, the dispatch boats, and the colliers—necessary to support the fighting ships in case of war. We all know that when our Navy took its trip around the world we were compelled to call upon other nations to furnish the transports and the colliers that were required, and one of the arguments that is used in favor of subsidizing a merchant marine is that it will furnish American bottoms that will be of use in case of the exigency of war.

THE NAVY.

Now, what can we do to make a well-proportioned Navy, to make a Navy that can sustain itself, that in case of war will not be dependent upon foreign powers that may under the law of neutrality furnish or refuse the necessary auxiliary ships? Obviously our duty is to create a well-proportioned Navy instead of an ill-proportioned Navy; to stop for the time building these fighting ships and to build the auxiliary ships which will support the fighting ships. But, you say, these ships will be useful only in case of war. That is true. Their final use will come then. But in times of peace why should we not let out these ships, manned in part by the Naval Reserves which we are training for our fighting ships, to open up new routes of commerce, the routes of commerce to South America, to Australia, and to Africa, which have been advocated, and thus utilize these ships in times of war as auxiliaries to the naval vessels, to the fighting ships, and in times of peace in aid of the promotion of commerce?

The Republican Party has thus far been opposed to such a measure. It was not satisfactory to the great interests of the country that desired subsidies for commercial enterprises.

But now, when the Republican Party realizes that it has not the power to execute its will, will not its patriotism lead it to advance our merchant marine, and at the same time to create a well-proportioned and efficient Navy, by action such as I have suggested? Why should not the great Committee on Commerce, hitherto engaged exclusively in this direction in the consideration of subsidy measures, take up a great constructive measure like this and, with the aid of the Naval Committee, create a system that will give us a well-proportioned Navy instead of an inefficient Navy—a Navy composed of both fighting and supporting ships instead of ships that, without the necessary ships to support them, would be derelicts on the ocean in case of war?

PROGRESSIVE ACTION DEMANDED.

Mr. President, I have thus far, perhaps, addressed myself to the dominant party in urging that there should be a modus vivendi established in legislation, that we should unite now upon measures that will be beneficial to the public at large and concerning which public opinion is made up. But I am aware that I am addressing a party which, while having the nominal majority, is a party without practical responsibility, a divided party, composed on the one hand of regular, stalwart, and near progressive Republicans and on the other of progressive Republicans, 13 or 14 in number.

The entrance of these progressive Republicans into this body has been like a breath of ozone, invigorating the atmosphere. I welcome them. Every progressive Democrat welcomes them. But a responsibility rests upon them. They stand for certain reforms with which the Democratic Party is in sympathy. It is possible to organize this House in the interest of progressive legislation from President pro tempore down. It is possible by our action to put upon the statute book every nonpartisan reform to which I have referred. If this extra session fails, the responsibility will be ours. I mean the mingled responsibility of Democrats and progressive Republicans. We can not charge it upon the reactionary element of the Republican Party. Ours is the power and ours is the responsibility.

I trust, therefore, that some method will be devised, not by hidden and secret agreement, not by methods unexposed to the public eye, but in the open Senate, before the entire people, by which men of like thought regarding measures involving progressive reforms of great moment to the country can act together, and I believe such action will be regarded by the country as indicating that the Senate of the United States is again self-governing, that it is not controlled either by mere chance or by a few of the elder statesmen.

I suggest, therefore, that we take up the legislative program which I have offered and determine what of the proposed legislation we shall take up at this session, and what we shall in-

struct our committees to report upon for legislative action at the regular session, and that, taking a recess during July and August, we apply our best efforts for the remaining months between now and next December in an earnest effort to meet the popular demands regarding reform and constructive legislation.

EXECUTIVE SESSION.

Mr. CULLOM. I ask for a brief executive session.

The VICE PRESIDENT. The Senator from Illinois moves that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 4 o'clock p. m.) the Senate adjourned until to-morrow, Wednesday, May 17, 1911, at 2 o'clock p. m.

NOMINATIONS.

Executive nominations received by the Senate May 16, 1911.

PROMOTIONS IN THE NAVY.

Lieut. Commander William A. Moffett to be a commander in the Navy from the 4th day of March, 1911, to fill a vacancy.

The following-named lieutenants to be lieutenant commanders in the Navy from the 4th day of March, 1911, to fill vacancies:

Lloyd S. Shapley and
Samuel I. M. Major.

Lieut. (Junior Grade) Henry A. Orr to be a lieutenant in the Navy from the 4th day of March, 1911, to fill a vacancy.

Ensign Isaac C. Shute to be a lieutenant (junior grade) in the Navy from the 13th day of February, 1911, upon the completion of three years' service as an ensign.

Midshipman Earle W. Jukes to be an ensign in the Navy from the 6th day of June, 1910, to fill a vacancy.

Carpenter Brandt W. Wilson to be a chief carpenter in the Navy from the 7th day of March, 1911, upon the completion of six years' service as a carpenter.

POSTMASTERS.

WEST VIRGINIA.

Frank L. Bowman to be postmaster at Morgantown, W. Va., in place of Smith A. Posten. Incumbent's commission expired March 1, 1911.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 16, 1911.

SECRETARY OF WAR.

Henry L. Stimson to be Secretary of War.

APPRAISER OF MERCHANDISE.

Francis W. Bird to be appraiser of merchandise in the district of New York, N. Y.

ASSAYER.

Merrill A. Martin to be assayer of the mint at San Francisco, Cal.

REGISTERS OF THE LAND OFFICE.

Reuben N. Stevens to be register of the land office at Bismarck, N. Dak.

James G. Quinlivan to be register of the land office at Dickinson, N. Dak.

PROMOTIONS IN THE NAVY.

The following-named lieutenants to be lieutenant commanders:

Richard D. White and
William S. Miller.

Lieut. (Junior Grade) Benjamin Dutton, jr., to be a lieutenant.

The following-named ensigns to be lieutenants (junior grade):

Roy L. Lowman,
Conant Taylor,
Archibald G. Stirling,
Donald P. Morrison, and
Edwin A. Wolleson.

Asst. Surg. Charles L. Moran to be a passed assistant surgeon.

The following-named assistant surgeons to be passed assistant surgeons:

Frank P. W. Hough and
George C. Rhoades.

Carpenter Wilbert O. Crockett to be a chief carpenter.

First Lieut. Robert O. Underwood to be a captain in the Marine Corps.

Capt. Austin M. Knight to be a rear admiral.

Lieut. Commander Edwin T. Pollock to be a commander.

Lieut. (Junior Grade) Vaughn K. Coman to be a lieutenant.

The following-named ensigns to be lieutenants (junior grade):

John P. Miller,
William A. Hall,
Isaac C. Kidd, and
Richard R. Mann.

The following-named carpenters to be chief carpenters:

Joseph J. Redington and
Robert Velz.

POSTMASTERS.

GEORGIA.

Sallie M. Aaron, Lyons.
Frances E. Chapman, Buena Vista.
Charles W. Parker, Elberton.

MISSOURI.

William H. Yancey, La Belle.

NEW YORK.

Frederick Rohde, Stapleton.

NORTH DAKOTA.

Roy P. Hubbard, Glen Ullin.
Arthur J. Swartout, Wimbledon.

PENNSYLVANIA.

Thomas E. McLaughlin, Midway.
William G. Murdock, Milton.
Spencer H. Rhoads, Iselin.
Reese M. Tubbs, Shickshinny.

SOUTH DAKOTA.

Charles A. Ramsdell, Beresford.
Peter J. Schroder, Avon.

WASHINGTON.

H. T. Jones, Riverside.

HOUSE OF REPRESENTATIVES.

TUESDAY, *May 16, 1911.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

With unfeigned love and gratitude we would sing Thy praise, O God our Father, for life and its far-reaching purposes. We bless Thee that under the Constitution of these United States of America each citizen is permitted to think his own thoughts, enjoy the fruits of his own honest industry, and worship Thee according to the dictates of his own conscience. Help us to remember that each is but a unit in the great human family, bound together by ties so delicately adjusted that what helps one helps all, what hurts one hurts all; that we may think and act in consonance with the golden rule, striving earnestly day by day to do unto others as we would be done by. In the spirit of the Lord Jesus Chirst. Amen.

The Journal of the proceedings of Friday, May 12, 1911, was read and approved.

UNITED STATES STEEL CORPORATION.

Mr. HENRY of Texas. Mr. Speaker, I desire to call up for consideration a privileged report from the Committee on Rules on House resolution 148.

The SPEAKER. The gentleman from Texas calls up a privileged report from the Committee on Rules, based on a certain resolution which he names, and the Clerk will report the resolution first and then read the report.

The Clerk read as follows:

House resolution 148——

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman from Illinois will state it.

Mr. MANN. This resolution is on the Union Calendar, I notice. Does it require consideration in the Committee of the Whole?

Mr. HENRY of Texas. I think not.

Mr. MANN. Then it ought not to be on the Union Calendar.

The SPEAKER. One of two things is true about it; it either ought not to be on the Union Calendar; or if it is on the Union Calendar, it ought to be considered in the Committee of the Whole.

Mr. HENRY of Texas. Mr. Speaker, I desire to ask unanimous consent that the resolution be placed on the House Calendar.

Mr. MANN. Well, I do not think it belongs on the House Calendar. I should prefer the gentleman to ask unanimous consent to consider it. I was going to reserve the point of order that it was not privileged, but I shall not insist upon the point of order it is not privileged, but I reserve it for a moment for the purpose of calling attention of gentlemen who make privileged reports to the fact that under the rules a privileged

report must be presented in the House. It can not be presented by dropping it in the basket. This report was presented by dropping it in the basket and not presented on the floor of the House. I shall not insist upon that point of order, because I understand——

The SPEAKER. The gentleman from Illinois undoubtedly states the rule correctly. There is no question about it.

Mr. MANN. And I suggest to the gentleman from Texas that he ask unanimous consent to consider it in the House as in Committee of the Whole House. I have no objection to that.

Mr. HENRY of Texas. Mr. Speaker, I have no objection to that. I think the gentleman is technically correct, but this practice has been pursued in regard to these resolutions from the Committee on Rules——

Mr. MANN. I think the gentleman is mistaken——

Mr. HENRY of Texas. And I ask unanimous consent that the resolution be considered in the House as in Committee of the Whole.

Mr. MANN. I think the gentleman is mistaken about the practice, because this one instance is hardly to be given as the practice.

Mr. HENRY of Texas. I do not refer to this one instance. I have looked at others, but it makes no difference to me, and I would make the request which the gentleman desires——

The SPEAKER. What is the request?

Mr. HENRY of Texas. That the resolution be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from Texas asks unanimous consent that this resolution and report thereon be considered in the House as in Committee of the Whole House. Is there objection?

Mr. BROUSSARD. Mr. Speaker, may I ask the gentleman a question?

The SPEAKER. Does the gentleman from Texas yield to the gentleman from Louisiana?

Mr. HENRY of Texas. For a question.

Mr. BROUSSARD. Which resolution is that?

Mr. HENRY of Texas. This is resolution 148, known as the Steel Trust resolution, introduced by Mr. STANLEY.

The SPEAKER. The gentleman from Texas will suspend a moment. Inasmuch as this is a matter that the Chair would like to hear a part of, the Chair would like to have order so that the matter can be heard. Is there any objection to the consideration of the report?

Mr. AUSTIN. Mr. Speaker, I would like to ask the gentleman how much debate is the gentleman going to have on this resolution?

Mr. HENRY of Texas. Mr. Speaker, I am willing to have all the debate that is necessary and desirable. I would ask the gentleman on the other side how much he desires?

Mr. MANN. I do not think that there is anybody that wants to be heard at length on this side. I apprehend that there is no difficulty about that.

Mr. HENRY of Texas. I think we can get through in an hour, and I propose that we divide the hour equally.

Mr. MANN. I think we can settle that later. That can be arranged. The gentleman from Kentucky will probably want some time, and perhaps others will desire time.

Mr. AUSTIN. I want some time.

Mr. HENRY of Texas. Very well.

The SPEAKER. Is there objection to the consideration of the resolution called up by the gentleman from Texas? The Chair hears none. The Clerk will report the resolution and then the report.

The Clerk read as follows:

House resolution 148.

Resolved, That a committee of nine Members, to be elected by the House, be, and is hereby, directed to make an invesigation for the purpose of ascertaining whether there have occurred violations by the United States Steel Corporation, or other corporations or persons as hereinafter set out, of the antitrust act of July 2, 1890, and the acts supplementary thereto, the various interstate-commerce acts, and the acts relative to the national banking associations, which violations have not been prosecuted by the executive officers of the Government; and if any such violations are disclosed said committee is directed to report the facts and circumstances to the House.

Said committee is also directed to investigate the United States Steel Corporation, its organization and operation, and if in connection therewith violations of law as aforesaid are disclosed, to report the same.

Said committee shall inquire whether said steel corporation has any relations or affiliations in violation of law with the Pennsylvania Steel Co., the Cambria Steel Co., the Lackawanna Steel Co., or any other iron or steel company.

Also whether said steel corporation, through the persons owning its stock, its officers or agents, has or has had any relation with the Pennsylvania Railroad Co., or any other railroad company, or any coal companies, national banking companies, trust companies, insurance companies, or other corporate organizations or companies, or with the stockholders, directors, or other officers or agents of said companies, or with any person or persons, which have caused or have a tendency to cause any of the results following:

First. The restriction or destruction of competition in production, sale, or transportation.

Second. Excessive capitalization and bonding of corporations.

Third. Combinations created by ownership or control by one corporation or the stockholders or bondholders thereof of the stock or bonds of other corporations, or combinations between the officers or agents of one corporation and the officers or agents of other corporatins by duplication of directors or other means and devices.

Fourth. Speculations in stocks and bonds by agreement among officers and agents of corporations to depress the value of the stocks and bonds of other corporations for the purpose of acquiring or controlling same.

Fifth. Profits through such speculation to officers or agents of such corporations to the detriment of the stockholders and the public.

Sixth. Panics in the bond, stock, and money markets.

Said committee shall in its report recommend such further legislation by Congress as in its opinion is desirable.

Said committee as a whole or by subcommittee is authorized to sit during sessions of the House and the recess of Congress, to employ clerical and other assistance, to compel the attendance of witnesses, to send for persons and papers, and to administer oaths to witnesses.

The Speaker shall have authority to sign and the Clerk to attest subpœnas during the recess of Congress.

The Committee on Rules, to whom was referred House resolution No. 148, to investigate violations of the antitrust act of 1890 and other acts, have considered the same and beg leave to report with the recommendation that it do pass, with the following amendment: In line 10, page 20, add the letter "s" to the word "relation."

Mr. HENRY of Texas. Mr. Speaker, I would like to ask the gentleman from Illinois now if we can not have some understanding as to the time during which the discussion is to be carried on.

Mr. MANN. I suggest that the gentleman proceed. I do not think there will be objection as to time, so far as I am concerned. I do not think anybody desires to be heard more than a minute or two on this side.

Mr. HENRY of Texas. I think we can get through in an hour.

Mr. MANN. I do not think there is anyone on this side who desires to answer the gentleman from Kentucky [Mr. STANLEY], but there may be. I do not know.

Mr. HENRY of Texas. Then I take it, Mr. Speaker, that I shall be entitled to an hour, and I now yield 15 minutes to the gentleman from Kentucky [Mr. STANLEY].

Mr. STANLEY. Mr. Speaker, this is a resolution providing for an investigation of the United States Steel Corporation. I do not mean in five minutes to make any argument in favor of the passage of this resolution by referring to or defending in detail the provisions of the resolution, as that would require a much greater time. I am convinced that every lawyer in the House who has investigated this question will have but little doubt that the dicta of the Supreme Court in the Northern Securities case touching holding companies applies in the case of the formation of the United States Steel Corporation. In other words, the organization of the United States Steel Corporation, both by the character of its charter and by virtue of the circumstances under which that charter was made and the purpose which it was intended to subserve, render it strictly and technically a combination in restraint of trade.

Mr. HAMILTON of Michigan. In "unreasonable restraint of trade"——

Mr. STANLEY. Yes; according to the new law. I will not discuss the new law just passed by the Supreme Court of the United States. [Laughter.]

In addition to that, it is manifest to those who have studied the operations of the United States Steel Corporation, this matter having been previously investigated to a certain extent in the Senate, that this concern has operated in restraint of trade by the absorption of actively competing concerns. The most manifest instance of this violation of law was the taking over of the Tennessee Coal & Iron Co. The absorption of this competitor, even for a legitimate purpose, in the light of the decisions of the Supreme Court of the United States, both in the Northern Securities case and the Addystone Pipe case, and what cursory examination I have been able to make of the decision just rendered in the case of the United States against the Standard Oil Co., was and would have been illegal even if it had been a purchase in the usual order of things. As it was, this concern was not purchased. It was coerced into a surrender, having been paid but a nominal sum—a mere fraction of the actual value of that property. I believe that those who have investigated this question carefully will find that each one of these specific acts or abuses named in this resolution can be sustained by an abundance of proof.

Mr. SIMS. Mr. Speaker, may I ask the gentleman a question?

Mr. STANLEY. Certainly.

Mr. SIMS. Does the gentleman contemplate legislation to follow this investigation?

Mr. STANLEY. It would be hard to answer that question. As far as I am personally concerned, I believe an investigation of this question will bring before the country facts that will justify Congress in acting both in the passing of additional legislation and in a resolution, perhaps, or direction to the judiciary department of the Government to take such steps as may be necessary to dissolve the concern.

Mr. SIMS. It is, then, in the nature of a goad to the Department of Justice?

Mr. STANLEY. It is in the nature of an ancillary operation; I would not call it a goad. We can be of material assistance to the Department of Justice in preparing that part of its case which needs substantial facts.

Mr. HENRY of Texas. Mr. Speaker, I yield five minutes to the gentleman from Tennessee [Mr. AUSTIN].

Mr. AUSTIN. Mr. Chairman, I have no personal interest in the United States Steel Corporation. I am neither a stockholder nor a bondholder, and what I may have to say on this subject I say in the interest of my country. I do not believe in the kind of legislation which is seeking every opportunity to embarrass the commercial and manufacturing development of our country. I believe that we have reached that period in the history of our country when we must have large combinations of capital to not only develop the splendid resources of our fair land and find constant employment for our great army of wage earners but those that are coming here from foreign shores at the rate of a million a year.

In the present splendid development of our resources we have reached a point where we not only manufacture more than we can possibly consume ourselves, but we must find an outlet and a market for our surplus in foreign lands in order to keep every mill busy and every American wage earner employed.

Now, gentlemen, if we are to inaugurate a war upon every movement looking to a consolidation of the manufacturing interests in this country, we are not only going to embarrass and injure our manufacturing development, but we are going to drive out of the field of investment men who have the needed money to carry forward the industrial development of our country and keep busy an immense army of wage earners. I believe in the proper and just control of every trust or combine or corporation, but I do not believe in carrying that control to a point that means not only destruction to the invested millions of our American citizens, but curtailing the output of the mill, the mine, and the factory.

This corporation that we are now seeking to investigate last year turned out and sold more than $750,000,000 of manufactured goods. When it was originally organized its export business was valued at $2,000,000. Last year it had so developed and extended its splendid foreign business, under Mr. James A. Farrell, that its exports had grown to almost $100,000,000. An increase from $2,000,000 to $100,000,000 means something when it comes to measure this additional prosperity in America. A hundred million dollars in foreign exports and $650,000,000 goods sold in our home market means wages—employment for more than 200,000 American workingmen.

Now, gentlemen on both sides of this Chamber talk about "competition." Why, gentlemen, the time of "cut-throat" competition among sensible business men has long since passed away, and if we by legislation seek to force a return to that era then we will not only silence thousands of mills in this land to-day, but we will prevent the future investment of millions in the development of our resources and in the conduct of our commercial and manufacturing affairs.

I am a southern Representative on the floor of this House. I do not complain at the purchase of the Tennessee Coal, Iron & Railroad Co. by the United States Steel Corporation, for it has not proven to be an injury to the South. It has been a great benefit. I say that statement can not be challenged, and the chairman of the Committee on Ways and Means, the gentleman from Alabama [Mr. UNDERWOOD], in whose district this great corporation is largely interested, will not say that the absorption of that plant by the Steel Corporation has not brought millions for the improvement and the extension of an almost bankrupt, crippled corporation, giving it new life.

I remember two years ago when the officers of the steel corporation took to the city of Birmingham the director general of the Argentine railroad system, and as a result of that trip a single order for 75,000 tons of steel rails, bringing $2,250,000, was placed in the mills of Birmingham. The hope of the South in the development of its inexhaustible resources is in the encouragement of such companies as the United States Steel Corporation, with their countless millions, to build mills, furnaces, and factories to give employment to our people, and bring millions into the circulation of the South by the sale of iron and steel products in our South American and other markets which will be opened up by the construction of the Panama Canal. [Applause.]

I thank the gentleman from Texas [Mr. HENRY] for his kindness in yielding me additional time.

Mr. HENRY of Texas. Mr. Speaker, does the gentleman from Illinois desire to consume any time?

Mr. MANN. Mr. Speaker, I may want a moment, but nothing more unless there is to be further discussion.

Mr. HENRY of Texas. Mr. Speaker, the gentleman from Georgia [Mr. HARDWICK], as I understand, desired to address the House for a few minutes. I see he is not present, and if the gentleman from Illinois will use 5 or 10 minutes now I will be very glad.

Mr. MANN. Oh, I can not use that much time.

Mr. HENRY of Texas. I will yield the gentleman five minutes.

Mr. MANN. Mr. Speaker, so far as I know, there is no objection on this side of the House to the investigation proposed by the resolution. We recognize the right of the majority to investigate all questions of this kind and hope that the result of the investigation may be for the benefit of the public good, and not merely for partisan use. Whether that hope is futile or not depends upon the result which we will await, prepared at all times to defend the proposition that the policy of the Republican Party is not to build up trusts or monopolies, but to prevent their creation and the abuses which may occur through them.

I do not think it is my duty under the circumstances to consume time for the benefit of some gentleman who is not yet prepared or who is not in the Hall. However, Mr. Speaker, I prepared some years ago a memorandum of the law on the subject of congressional investigations for my own use if I should have occasion to make use of anything of the sort, and, as it represented some little labor, I ask unanimous consent to extend my remarks in the RECORD so as to insert this for the use of any Member who has occasion to study the subject.

The SPEAKER pro tempore (Mr. RANDELL of Texas). The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD as indicated. Is there objection?

There was no objection.

The memorandum referred to is as follows:

IN RE CONGRESSIONAL INVESTIGATIONS.

In drafting a resolution or a law creating a committee or a commission and authorizing it to conduct an investigation for the purpose of securing information to be subsequently reported to Congress, certain principles, announced by the courts in cases involving the legality of governmental investigations, should be borne in mind. A review of the decisions of the Supreme Court in this class of cases discloses the fact that previous investigations which have failed met the disapproval of the courts because the acts of Congress authorizing them were insufficient, and not because of any lack of power in that body to make investigations. It is therefore of the utmost importance that mistakes and errors pointed out by the courts in the laws authorizing previous investigations be avoided. The leading cases announce the following principles:

SCOPE AND EXTENT OF CONGRESSIONAL INVESTIGATIONS.

Congress may authorize a committee or a commission to obtain information upon any subject which, in its judgment, it may be important to possess. (In re Pacific Ry. Com., 32 F. R., 241, 250; 1887.)

Interstate Commerce Commission *v.* Brimson (154 U. S., 447, 472; 1893) holds, in effect, that the Constitution having given to Congress full power in the matter of regulating commerce that body may investigate the whole subject and in that way obtain full and accurate information; that for the purpose of regulating commerce Congress may invest a commission with authority to require and compel the attendance and testimony of witnesses and the production of papers and documents relating to any matter legally committed to it for investigation.

This case holds also that the twelfth section of the interstate-commerce act is constitutional and valid so far as it authorizes and requires the circuit courts of the United States to use their process in aid of inquiries which it holds Congress may lawfully authorize the Interstate Commerce Commission to make. That part of the draft of the proposed resolution, herewith submitted, which authorizes the same aid, follows the language of that section.

But the courts will not permit a governmental investigation to delve into the purely private affairs of the citizen unless it affirmatively appears that such investigation is material to matters over which Congress has jurisdiction and concerning which it may take some lawful action. (I. C. C. *v.* Brimson, 154 U. S., 447, 481, et seq., 1894; Entick *v.* Carrington, 19 Howell's State Trials, 1029; Kilbourne *v.* Thompson, 103 U. S., 168, 190–6, 1880; In re Chapman, 166 U. S., 661, 668–71, 1896.)

In Kilbourne *v.* Thompson (103 U. S., 168, 1880) a resolution, appointing a special committee and authorizing an investigation into the matter and history of the real-estate pool and the Jay Cooke & Co. settlement was held defective because it did not appear that the subject matter of the investigation was one concerning which Congress had jurisdiction or with reference to which it could take lawful action (p. 193).

The situation may be summarized thus: While Congress may authorize the collection, in the ordinary way, of information on any subject which it may deem of importance to possess, it may authorize the exercise of the extraordinary power of compelling the giving of testimony and the production of documents and papers only in cases where the information required is material to matters over which

Congress has jurisdiction and concerning which it may take some lawful action. It is at this point that the power of the Government and the constitutional rights of the citizen meet, and it is here that governmental investigation reaches its limit.

In order, therefore, to lawfully entitle an investigating commission to forcibly compel the giving of testimony and the production of documents and papers, three things are essential.

First. The subject matter of the investigation must be one concerning which Congress has jurisdiction and with reference to which it may take lawful action.

Second. The resolution or statute creating the commission must describe in express terms the subject matter and should indicate clearly the object or purpose proposed to be accomplished by the investigation.

Third. The testimony, or the information contained in the papers and documents, which the commission forcibly seeks must be material and relevant to the subject matter which it is authorized to investigate.

If, therefore, a law authorizing an investigation contains these essential elements, the information pointed out may be secured notwithstanding it may be of a private or personal nature, providing, of course, the law contains a clause granting to witnesses immunity from future prosecution with respect to information which might tend to criminate them.

In this connection it is to be observed that if the information sought is material to the subject matter which the commission is authorized to investigate it may not be withheld on the ground that it is also material to some other subject which it has no right to inquire into. Inquiries of a commission of this character are not narrowly constrained by technical rules as to the admissibility of proof. Its function is one of inquiry, and it should not be hampered by those narrow rules which prevail in trials at common law where a strict correspondence is required between allegation and proof. (I. C. C. *v.* Baird, 194 U. S., 25, 44, 1904.)

PROVISIONS SUFFICIENT TO GRANT IMMUNITY TO WITNESSES.

Counselman *v.* Hitchcock (142 U. S., 547, 586, 1892) held that section 860, Revised Statutes, did not supply a complete protection against all the perils against which the fifth amendment to the Constitution was designed to guard, and was not a full substitute for that prohibition; that a statutory enactment to be valid must afford to a witness absolute immunity against future prosecution for the offense to which the question relates. While this case involved an investigation instituted by the Interstate Commerce Commission, section 12 of the interstate-commerce act, as it then stood, does not appear to have been passed on. That section followed the language of section 860, Revised Statutes, above referred to, however, and when that provision was declared insufficient and ineffectual that part of section 12 of the interstate-commerce act then in force was apparently abandoned. The act of February 11, 1893, was then passed to supply a provision which would be sufficient and effectual. It has so been held in Brown *v.* Walker (161 U. S., 591, 1895). The immunity provision of the draft of the proposed resolution herewith submitted follows the language of that act, which has been passed on and declared sufficient by the Supreme Court.

It is well to note, however, that the jurisdiction of an investigating commission is not extended because the resolution or act appointing it contains a provision granting to witnesses immunity from future prosecution. A statute granting immunity to witnesses does no more than deprive them of their right to refuse to answer questions or produce documents or papers which are material to the subject matter of a lawful investigation. It does not extend the jurisdiction of the commission; it only aids it in conducting investigations which it has a right to make.

PUNISHMENT OF CONTUMACIOUS WITNESSES.

As to the punishment of contumacious witnesses the case of Interstate Commerce Commission *v.* Brimson (154 U. S., 447, 485; 1893), holds that:

"Except in the particular instances enumerated in the Constitution and considered in Anderson *v.* Dunn (6 Wheat., 204) and in Kilbourn *v.* Thompson (103 U. S., 168, 190) of the exercise by either House of Congress of its right to punish disorderly behavior upon the part of its Members, and to compel the attendance of witnesses and the production of papers in election and impeachment cases, and in cases that may involve the existence of those bodies, the power to impose fine and imprisonment in order to compel the performance of a legal duty imposed by the United States, can only be exerted, under the law of the land, by a competent judicial tribunal having jurisdiction in the premises. See Whitcomb's case (120 Mass., 118) and authorities there cited."

In re Chapman (166 U. S., 661, 1897) holds that sections 102 and 104, Revised Statutes, for enforcing the attendance of witnesses, etc., are not open to the objection that they conflict with the Constitution; that Congress possesses constitutional power to enact a statute to enforce the attendance of witnesses and to compel them to make disclosure of evidence to enable the respective bodies to discharge their legislative functions; while Congress can not divest itself, or either of its Houses, of the inherent power to punish for contempt, it may provide that contumacy in a witness called to testify in a matter properly under consideration by either House, and deliberately refusing to answer questions pertinent thereto, shall be a misdemeanor against the United States.

In Interstate Commerce Commission *v.* Brimson (53 F. R., 476, 480; 1892), the court said:

"Undoubtedly Congress may confer upon a nonjudicial body authority to obtain information necessary for legitimate governmental purposes, and make refusal to appear and testify before it touching matters pertinent to any authorized inquiry an offense punishable by the courts," or subject witnesses "to penalties or forfeitures. A prosecution or an action for violation of such a statute would be clearly an original suit or controversy between parties within the meaning of the Constitution."

This part of the opinion of the lower court was expressly affirmed by the Supreme Court, notwithstanding the fact that in other particulars the decision was reversed. (I. C. C. *v.* Brimson, 154 U. S., 447, 469; 1894.)

That clause of the draft of the proposed resolution herewith submitted follows the language of the provision passed on in these cases, except that it omits the penalty of imprisonment which was stricken out by the Elkins law.

ALPHABETICAL LIST OF CASES CITED.

Anderson *v.* Dunn, 6 Wheat., 204 (1821); Counselman *v.* Hitchcock, 142 U. S., 547, 586 (1891); Ertick *v.* Carrington, 19 Howell's State Trials, 1029; I. C. C. *v.* Baird, 194 U. S., 25 (1904); I. C. C. *v.* Brimson, 53 F. R., 476 (1892); I. C. C. *v.* Brimson, 154 U. S., 447 (1893); In re Chapman, 166 U. S., 661 (1896); In re Pacific Ry. Co., 32 F. R., 241 (1887); Kilbourn *v.* Thompson, 103 U. S., 168 (1880); Whitcomb's case, 120 Mass., 118.

TENTATIVE DRAFT OF PROPOSED RESOLUTION.

Whereas (here state the subject matter or thing to be investigated, the power under which Congress acts, and the purpose of the investigation).

Resolved, etc. (This clause should authorize the appointment of a committee; authorize and direct such committee to inquire into and investigate the subject described, and require it to report. Provisions with reference to compelling the giving of testimony and the production of documents, papers, etc., should be included, substantially as follows:)

For the purposes of this investigation the committee shall have power to administer oaths and to require, by subpœna, the attendance and testimony of witnesses and the production of all books, papers, tariffs, contracts, agreements, and documents relating to any matter under investigation.

Such attendance of witnesses and the production of such documentary evidence may be required from any place in the United States at any designated place of hearing. And, in case of disobedience to a subpœna the committee may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of books, papers, and documents under the provisions of this section.

And any of the circuit courts of the United States within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpœna issued to any person, issue an order requiring such person to appear before said committee (and produce books and papers if so ordered) and give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

No person shall be excused from attending and testifying or from producing books, papers, tariffs, contracts, agreements, and documents before the committee, or in obedience to the subpœna of the committee, whether such subpœna be signed or issued by one or more of the members of such committee, on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to criminate him or subject him to a penalty or forfeiture. But no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may testify, or produce evidence, documentary or otherwise, before such committee, or in obedience to its subpœna, or the subpœna of any member thereof: *Provided*, That no person so testifying shall be exempt from prosecution and punishment for perjury committed in so testifying.

Any person who shall neglect or refuse to attend and testify, or to answer any lawful inquiry, or to produce books, papers, tariffs, contracts, agreements, and documents, if in his power to do so, in obedience to the subpœna or lawful requirement of the committee shall be guilty of an offense, and, upon conviction thereof by a court of competent jurisdiction, shall be punished by fine not less than $100 nor more than $5,000.

QUERY.

How would it do to pass a bill providing immunity for witnesses testifying before a committee of either House when that House has provided by resolution for the investigation and for immunity to witnesses?

Mr. HENRY of Texas. Mr. Speaker, I yield five minutes to the gentleman from Georgia [Mr. HARDWICK].

Mr. HARDWICK. Mr. Speaker, I do not desire any time.

Mr. HENRY of Texas. Then I will yield five minutes to the gentleman from Texas [Mr. HARDY].

Mr. HARDY. Mr. Speaker, in connection with this resolution, I was very much interested by the remarks of the gentleman from Tennessee [Mr. AUSTIN] in defense and laudation of the United States Steel Trust. I caught the force of one of his initial remarks, that legislation in this country ought not to force ruinous competition, and I concur with him in that proposition. I believe that experience will demonstrate that the great difficulty in this country is not from legislation in forcing ruinous competition, but from legislation permitting ruinous competition. [Applause on the Democratic side.] But the gentleman's idea of ruinous competition and mine are evidently as opposite as the poles. By ruinous competition I mean a system under which a powerful organization can combine the resources of an industry into a single grasp, and by ruinous, cutthroat methods put down every effort to compete with it. I believe that by permitting immense combinations to lower their prices in one locality while they raise them in another place, in order that while lowering prices in one place and throttling competition there they may compensate themselves by higher prices at another place or other places, that that is ruinous competition which legislation ought to forbid and ought to prohibit. I believe that when an organization like the Steel Trust or the Standard Oil may so combine its energies and direct its operations that, for instance, an independent refining company attempting to sell oil in opposition to the Standard at Fort Worth, Tex., might be throttled by lower prices at Fort Worth, while the same company—the Standard—may raise its prices at Dallas or at Houston or San Antonio or New Orleans to recoup itself for the losses sustained at Fort Worth, thereby maintaining an average at which they can make a great profit. I believe that that is ruinous and cutthroat competition, capable of being indulged in only by the great corporations and combinations, and against which the smaller industries and independent producers and the general consumer ought to be protected by proper legislation. By such ruinous competition combination builds itself into monopoly and

oppresses without limit both producer and consumer. [Applause.]

Furthermore, I believe that when a manufacturer of home products so enlarges his grasp upon an industry that he can, as Mr. Carnegie said, dictate to every manufacturer of like products the prices at which he shall put his products upon the market for fear a cutthroat war might be waged against him, we have reached a condition where the legislation of the country should interfere for the protection of the weaker. I heard a motto once when I was a boy at school given by a young college boy. The motto was, "Protect the weak, defend the right, and woman's honor shield." It appealed to the chivalrous spirit, but we have reached a position now when it seems to me we should reverse that saying and leave the first clause to be the climax, to be the greatest, "Protect the weak"; it carries all the rest. And when I hear men in the halls of Congress representing the great masses of the American people pleading for the right of immense combinations and corporations which throttle and destroy all competition under the guise of benefit to the American workingman, it seems to me we have reached a point where a renovation of our thoughts and our ideals is necessary. We have heard the cry of protection to the American workingman raised in defense of corporations that import foreign so-called pauper labor and drive out our American workingman till I am tired of it. [Applause on the Democratic side.] The very Steel Trust so eloquently praised by the gentleman from Tennessee, as I am informed, has a great majority of its laborers imported, and many of them can not speak English. We need to be represented here by Representatives who speak for the masses and not for the classes, men who speak for the millions of consumers and not for the petty few of the petted industries. [Applause on the Democratic side.] It seems to me that that is right, and I want to warn Members on our side, and the other side, too, that they will never reach a remedy until they provide a law that will prevent cutthroat, ruinous competition. [Applause on the Democratic side.]

Mr. HENRY of Texas. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. GRAHAM].

Mr. GRAHAM. Mr. Speaker, I have no doubt this resolution ought to pass, although it seems to me that some of the language of it is broader than perhaps it ought to be. That, however, is a matter which can be pointed out as we go along. I can not yield my assent to the position taken by the gentleman from Tennessee. It occurs to me that is rather a severe commentary on the management of public affairs when in this country, with its enormous resources, we brag because workingmen have a full dinner pail. It has always seemed to me to be the most insulting proposition that could be put forth. With the sparcity of population we have, with the enormous amount of productive land, with exhaustless mineral resources and natural advantages we have, it is strange that any party or any person should make it a cause for bragging that the workingmen of America get enough to eat. We hear a great deal—and possibly a great deal too much—about the prosperity that we enjoy, but that prosperity is not distributed, I think, as it ought to be. A prosperity improperly placed, improperly distributed, may be, and many think it is, one of the greatest menaces to our Government to-day. Wealth is power, and those who have the wealth by some means or other will manage to exercise that power. Is it prosperity of which we ought to be proud that so much wealth of the country should be placed in the hands of a few of its people and so very much of it under the control of these enormous corporations? I asked for time now merely for the purpose of reading into the RECORD a statement which is quoted from a book recently published by Prof. Gilbert Holland Montague, of the department of economics of Harvard University, which bears directly upon the organization of this very corporation. If Mr. Montague is right about it, its organization ought to be a subject for investigation. He says:

How remote is the bearing which the cash value of the plants has upon the capitalization of the trust is strikingly shown in the United States Steel Corporation. In exchange for the stock of its constituent companies, this trust gave of its own stock an equivalent amount and $74,373,035 more. At the formation of these concerns, however, there had been a capitalization in excess of cash value. The properties composing the American Tin Plate Co., which represented a cash value of $18,000,000, were capitalized at $46,000,000. The National Steel Co., valued at $27,000,000, was capitalized at $59,000,000. The American Steel Hoop Co., representing a money investment of $14,000,000, was capitalized at $33,000,000. The capitalization of the Federal Steel Co., fixed at $98,000,000, on the admission of its president, exceeded by $31,000,000 the value of its separate concerns. The properties of the American Steel & Wire Co., capitalized at $80,000,000, on Mr. Morgan's estimate in 1898, were valued at $40,000,000. From the testimony of the officers themselves it appears that the cash value of the plants entering the United States Steel Corporation—estimating the National Tube Co. on the same basis as the American Tin Plate Co.—was $278,570,200, and the "good will," $178,500,000. Since the United States Steel Corporation increased this capitalization by $74,373,035, $252,873,035 of its capital stock appears to be based on intangible assets.

The SPEAKER. The time of the gentleman has expired.

Mr. GRAHAM. Mr. Speaker, I ask leave that my time be extended.

The SPEAKER. The gentleman from Illinois asks unanimous consent——

Mr. HENRY of Texas. To extend his remarks. I have not further time.

Mr. GRAHAM. I would like to ask unanimous consent to finish reading the statement. There are but two short paragraphs.

Mr. HENRY of Texas. How long would it take?

Mr. GRAHAM. About three minutes.

Mr. HENRY of Texas. Then, Mr. Speaker, I yield three minutes to the gentleman.

The SPEAKER. The gentleman from Illinois is recognized for three minutes more.

Mr. GRAHAM. He continues:

Still another comparison is that made by the United States Steel Corporation itself in purchasing the shares of the different companies. The common stock of all the constituent companies, excluding the Carnegie Co. and the Lake Superior Consolidated Mines, which have no preferred stock, amounts to $270,835,100. As the common stock added by the United States Steel Corporation represents "good will," the total excess over the money invested in the plants is $302,118,963.

The most striking comparison, finally, is afforded by the easy test of the investment market. The par value of the securities of the United States Steel Corporation before the conversion of its preferred stock into bonds was $1,404,000,000, $550,000,000 of which was 7 per cent cumulative preferred stock and $304,000,000 5 per cent gold bonds. The bonds have since sold at about 72, the preferred stock has fluctuated about 54, and the common stock has fallen to 10. In the opinion of the stock market, the proper capitalization of the United States Steel Corporation is about $570,880,000 and the overcapitalization is about $833,120,000, or nearly 60 per cent.

This statement means that one-third of it is actual capital and two-thirds, substantially speaking, is "water." And yet the law, as it stands on the statute books to-day, is based on the theory that this concern shall have the right to overcharge the American people for what it produces to such an extent that it shall earn a very large per cent of profit not only on the real capital invested, but also on the water that is pumped into that capital. I say, where that condition exists, if it is capitalized at a billion and a half dollars, when it should be capitalized at only one-third of that amount, it ought to be investigated, and I hope it will be. [Applause.]

Mr. HENRY of Texas. Mr. Speaker, I yield five minutes to the gentleman from Missouri [Mr. BORLAND].

The SPEAKER. The gentleman from Missouri is recognized for five minutes.

Mr. BORLAND. Mr. Speaker, this resolution of the gentleman from Kentucky to investigate the Steel Trust comes before the House at a peculiarly opportune time. Yesterday the highest tribunal in this country rendered a decision of the most far-reaching importance, a decision directly affecting the whole industrial fight against these trusts and combinations.

I listened to the opinion of the learned Chief Justice affirming, in substance, the opinion of the circuit court of appeals at St. Louis, deciding that the Standard Oil Co. was guilty of a violation of the Sherman antitrust law. I also listened to a separate opinion of Mr. Justice Harlan concurring in the finding of the court, but pointing out that the use of the word "reasonable," in deciding that the Standard Oil Co.'s acts had been an unreasonable restraint of trade, was finally introducing into the Sherman Antitrust Act a word that the trusts and corporations had for 15 years been trying in vain to write in there.

If that be the effect of the decision; if there is to be, as the gentleman from Tennessee [Mr. AUSTIN] seems to feel—and I unqualifiedly disagree with him—a distinction between good trusts and bad trusts, it is time for us to know it right now.

There is no desire on the part of the Democratic majority in this House to tear down a single business institution under the Stars and Stripes—not one. [Applause.] But there is an earnest and sincere desire to see that every business man, big and little, gets an equal opportunity to promote trade and not to restrict it.

No better way can be found for introducing remedial legislation than a full, fair, and free investigation into the facts upon which that legislation must be based. Those who contend that the word "unreasonable" ought not to be in the Sherman Antitrust Act, lay their stress on the words "restraint of trade." It is every contract in *restraint of trade* is to be prohibited. It is not *every contract* that a business man may make, as has been speciously contended by the trust lawyers, but every contract in *restraint of trade* among the States that is declared unlawful. But if you qualify the restraint of trade

with reasonable or unreasonable or any other word which leaves it doubtful, then it becomes a question for broad, limitless construction as to which are good trusts and which are bad trusts. This has been the feeling among many men of progressive tendencies who desire to see the interests of the business men protected; who desire not to see a tearing down of trade, but a promotion of trade through individual effort, and by all men willing to embark their enterprise, energy, and capital in competition for the development of the resources of the country.

Mr. MARTIN of South Dakota. Will the gentleman yield?

Mr. BORLAND. If I have time.

Mr. MARTIN of South Dakota. Has the gentleman seen the full text of the opinion so as to be able to give to the House his opinion whether it is in fact liberalizing the common law as to reasonable or unreasonable restraint of trade?

Mr. BORLAND. I only heard the oral opinion. I heard both oral opinions, and, in my judgment, Justice Harlan's criticism was well founded. It seems to me that the majority opinion is capable of introducing a vague expression into the law which the trans-Missouri and the Traffic Association cases had rejected. That being so, this resolution to investigate the Steel Trust comes at an opportune time. The country is now facing a crisis in its legislative history. It must determine whether it has the power to control these trusts; whether there be any distinction between good trusts and bad trusts, and whether it be within the power of Congress to promote the interests of the Government and the interests of commerce by securing to the big business man and the little business man the same equal opportunity in the development of American trade and the American markets. [Applause.]

Mr. HENRY of Texas. Mr. Speaker, I was about to yield five minutes to the gentleman from Kentucky [Mr. STANLEY], but he does not seem to be present. I therefore move the previous question on the resolution and amendment.

Mr. MANN. Mr. Speaker, what amendment is that?

Mr. HENRY of Texas. It is one amendment adding the letter "s" to the word "relation"—a typographical error.

The SPEAKER. The question is on ordering the previous question on the resolution and amendment.

The previous question was ordered.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

In line 12, page 2, add the letter "s" to the word "relation."

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

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

The resolution as amended was agreed to.

On motion of Mr. HENRY of Texas, a motion to reconsider the last vote was laid on the table.

NEW MEXICO AND ARIZONA.

Mr. FLOOD of Virginia. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the House joint resolution 14, approving the constitutions of New Mexico and Arizona as amended. Pending that motion, Mr. Speaker, I ask unanimous consent that the time for general debate be equally divided between the two sides, one half to be controlled by myself and the other half by the gentleman from Pennsylvania [Mr. LANGHAM].

The SPEAKER. The gentleman from Virginia moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of House joint resolution 14, looking to the admission of Arizona and New Mexico as States. Pending that he requests that general debate be equally divided between the two sides, to be controlled one half by himself and the other half by the gentleman from Pennsylvania [Mr. LANGHAM].

Mr. FLOOD of Virginia. Mr. Speaker, I will not ask that any limitation be placed on general debate at this time.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on the motion to go into the Committee of the Whole House on the state of the Union.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of House joint resolution 14, with Mr. GARRETT in the chair.

Mr. FLOOD of Virginia. Mr. Chairman, I ask unanimous consent that the first reading of the joint resolution be dispensed with.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FLOOD of Virginia. Mr. Chairman, I ask that the report of the committee be read in my time.

The CHAIRMAN. The Clerk will read the report in the time of the gentleman from Virginia.

The Clerk read as follows:

The Committee on the Territories, to whom was referred the joint resolution (H. J. Res. 14) approving the constitutions formed by the constitutional conventions of the Territories of New Mexico and Arizona, having had the same under consideration, reports it back with a substitute and with the recommendation that the substitute do pass.

The act "To enable the people of New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States," approved June 20, 1910, provided that when the constitutions for the proposed States of New Mexico and Arizona therein provided for should be formed in accordance with the terms and conditions of said enabling act, and said constitutions so framed should have been ratified by the people of New Mexico and Arizona, respectively, at elections provided for in said enabling act, certified copies thereof should be submitted to the President of the United States and to Congress for approval, and that if Congress and the President should approve the constitutions, or if the President should approve said constitutions and Congress should fail to disapprove the same during the next regular session of Congress, then, and in that event, the President should certify the fact to the governors of New Mexico and Arizona, respectively, who should, within 30 days thereafter, issue proclamations for the election of State and county officers and other officers of said proposed States, as therein set forth.

The committee reports that constitutions have been framed by constitutional conventions in accordance with the terms and conditions of said enabling act, and have been duly ratified by the people of New Mexico and Arizona, respectively, at elections held for that purpose, and that certified copies thereof have been duly submitted to Congress and to the President of the United States for approval, in accordance with the terms of said enabling act.

The committee further reports that on February 24, 1911, the President approved the said constitution of New Mexico in a message to the Congress as follows:

"To the Senate and House of Representatives:

"The act to enable the people of New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States, etc., passed June 20, 1910, provides that when the constitution, for the adoption of which provision is made in the act, shall have been duly ratified by the people of New Mexico in the manner provided in the statute, a certified copy of the same will be submitted to the President of the United States and to Congress for approval, and that if Congress and the President approve of such constitution, or if the President approve the same and Congress fails to disapprove the same during the next regular session thereof, then that the President shall certify said facts to the governor of New Mexico, who shall proceed to issue his proclamation for the election of State and county officers, etc.

"The constitution prepared in accordance with the act of Congress has been duly ratified by the people of New Mexico, and a certified copy of the same has been submitted to me and also to the Congress for approval, in conformity with the provisions of the act. Inasmuch as the enabling act requires affirmative action by the President, I transmit herewith a copy of the constitution, which, I am advised, has also been separately submitted to Congress, according to the provisions of the act, by the authorities of New Mexico, and to which I have given my formal approval.

"I recommend the approval of the same by the Congress.

"WM. H. TAFT.

"THE WHITE HOUSE, *February 24, 1911.*"

The President so far has not acted on the said constitution of Arizona.

The committee further reports that it has had said constitutions under consideration and finds the same to be republican in form; that they make no distinction in civil or political rights on account of race or color, and that they are not repugnant to the Constitution of the United States or the Declaration of Independence, and that they are in conformity with the provisions of the enabling act.

The committee further reports that on February 16, 1911, Congress passed and the President approved a joint resolution entitled "Joint resolution reaffirming the boundary line between Texas and the Territory of New Mexico," defining the boundary line between the proposed State of New Mexico and the State of Texas, which boundary as defined in said resolution is not the boundary as defined in said constitution, and said joint resolution was passed to correct and define said boundary line and declared that any provision of said constitution that in any way tends to annul or change the boundary line defined in said joint resolution should be of no force or effect, but should be so construed as not in any way to change, affect, or alter said boundary lines defined in said joint resolution, and that the boundary line defined in said joint resolution "should be held and declared a conclusive location and settlement of said boundary lines."

The committee has carefully considered the said resolution so referred to it, and has had a number of meetings, at which citizens from the two Territories, particularly New Mexico, have appeared and been heard; representatives of the Anti-Saloon League and the Woman's Christian Temperance Union of New Mexico were also heard.

The committee also had before it the report of the hearings and evidence produced before the same committee of the Sixty-first Congress on this question.

The substitute admits both of the Territories as States without approving the constitution of either; in fact, changes in both constitutions are suggested by the substitute, which in effect is a disapproval of both constitutions as adopted.

This has been done in order to meet the views of those Members of Congress who are willing to admit these Territories as States but who are averse to affirmatively approving their constitutions as adopted.

In the case of New Mexico the suggested change is in Article XIX of its proposed constitution, which is the article on amendments. The reason for submitting this suggested change is that this article, as contained in the proposed constitution, taken in connection with the apportionment for the members of the legislature, renders it extremely difficult, if not impossible, to amend this constitution.

Article XIX as adopted requires that amendments may be proposed by two-thirds of all the members elected to each house of the legislature, except that at the first regular session held after the expiration of two years, and every eight years thereafter, a majority can propose amendments; but in either case only three amendments can be submitted at one election, and this must be a general election, and all amendments must be ratified by a majority of the electors

voting thereon, and this majority must equal 40 per cent of all of the votes cast for any purpose and 40 per cent of the vote cast in at least one-half of the counties of the State. The question of calling a constitutional convention can not be submitted to a vote of the people until the expiration of 25 years except by a three-fourths vote of all the members elected to each house of the legislature, and to call a convention during that period there must not only be a majority of all the electors voting at the election, but there must also be a majority of all the electors voting in one-half of the counties.

From a consideration of these provisions it will be seen that it will be extremely difficult for the people of New Mexico to secure the holding of a constitutional convention during the first 25 years, and when these provisions are considered in connection with the apportionment for members of the legislature provided by the constitution, the extreme difficulty of amending the constitution in any way will be manifest. By reference to the apportionment, it will be found that the four counties of Colfax, San Miguel, Bernalillo, and Socorro, with an aggregate population of 77,000, and which, on the basis adopted by the constitutional convention for representatives in the senate, would entitle this population to between 5 and 6 senators, are so apportioned that they constitute parts of 10 senatorial districts and can control the election of 10 of the 24 senators, and thus prevent the securing of two-thirds of the senators necessary to submit to the people an amendment to the constitution.

Then it will be further seen that if under such conditions an amendment is submitted to the people the constitution makes it extremely difficult to secure the necessary vote for its adoption. To adopt such an amendment a majority of the electors voting on the amendment must of course vote for it, and in addition this majority must consist of 40 per cent of the vote cast on all questions and 40 per cent of the vote cast in one-half of the counties. Thus it will be seen that if an amendment is submitted at a general election at which 25,000 votes are cast but only 10,000 votes cast upon the amendment, 9,000 of which are in favor of it and 1,000 against it, the amendment would be lost, because 40 per cent of all the votes cast at the election were not cast for the amendment. Or, again, if the amendment was popular in 12 of the 26 counties and unpopular in the other 14, 15,000 votes might be cast for it and none against it in the 12 counties, and 3,500 votes for it in the other 14 counties and 6,500 against it, and yet an amendment upon which there might have been 18,500 votes cast for and 6,500 votes against would be lost. It is only necessary to call attention to such provisions to secure their condemnation.

It is moreover found that the population of the counties lying along the eastern border of New Mexico have increased very rapidly in population in the past decade and will probably increase more rapidly in the future. The apportionment provided in the constitution suggests the denial of adequate representation to the rapidly increasing population of that section for a long time, unless the constitution is made more easy of amendment.

Certain other provisions of the constitution as framed and adopted are very objectionable, and will in their operation be very oppressive to the people of the new State, and it is claimed that they were brought about at the instigation and in the interest of certain large corporations and special interests whom it is claimed exerted large influence in the framing of the proposed constitution. The committee, however, has not thought fit to undertake to correct such objectionable features because it did not feel that it was in the province of Congress to make a constitution for the proposed State.

The substitute resolution suggests an amendment to the proposed constitution of New Mexico, providing that any amendments may be proposed at any regular session by a majority of all the members elected to the legislature, and that the same shall be submitted to the electors for ratification or rejection at the next general election or at a special election, and if ratified by a majority of the electors voting thereon such amendment or amendments shall become a part of the constitution, thus putting it in the power of the people of the new State to amend their constitution if desirable to correct or eliminate any provisions thereof that may be found to be objectionable or oppressive.

The constitution also attempts to secure the original Mexican or Spanish-American population of New Mexico in their equal right of suffrage and in the enjoyment of equal rights of education with other citizens, present and prospective, of the New State. Your committee has not only by its proposed amendment of said Article XIX preserved such rights as are secured in the proposed constitution, but has made sections 1 and 3 of Article VII, on the elective franchise, and sections 8 and 10 of Article XII, on education, more secure against amendment than is provided in said proposed constitution. This was done to make clearer and more certain what seemed to be the unanimous wish of the people of New Mexico.

It will be noted that the amendment suggested in the substitute is not made mandatory, but is to be submitted to the electors for ratification or rejection, as a majority may determine.

It has been represented to the committee, and is no doubt true, that the people of the Territory were so desirous of securing statehood that when the proposed constitution was submitted its merits and demerits were not carefully considered, but, being submitted to them, as it was, as a whole, a large majority, through their great desire to secure statehood, voted for it without regard to what is provisions were. The amendment suggested by the substitute resolution reported by the committee, if adopted, will give the people of the Territory the power and opportunity which they otherwise would not have—to change any provision which in their desire for statehood may not have been sufficiently considered when the proposed constitution was ratified.

It will be seen from section 4 of the substitute resolution that provision is made for a separate ballot for the purpose of voting upon such amendment, which is to be printed on paper of a blue tint so as to be readily distinguishable from the white ballots which will be used for the election of officers at the same election, and that these ballots are to be delivered only to the election officers and to be delivered by them to the individual voter when he offers to vote.

These provisions were made because the election is in other respects to be held under and subject to the election laws of New Mexico now in force, which do not provide for a secret ballot, and under which ballots are required to be "printed on plain white paper 3 inches in width and 8 inches in length or within one-quarter of an inch of that size." (Compiled Laws of New Mexico, 1897, sec. 1634.) And said ballots are to have the names of all candidates for the respective offices printed thereon, and if the suggested amendments were required also to be printed on these ballots, it is obvious that there would not be room for that purpose, and besides, under the present election laws of the Territory, the ballots can be distributed indiscriminately among the people some time before the day of election, and in other respects these election laws are lacking in the usual safeguards, while the provisions made by the substitute resolution in reference to the separate constitutional ballots will guarantee the necessary and usual safeguards.

The committee has also provided in said proposed substitute that the enabling act of June 20, 1910, shall be amended by making section 5 of said act so read as to remove the disqualification imposed upon the Spanish-American population of New Mexico who can not read, write, and speak the English language for holding State offices, including membership in the legislature of the new State. No just reason is found for such disqualification.

The evidence before the committee was that these Spanish-American citizens are eager for education and largely now speak the English language, and strive to advance the teaching of English to their children in all of their public schools, but that this provision of the enabling act is regarded by them as a reflection upon them and their race. They have at all times supported by their votes and the imposition of taxes the developing of the public-school system of New Mexico. They are largely an agricultural people, frugal, industrious, and earnest supporters of every movement intended to advance the progress, prosperity, and civilization of New Mexico.

Again, it was suggested that this disqualification violates the spirit and the letter of the treaty of Guadalupe Hidalgo between the United States and the Republic of Mexico, entered into on the 2d day of February, 1848, by the terms of which the Territories of New Mexico and Arizona were for the most part acquired.

The said treaty above mentioned, after providing in article 8 thereof that such citizens of the Republic of Mexico prior to said treaty as manifested their desire to become citizens of the United States by remaining in such ceded territory for a period of one year, proceeds in article 9 thereof as follows:

"Mexicans who in the territory aforesaid shall not preserve the character of citizens of the Mexican Republic, conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States, and be admitted at the proper time (to be judged of by the Congress of the United States) to the enjoyment of all the rights of citizens of the United States, according to the principles of the Constitution; and in the meantime shall be maintained and protected in the free enjoyment of their liberty and property and secured in the free exercise of their religion without restriction."

It is doubted if the guaranty in Article IX to the previous citizens of the Republic of Mexico to be admitted * * * "to the enjoyment of all the rights of citizens of the United States, according to the principles of the Constitution" is properly observed or enforced by said section 5 of the enabling act, when such citizens are denied the right to hold office, as aforesaid, unless they can read, write, and speak the English language. No such language restriction is found in the Constitution of the United States, and the committee believes that part of the enabling act containing such provision should be repealed.

The committee has also in its substitute resolution suggested an amendment to the proposed constitution of Arizona providing that the judiciary of the new State shall not be subject to recall from office by popular vote.

This amendment is not made mandatory, but is merely proposed and is to be submitted to the electors for their ratification or rejection at the first general election for State and county officers.

The controlling reason of the committee for proposing this change was the objection of the President of the United States to the recall provision of the Arizona constitution so far as it applies to the judiciary, and the belief on the part of the committee that if the recall as applied to the judiciary was again submitted to the people of Arizona it would meet the objection of the President.

The committee did not provide a separate ballot for voting on the proposed amendment to the Arizona constitution as it did in the case of New Mexico for the reason that Arizona has an effective and modern Australian election law, under which there is no restriction on the size or shape of the ballots, and the election on this amendment will be held under and subject to that election law, except so far as said law requires an educational qualification as a prerequisite to the right to vote. This exception was made in order to protect the Spanish-American electors of Arizona in the right to vote on this amendment.

Mr. FLOOD of Virginia. Mr. Chairman, I yield one hour to the gentleman from Colorado [Mr. MARTIN].

Mr. MARTIN of Colorado. Mr. Chairman, I fear that I appreciate the responsibility more than the unexpected honor of opening the discussion on this resolution admitting the Territories of New Mexico and Arizona to statehood, and I regret that I have not the exhaustive knowledge of Territorial affairs which might be expected on the part of one to whom that honor is assigned.

Perhaps, with the exception of the tariff and ship subsidies, the oldest issue in American politics is the admission of New Mexico to statehood, and Arizona has been knocking for admission now for more than 20 years. It might be assumed that all of the issues involved had been threshed out and argument exhausted; and particularly, perhaps, may this be contended with reference to the Territory of New Mexico, whose constitution has been approved by the President, and the resolution to approve which and admit New Mexico to statehood passed the House of Representatives during the last session without opposition or dissent. But since that action by the House, which failed of concurrence in the other body, the situation has been entirely changed by the appearance of the constitution of the Territory of Arizona and its joinder with the constitution of New Mexico in the procedure of approval.

I voted in the last House in good faith for the admission of New Mexico and without regard, I may say, to any of the various features of its constitution. It would be pleasant if I could say that I acted in the belief that a like good faith would be shown to the Territory of Arizona and that the people of that Territory, having framed and adopted by nearly an 80 per cent vote their organic law, it, too, would be approved by the President and by Congress without subjecting the various fea-

tures of its constitution not to a constitutional, but to a political, scrutiny.

But, unfortunately for me, the RECORD will show that I did not act upon the New Mexico constitution in the belief that the Territory of Arizona would be as liberally dealt with, and unfortunately for the Territory of Arizona subsequent events have established the fact that it has not been thus liberally dealt with. I therefore have no apologies to offer for the fact that while I unqualifiedly voted for the admission of New Mexico during the last Congress I am, in this Congress, proposing to attach a condition precedent thereto; and in this discussion I shall give no weight whatever to the action of this House and my action in connection therewith in the last Congress when one of these constitutions alone was before this Congress, now that they have come jointly before us and there is some disposition, if not an expressed intention, in certain quarters to make fish of one and flesh of the other——

Mr. MONDELL. Mr. Chairman, will the gentleman yield for a question?

Mr. MARTIN of Colorado. I will.

Mr. MONDELL. Did I understand the gentleman to say that his attitude toward New Mexico at this time is due to what he has termed the treatment accorded to Arizona since he voted without qualification for the admission of New Mexico? Did I rightly understand that to be the gentleman's position?

Mr. MARTIN of Colorado. My position at this time, I will say to the gentleman from Wyoming, is to insure as far as possible the admission upon equal terms and at the same time of both of those Territories.

Mr. MONDELL. Then the gentleman's position is, if there was no question about the admission of Arizona, he would not be inclined to insist upon any conditions in regard to the admission of New Mexico?

Mr. MARTIN of Colorado. Well, I think the gentleman knows as well as I do, and I propose to go into that subject somewhat during the course of my remarks, that there is some disposition to question the admission of Arizona at this time, and I need only call the gentleman's attention to the fact that the constitution of Arizona has been in the possession of the President without his approval since prior to the adjournment of the last Congress, while the constitution of New Mexico was very promptly approved——

Mr. HAMILTON of Michigan. May I ask the gentleman how long before the adjournment of the last Congress that constitution reached the hands of the President?

Mr. MARTIN of Colorado. Well, I am not claiming it reached his hands a very long period of time before——

Mr. HAMILTON of Michigan. The vote was taken February 19 for ratification, was it not?

Mr. FLOOD of Virginia. February 9.

Mr. HAMILTON of Michigan. February 9. I simply want to know, I have no——

Mr. FLOOD of Virginia. The vote was taken for New Mexico January 21.

Mr. HAMILTON of Michigan. I understand when those votes were taken, but I wanted to know of the gentleman from Colorado if he knew when the Arizona constitution reached the hands of the President?

Mr. MARTIN of Colorado. I will say to the gentleman that for my present purpose the exact date is not material. The material thing is that it reached the hands of the President on some day prior to the adjournment of the last Congress. Conceding, for the sake of argument, it was on the very last day, it has remained in his hands ever since without action.

Mr. HAMILTON of Michigan. Does the gentleman even know it reached the hands of the President on the last day of the last session?

Mr. MARTIN of Colorado. I understand it reached the hands of the President as soon as it did the Congress.

Mr. HAMILTON of Michigan. Does the gentleman know when it reached the Congress?

Mr. MARTIN of Colorado. It reached that body in time for the question of the approval of the constitution of Arizona to be attached to a resolution to approve that of New Mexico——

Mr. HAMILTON of Michigan. When was that?

Mr. MARTIN of Colorado (continuing). And it was attached in the Senate and thereafter the resolution was voted down.

Mr. HAMILTON of Michigan. Was that after midnight of March 3?

Mr. MARTIN of Colorado. Well, I did not hold the watch on the deliberations of the other body.

Mr. HAMILTON of Michigan. It was simply in the interest of getting the facts straight that I wanted to inquire of the gentleman; that was all.

Mr. MARTIN of Colorado. I think, Mr. Chairman, I make the facts sufficiently straight when I say that now for two months and a half the constitution of the Territory of Arizona has been in the possession of the President of the United States without any action by him thereon, whereas, on the other hand, he very promptly approved the constitution of New Mexico. That ought to be plain enough for the gentleman.

Mr. RAKER. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from Colorado yield to the gentleman from California?

Mr. MARTIN of Colorado. I do.

Mr. RAKER. Has the gentleman from Colorado, or has the committee, any information to the effect that the President will not approve the constitution of Arizona for any cause, and if he will not approve it, is there any special reason why he will not?

Mr. MARTIN of Colorado. I want to say, in answer to the gentleman, that it has not been my privilege to discuss this matter with the President. I understand some members of the committee have discussed it with him, and that they know his attitude, if it could be known, which I think is a rather doubtful proposition.

Aside from that, all I know about it is what the gentleman and others know about it from the discussion of the subject in the public press. I presume the Members here have all read in the last two days the President's bitter and unqualified denunciation of one of the provisions of the Arizona constitution. I think it may be safely assumed when the President of the United States goes all over the land making speeches directed against the provisions of a constitution which is now in his hands, and when he warned the people against adopting it, that it is at least a matter of doubt whether he will approve that constitution unless some such proposition as we have suggested to this House shall be adopted.

Mr. HAMILTON of Michigan. Will the gentleman yield?

The CHAIRMAN. Does the gentleman yield to the gentleman from Michigan?

Mr. MARTIN of Colorado. Yes.

Mr. HAMILTON of Michigan. I want the gentleman from Colorado to understand that I do not want to interrupt him unless he is perfectly willing. This inquiry is not for the purpose in any way of embarrassing the gentleman in anything he may say. My understanding is—and I want to find out how far that coincides with the gentleman's understanding—that the President has openly declared that he will not approve the Arizona constitution with the provision in it permitting the recall of judges? Is that the gentleman's understanding?

Mr. MARTIN of Colorado. I do not understand that the President has ever made any such open and unqualified statement as the gentleman has repeated.

Mr. HAMILTON of Michigan. I understand that is his objection. Does the gentleman from Colorado understand that?

Mr. MARTIN of Colorado. I understand that his principal objection is the recall of the judiciary.

Mr. HAMILTON of Michigan. The recall of judges.

Mr. MARTIN of Colorado. That is what I understand to be the ground of the President's objection.

I have no objection to interruptions, provided I have time to finish my speech. I have not proceeded very far, and yet in the little distance I have gone I have traveled over several sections of my speech already.

CONSTITUTIONS PRESENT GREATEST ISSUE SINCE SLAVERY.

I may say at the outset that these constitutions are typical of the two great contending schools of political thought now struggling for the mastery in this country, and whose conflicting ideas are fast becoming national issues, that of New Mexico being reactionary, as we call it—some people call it conservative—to a marked degree, and that of Arizona being progressive—some people call it radical—to a degree no less marked. And coming jointly before Congress at this time and under these conditions they are bound to excite, and have already excited, a discussion perhaps never before attending the admission of States, with the exception of the controversy over the admission of States involving the question of the extension of chattel slavery.

Mr. CAMPBELL. Kansas and Nebraska, for example.

Mr. MARTIN of Colorado. Exactly; Kansas and Nebraska, as the gentleman says.

Mr. Chairman, I take a deep interest in the admission of the Territories of New Mexico and Arizona. They are entitled to it. It is their birthright. And let those who are opposed to the imposition of any further condition precedent to the admission of these Territories bear in mind that it was not because of any fear or any probability that these Territories would not adopt

constitutions republican in form that they have been thus long denied the rights and privileges of statehood. For more than 35 years now the Territory of New Mexico has been upon the verge of statehood. She has been during all of that time qualified for statehood. She has been during all of that time entitled to statehood. And the fact that she has been, under one pretext or another, denied statehood, but never under the pretext that she would not adopt a republican form of constitution, is sufficient in itself to demonstrate that other considerations have barred her progress to the highest ambition and goal of all Territories.

Then, as a neighbor, and knowing the tower of strength they will be to the band of sister Western States in Congress, regardless of politics, I am deeply interested in the admission of New Mexico and Arizona, and I would be the last man on this committee to do any act or advise any course that I thought would materially delay or threaten the consummation of statehood. Nor is any material delay involved in the recommendations of the committee. On the contrary, indications are not wanting that acquiescence in the action of the committee will promote and expedite statehood. Before proceeding to consider these recommendations and the cause of them, I want to further notice some preliminary matters which I have already touched upon, but from which I have been diverted by interruption.

This is a Government by political parties, and I take no stock in the protestations of men who disclaim political considerations, a position I may safely take when dealing with one proposed State which failed of admission to the Union 35 years ago because of political considerations, and with another whose admission is now threatened solely because of differences of political opinion. And yet I shall undertake to show that the committee has dealt with absolute impartiality with reference to both of these proposed States; that it proposes to submit to each of them but one proposition, to be voted upon at the time of the first election of State officers, leaving the peoples of the proposed States absolutely free to vote these propositions up or down; only that they shall be required to vote upon them.

TERRITORIES EQUALLY ENTITLED TO ADMISSION.

Under the enabling act passed at the second session of the last Congress the constitution of New Mexico was submitted to the President and Congress during the closing days of the last session for their action, as provided in the enabling act. The President, as I have already stated, very promptly approved of the constitution of New Mexico, but has thus far failed to approve of the constitution of Arizona, which he can not claim, which he has not claimed, and which can not seriously be claimed to be unrepublican or violative of the principles of the Declaration of Independence or of the Federal Constitution.

The House of Representatives, as I have already stated, approved the constitution of New Mexico, at the time of taking which action I said in the House I would be glad, in view of the threatened disapproval of the constitution of Arizona, if, when it came to admitting these proposed States—and here is my answer to the gentleman from Wyoming—we could tie them together and make it both or neither, because, as I take it, their rights in the premises are absolutely equal. I, for one, now that this joinder has been brought about by circumstances over which I have no control, say that I am absolutely unwilling that one shall come into the Union and the other shall be barred.

Mr. MONDELL. Will the gentleman yield?

Mr. MARTIN of Colorado. I will.

Mr. MONDELL. I understand the gentleman to answer my question by stating that his objections to the unqualified admission of New Mexico is that Arizona shall be admitted without any conditions?

Mr. MARTIN of Colorado. The gentleman's party has a very easy and simple method to satisfy my fears on this score. They can wait upon the Executive and have him approve, if they have that much influence with him, the constitution of Arizona. But, in view of the fact that no such action has been taken, I am not in a position to further answer the gentleman's question.

Mr. MONDELL. The gentleman from Colorado said a moment ago that the constitution of Arizona was progressive and the constitution of New Mexico was reactionary.

Mr. MARTIN of Colorado. I did.

Mr. MONDELL. The gentleman comes from a State that has in its constitution a provision granting franchise to women.

Mr. MARTIN of Colorado. Yes; by amendment.

Mr. MONDELL. The constitution of Arizona limits the franchise to the male citizen.

Mr. MARTIN of Colorado. It does.

Mr. MONDELL. The constitution of New Mexico grants, not full franchise, but very considerable right of franchise to women. Is that one of the reactionary provisions in the New Mexico constitution which the gentleman had in mind?

Mr. MARTIN of Colorado. I do not think New Mexico grants sufficient franchise to women to hurt them any; just school elections, and a majority of the male voters may by petition deprive them of that small privilege. So far as the constitution of Arizona is concerned, I am not in favor of that provision. I am sorry that a people who demonstrate themselves to be so thoroughly progressive in every other particular were not broad enough to give women what my State and your State has given them, the unqualified right of franchise.

Mr. MONDELL. I understood the gentleman to approve the Arizona constitution as being thoroughly progressive.

Mr. TAYLOR of Colorado rose.

The CHAIRMAN. Does the gentleman from Colorado yield to his colleague [Mr. TAYLOR of Colorado]?

Mr. MARTIN of Colorado. Mr. Chairman, I think the gentleman from Wyoming [Mr. MONDELL] is through. I think he has squared himself with the lady vote in Wyoming for the next campaign, and does not care to interrupt me any further at this juncture. [Laughter.]

Mr. McGUIRE of Oklahoma. Mr. Chairman, I will ask the gentleman to permit a brief question.

The CHAIRMAN. Does the gentleman yield?

Mr. MARTIN of Colorado. I do.

Mr. McGUIRE of Oklahoma. I ask for information. Does the proposed constitution of Arizona provide that a majority may amend?

Mr. MARTIN of Colorado. Yes.

Mr. McGUIRE of Oklahoma. A majority vote may amend the constitution?

Mr. MARTIN of Colorado. Yes; a majority of the legislature may submit an amendment and a majority of the people voting on the question may adopt it.

Now, I take the position, which I stated to the gentleman from Wyoming [Mr. MONDELL] with reference to Arizona feeling that it is just as much entitled to admission at this time as New Mexico; that its admission is jeopardized by prejudice against a certain provision in its constitution; and that after New Mexico was safely gotten into the fold, Arizona might be left out in the cold until such time as its people saw fit to adopt, not the kind of constitution they wanted, but the kind of constitution that somebody here in Washington wanted, or thought they ought to have. As I said in the beginning, events in another body have indicated that this fear was well founded, because of the action that occurred there when, by motion, the constitution of Arizona was added to the resolution approving New Mexico, and the entire resolution failed, when there can be very little doubt that had the resolution come before that body for New Mexico alone, it would have been adopted, as it was in this House.

UNDER ENABLING ACT CONGRESS DIVIDED ITS CONSTITUTIONAL POWERS WITH PRESIDENT.

At the time of the passage of the resolution through this House in the last Congress admitting New Mexico, I examined the enabling act and expressed the opinion that it was devised to give the President alone the power to admit or reject the proposed States of Arizona and New Mexico, whereas, under the Constitution, that is peculiarly and solely within the province of Congress, and that the President having approved the constitution of New Mexico, it would become a State, unless both Houses of Congress affirmatively disapproved the constitution of New Mexico during the next regular session of Congress, which would be the session beginning in December next. This I understand to be the view taken by those who are deeply concerned for the admission of New Mexico, but not so much concerned about Arizona, and in that connection I want to quote briefly from the hearings before the committee, in which Judge Fall, the able and brilliant proponent, and, some say, the author, of the New Mexico constitution, was appearing in its behalf before the Committee on Territories. I asked Judge Fall whether the Attorney General of the United States had indicated to him what would constitute a disapproval of these constitutions by Congress and whether he indicated, in his opinion, what would be the result finally if only the House disapproved of one of these constitutions and the other body simply failed to act upon it. Judge Fall replied that he did not.

I simply presumed from the conversation with him that that would be a failure of Congress to act; that the action of Congress would be the action of both Houses, and I think that was his idea; if either House should disapprove and the other not disapprove, that would be a failure to act, and, as he stated, all you have to do is to rest easy and New Mexico comes in automatically. You will simply have to wait for it.

That, says Judge Fall, is what the Attorney General of the United States told him. It may be that the water has run by the mill. It may be that this resolution, which is tantamount to a disapproval of the constitutions of Arizona and New Mexico until the conditions specified in the resolution have been complied with, will fail of passage, and thus will New Mexico, with its antiquated form of constitution, become a State of the Union, while Arizona will remain a Territory as the penalty of its courage, independence, and advanced political thought. I do not believe that this will be the case. I know it ought not to be the case, but that the action proposed by the pending resolution is so fair that it ought to appeal to both bodies of Congress and receive the approval of the President, thus securing statehood without delay to both Territories.

NO OBJECTION MADE TO ARIZONA CONSTITUTION.

Now, the sessions of the committee were entirely occupied with the consideration of the provisions of the New Mexico constitution. No one appeared in criticism of or in opposition to the constitution of Arizona. Not one single objection, I believe, has ever been lodged with the present Committee on Territories from any source in the Territory of Arizona, or outside of it, for that matter, against the constitution that was adopted by the people of Arizona. It is from Washington, not from Arizona, that objection comes to the Arizona constitution. The spokesman of the Arizona delegation said in a few words that if the Arizona constitution contained any provision or any number of provisions upon which the committee thought the people of Arizona should have an opportunity to act independently of the great question of statehood, which might naturally have inclined them to accept their constitution whether they liked it or not, Congress might resubmit the provision or provisions to a vote of the people of Arizona.

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

Mr. MARTIN of Colorado. I will.

Mr. RAKER. Now that Arizona is likely to come into the Union, and there is no objection there now, why ought not Congress to admit her and give her the right to become a State without delay?

Mr. MARTIN of Colorado. I think Congress ought to do so, but, unfortunately for Arizona, this matter seems to have been so shaped up that Congress has seen fit to divide its powers with another department of the Government, a division of power, by the way, it has been suggested, and I think properly, which is not binding upon the Congress and finds no sanction whatever in the Constitution.

HOW CONGRESS HAS DIVIDED POWERS WITH PRESIDENT.

Mr. HAMILTON of Michigan. May I ask the gentleman a question?

Mr. MARTIN of Colorado. Yes.

Mr. HAMILTON of Michigan. Perhaps I did not understand the gentleman's statement correctly, but it has been my understanding that heretofore the admission of States has been provided ordinarily in enabling acts, and in those acts we have said that if the constitution presented is republican in form, in harmony with the enabling act, and not in conflict with the Declaration of Independence, then the President shall make proclamation, but we have not called upon the Congress to take any action in the premises heretofore——

Mr. MARTIN of Colorado. I think that is true.

Mr. HAMILTON of Michigan. The gentleman just stated, in response to the question of the gentleman from California, that we had divided our authority with the President. As a matter of fact, we have left it with the Executive heretofore under the enabling act.

Mr. MARTIN of Colorado. No; we have divided the authority in this way, that heretofore upon the presentation by an enabled Territory to the President of a constitution that was republican in form he must issue his proclamation——

Mr. HAMILTON of Michigan. Precisely. Republican in form and with various other requirements.

Mr. MARTIN of Colorado. Now, we have provided in this enabling act, in addition to the ordinary requirements, for the submission of these constitutions to the President and to Congress for their approval or disapproval. We have heretofore given direction to the President, on the submission to him of a constitution republican in form and not contrary to the principles of the Declaration of Independence and the Federal Constitution, to issue his proclamation, but in this enabling act we say that Congress and the President shall have the power to approve or disapprove the constitutions themselves, an entirely novel proposition. Now, what does that mean? Is it not thereby intended to give a much wider range to the consideration of constitutions than heretofore? Is not that what the President is acting upon when he assumes the right to withhold approval from the constitution of Arizona simply because there is one single feature in it that he thinks is unwise and impolitic, but which he can not claim to be unrepublican? Now, Congress always has this power. Congress inherently had this power to approve or disapprove a constitution submitted to it by any Territory. The Federal Constitution gives it all power, and the President never had any power until the Congress sought to confer it upon him by this enabling act.

Mr. LITTLETON. Will the gentleman permit a question?

Mr. MARTIN of Colorado. I will yield to the gentleman now.

Mr. LITTLETON. For information I would ask the gentleman if there is any other State in the Union which has provided for the general power of recall such as is proposed in the Arizona constitution?

Mr. MARTIN of Colorado. I believe while this movement for the recall is growing and finds favor in a great many States, that Arizona has gone somewhat further in that regard than any other portion of the country.

Mr. FLOOD of Virginia. If the gentleman will permit, I do not think Arizona has gone any further than Oregon has, for here is the Oregon provision, which provides for the recall of all of its officers, including its judiciary, and especially mentions the supreme court judges; so I think Oregon has gone as far as Arizona in the recall provision in its constitution.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. MARTIN of Colorado. Yes.

Mr. RAKER. Has the gentleman compared the Oregon provision with the provision of the proposed constitution of Arizona? Is there any difference except a few words? Are not they both practically the same and both contain practically the same provisions?

Mr. MARTIN of Colorado. Upon the statement of the gentleman from Virginia, Mr. FLOOD, yes.

EFFECT OF PASSAGE OF RESOLUTION.

Mr. RAKER. Now, may I just ask a further question?

Mr. MARTIN of Colorado. Yes.

Mr. RAKER. Under this joint resolution, did the committee hold that if it passed the House and Senate the President would admit New Mexico without putting Arizona through?

Mr. MARTIN of Colorado. Well, that particular question was not discussed. I have been of the opinion, if the gentleman just wanted my opinion, that if the House passed this resolution and the Senate did not, when the next regular session of Congress adjourns New Mexico will be a State and Arizona will not be; but if the resolution goes through both Houses substantially as we have drafted it, it works a disapproval of both constitutions by Congress and nullifies the President's approval of New Mexico. Our position is that the amendment we have proposed to each of these constitutions is tantamount to a disapproval of them, and neither of them will be States, unless the President approves the resolution. It will then be up to the President, who must take both or neither.

Mr. RAKER. One more question. Oregon has already adopted this recall of judges. The State of California has proposed a like amendment. What we want to know now is whether or not we are having a republican form of government, and if you keep out Arizona because it is not a republican form of government, what are you going to do with Oregon, and with California if they adopt these amendments? And why should we in advance say to the President, "We are afraid of you," and not put right up to him the measure to be passed upon, with New Mexico and Arizona together?

Mr. MARTIN of Colorado. I will say this: That personally, from a political standpoint, I would not ask any better issue before the people of this country to-day than to have the President of the United States give his approval to the reactionary constitution of New Mexico and veto the progressive constitution of Arizona. But I am not injecting my personal prejudices and opinions into the proposed action of the committee, which was taken simply to meet the objection of the President and with the approval of the people of Arizona.

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

The CHAIRMAN. Does the gentleman from Colorado yield to the gentleman from Kansas?

Mr. MARTIN of Colorado. I do.

Mr. MURDOCK. I wish the gentleman would clear me up on this proposition.

Mr. MARTIN of Colorado. What is the proposition?

COMMITTEE DID NOT PASS ON MERITS OF RECALL.

Mr. MURDOCK. The proposition is contained in this joint resolution in the matter of the recall. The joint resolution proposes that there shall be submitted to the voters of New Mexico a proposed amendment to their constitution, namely, a provi-

sion for a recall, with the judiciary excepted, the voter to vote for——

Mr. MARTIN of Colorado. That is Arizona.

Mr. MURDOCK. Yes; Arizona. The voter to vote either for or against this proposed amendment in the joint resolution. Now, if the majority of the voters in Arizona vote against this proposed amendment in the joint resolution, then does the original provision in the constitution of Arizona for the recall of the judiciary remain intact?

Mr. MARTIN of Colorado. That is our purpose and understanding.

Mr. HAMILTON of Michigan. That is set forth in the resolution itself.

Mr. MARTIN of Colorado. Yes. It is as clearly prescribed in the resolution as we were able to prescribe it.

Mr. MURDOCK. Then I understand that the constitution of Arizona will stand as it was originally drafted, with the recall of the judiciary, if this proposed amendment is voted down?

Mr. MARTIN of Colorado. It will. And I will say to the gentleman further that the only difference between this section as it stands in the resolution and as it stands in the constitution is that we have inserted five words, "except members of the judiciary." We have just inserted those five words in the substitute proposition.

Mr. MURDOCK. Are we to take that to mean that the majority members of the committee are against the recall of the judiciary? I will state to the gentleman that I am for the recall of the judiciary, with proper initiative safeguards. Are we to take this to mean that the majority members of the Committee on Territories of this House are against the recall provision?

Mr. MARTIN of Colorado. No; it is not entitled to any such construction, because the committee did not go into the merits of that proposition. We never divided on the question as to whether the recall was desirable or undesirable. We simply accepted the proposition of the people of Arizona, took them at their word, that they were willing to have this question resubmitted to them, and we sought thereby to meet the objection of the President; and that is the only purpose we had in the world.

Mr. FLOOD of Virginia. Will the gentleman yield?

Mr. MARTIN of Colorado. Yes.

Mr. FLOOD of Virginia. I would like to call the attention of the gentleman from Kansas [Mr. MURDOCK] to the reason given by the committee for this amendment in the report they made to the House.

Mr. MURDOCK. I have read it.

Mr. FLOOD of Virginia. The report says:

> The controlling reason for proposing this change was the objection of the President of the United States to the recall provision, so far as it applies to the judiciary.

It does not voice the sentiments of a majority of the committee. We simply take conditions as we find them and in our desire to get the resolution through and give statehood to both Territories we have put such provisions in as we believe will meet the varying views and bring about the enactment of this joint resolution.

Mr. MURDOCK. I would like to ask the gentleman from Virginia, with the permission of the gentleman from Colorado, if he does not think that this new provision in the joint resolution will rather predispose the people of Arizona to vote down the recall of the judiciary merely for the purpose of getting in?

Mr. MARTIN of Colorado. They do not have to vote it down; they can vote it up or vote it down.

Mr. MURDOCK. They can not vote it up and get in.

Mr. FLOOD of Virginia. There is no condition except that they shall vote on it; that is the only condition we attach.

Mr. MURDOCK. But the majority members of this committee do not inform me or the House as to their individual opinion on the recall of the judiciary.

Mr. MARTIN of Colorado. I am going to tell the gentleman what mine is, if I get a chance.

Mr. MURDOCK. Is the gentleman for or against it?

Mr. MARTIN of Colorado. I am for it. [Applause.]

Mr. FOWLER. Mr. Chairman, will the gentleman yield?

Mr. MARTIN of Colorado. I will yield to the gentleman from Illinois.

Mr. FOWLER. I desire to ask if it is the intention of the committee to request the people of Arizona to vote on the question of the recall of the judiciary only and not as to other officers?

Mr. MARTIN of Colorado. That is the proposition; the judiciary only.

Mr. FOWLER. Why should there be any distinction made between the recall of one officer as distinguished from another?

Mr. MARTIN of Colorado. I will say to the gentleman that I do not make any distinction. I propose to notice that question very briefly if I have time. I only mention it now as another evidence of the fact that the work of this committee was not the opinion of any one man, that we arrived at what appeared to be a reasonable solution of the main issue involved to meet the objections of the President, and to which the Arizona delegation readily assented.

Mr. FOWLER. One question more. Do I understand the resolution indorses the recall as to all other officers than that of the judiciary?

Mr. MARTIN of Colorado. Well, I think our minority brethren have done that by the language they employ in the report, which I hope to give some attention to if I ever get to it.

Mr. FOWLER. I desire to know why the judiciary should receive any distinction above that of any other officer in the State?

Mr. MARTIN of Colorado. I trust the chairman of the committee will give the gentleman time on that proposition, and I think I can assure him in advance, from the tenor and tone of his questions, that our views are not materially different on that proposition.

Mr. FOWLER. I am asking for information. I want to know what provision of the constitution discriminates in favor of a judge as against a constable? [Laughter.]

Mr. MARTIN of Colorado. I want the gentleman to get after these gentlemen who are opposed to the recall of the judiciary with that question when they get the floor.

Mr. BOWMAN. Will the gentleman yield?

Mr. MARTIN of Colorado. If I have time.

Mr. BOWMAN. If this resolution prevails and the people of Arizona vote on the question and determine that they will or will not have the recall, the Territory would be admitted in either instance?

Mr. MARTIN of Colorado. It will be admitted whichever way they vote.

Mr. BOWMAN. The only purpose is to let them consider whether they were right in the first instance?

Mr. MARTIN of Colorado. Exactly. I will say to the gentleman that it is usually claimed in the adoption of all constitutions that in the overwhelming desire for statehood the people will swallow anything in the way of a constitution, and that they will accept provisions which they never would accept if disassociated from the consideration of statehood, and it is to meet that proposition that we propose to give them a chance to vote again.

Mr. BOWMAN. What objection is there to passing the resolution in its present form and giving them the opportunity of one more vote? That is all there is to it.

Mr. MARTIN of Colorado. I do not understand why the gentleman's side of the House does not see it in that light. I trust that we will have the support of the gentleman from Pennsylvania.

Mr. BOWMAN. The gentleman will certainly have my support.

Mr. FOWLER. Mr. Chairman, I desire to ask one further question.

Mr. MARTIN of Colorado. I will yield to a further question.

Mr. FOWLER. I desire to ask for information whether or not the President contends that if Arizona is required to frame its constitution omitting the recall of judges, if he contends that Arizona can not amend its constitution after it becomes a State incorporating the recall of judges?

Mr. MARTIN of Colorado. I will say to the gentleman that he has just spoiled one more good thing in my speech [laughter], because I take the position that if the people of Arizona are required to go through the senseless formality insisted upon by the minority in their report, that they shall be required to vote and vote favorably on this amendment as a condition precedent to statehood, I would not blame them a particle if they went to the polls and voted the exemption of the judiciary into their constitution at the first election, and then at the next election, as they undoubtedly may do, vote it out again. I do not believe they are ever going to vote in the exemption in the first place.

ATTITUDE OF ARIZONA COMMENDABLE.

I have referred to the action of the Arizona delegation in coming before our committee and taking the broad position that we could submit one or any number of the provisions of their constitution that we saw fit back to a vote of the people; and I think that the action of the Arizona delegation may be commended, even at this late day, to the proponents of the New Mexico constitution. We do not say to them, no more do we say to the people of Arizona, you must accept the proposed amendment to your constitution, but we merely say, you must vote on this proposition; and I am curious to know what is at the bottom of the opposition of the advocates of the New Mexico constitution, which is no more theirs than is the Ari-

zona constitution that of the Arizona delegation, which took such a liberal position.

The New Mexico delegation was divided into two camps in the hearings before our committee, one being Republican in membership, advocating the constitution as it now stands, although some of them privately conceded the fairness of submitting to the people of New Mexico an amendment to the article on amendments, rendering their constitution less difficult to amend, while at one stage of the hearings all of the delegation to which I am now referring appeared favorable to such a proposition. What influence caused them later to change their minds I am unable to say, but if I had only one guess I would without hesitation say politics. I would say politics and the whispered word that went down the line from some high source here in Washington that New Mexico is to come in and Arizona is to stay out, not only on account of her form of constitution, but for some other reasons. The other delegation, Democratic in membership, excepting one lone insurgent Republican, who found no response in the hearts of the minority on that committee, criticized different features of the New Mexico constitution, and were a unit on the proposition that it ought to be made more easily amendable.

I propose to criticize it myself, showing wherein upon the face of that instrument and irrespective of anything that has been said before the committee, and for that matter without even referring to the testimony in the hearings, the necessity exists for giving the people of New Mexico an opportunity to act upon this matter, if it is to be assumed that there is any such progressive spirit among the people of that Territory—and I think there is—as is now moving the people of this whole country irrespective of party, and is indeed more pronounced in the Republican than in the Democratic States of this Union.

Whence come the prophets of the rule of the people? It strikes me I have heard much of the Iowa idea and the Oregon plan, not to mention revolutions in Oregon and Washington and California and elsewhere. In fact, Oklahoma seems to be about the only up-to-date Democratic State at the present time.

NEW MEXICO DEMOCRATS NOT OPPOSING STATEHOOD.

But before proceeding to discuss the New Mexico constitution, I want to say a word for the men who appeared in criticism of it. I am willing to make due allowance for the play of politics. It is natural that the political party framing the constitution of New Mexico should have sought to secure its control for as long a time as possible of the politics of that State, and they certainly did their work well. It is but natural, too, that they should seek whatever political advantage is to be derived from the fact that representatives of the opposite party appeared before the committee and criticized a constitution which was adopted by a majority of 18,000, and which carried the strongest Democratic counties in the Territory by large majorities.

But I want to say for these men that they stood first for statehood, to which everything else was to be subordinated, and that they did not ask at the hands of the committee any action which would endanger or delay statehood. These men labored under a great and obvious disadvantage, the disadvantage of being made to appear in the light of obstructing statehood, when all that they asked was an opportunity that the people of New Mexico might be empowered to strike off the shackles which this constitution surely and certainly fastens upon them. It was an easy matter for the proponents of this constitution to fill the people of New Mexico with alarm as to what these Democratic Representatives were doing here and to make the people of New Mexico feel that any action that might be taken by Congress would jeopardize statehood. It was charged against these Democrats that they did not represent their party or their party sentiment in New Mexico; but mark you, after Congress has said its final word in this matter, it will be claimed, and claimed from the same sources, that these men did represent the Democratic Party, which they did, one of them being the Democratic national committeeman for the Territory and another having been for years the Democratic Delegate in the Congress of the United States. But I make allowance for that. It is part of the game as it is played. I do not even criticize the men who seek political advantage in this way.

NEW MEXICO FIGHTING GROUND.

New Mexico is fighting ground. It is naturally Democratic. Under a constitution like that of Arizona it would be Democratic within five years. Relieved of the incubus of the national administration, freed from the grip of the machine boss and the corporation lawyer, given a secret ballot such as now prevails in every other State in the Union, and within five years New Mexico would sweep out of power the combination of corporate interests and political machines which took advantage of the universal and insistent demand for statehood to fasten this yoke for decades to come upon the people of a great, progressive Commonwealth such as New Mexico certainly will be. I would be somewhat concerned that New Mexico should be Democratic in politics, but I am vastly more concerned that it shall be Democratic in principle and character. [Applause on the Democratic side.]

And I speak with knowledge of conditions when I say that this constitution was devised for the express purpose of defeating for many years the very cardinal principle of a republican form of government, the rule of the majority, and, under the conditions existing in New Mexico, of a great deal more than a majority. But let us examine this constitution, and let us examine it in the light, not of constitutions that were created 100 years ago, but of constitutions that are being re-created to-day throughout this broad land to conform with the progressive political spirit of the times, and see whether it meets the test, not a radical test, not the test of Arizona, of Oklahoma, of California, of Wisconsin, of Washington, of Oregon, of Colorado, of Missouri, or even of Illinois.

NEW MEXICO CONSTITUTION—THE ARTICLE ON AMENDMENTS.

The main proposition considered by the Committee on Territories was article 19 of the constitution of New Mexico, entitled "Amendments." This article starts out with the proposition that any amendment to this constitution may be proposed in either house of the legislature at any regular session thereof, and if two-thirds of all the members elected to each house, voting separately, vote in favor thereof it may be submitted to the people, and that every eight years a majority of the legislature may submit a constitutional amendment. I would have no particular quarrel with that feature of the New Mexico constitution. There are a great many States whose legislatures permit amendment by majority and a great many permit amendment by two-thirds vote; but in that regard I am glad to subordinate my views to the views of a majority of the committee, because, after all, the recommendation of the majority of the committee is the cardinal rule of republican institutions; that is, the rule of the majority. But it is in the method of ratification of a constitutional amendment that this article was deemed by a majoriy of the committee to be indefensibly objectionable. Indeed, I undertake to say that the provision to which I am about to call attention is duplicated in no other State constitution in the Union, and it is there for a purpose.

This constitution provides that when an amendment has been submitted by the legislature it may be ratified by a majority of the electors voting thereon and by an affirmative vote of at least 40 per cent of all the votes cast at said election in the State and in at least one-half of the counties thereof.

The language is "in at least one-half of the counties thereof"; not 40 per cent, mind you, of the votes cast on the amendment, but 40 per cent of the total votes cast in the election for any purpose must be cast for this amendment in the State and in at least one-half of the counties of the State.

THE PROPOSED SUBSTITUTE FOR THE ARTICLE ON AMENDMENTS.

Now, I want briefly to call attention to the provisions of the proposed article on amendments. I will say, first, the committee and subcommittee gave careful attention to the provisions of the resolution. We were anxious to avoid ambiguities and complications and gave more than ordinarily close scrutiny to the effect of the various provisions and the language employed. We followed as closely as practicable the language of the enabling act and of the New Mexico constitution, and if in any particulars errors are found, the mistakes are honest and are not due to any intent to hamper, harass, mislead, or dictate to the people of the Territory.

The principal change proposed in the New Mexico constitution by the recommendation of the majority, in a nutshell, is that the majority of the legislature may propose an amendment and the majority of the votes cast thereon at the election may ratify such amendment.

This constitution contains a most extraordinary feature as it now stands, and that is that every eight years a majority of the legislature may propose an amendment. I take that as an admission that at intervals it is desirable that the majority may submit an amendment, and it leaves little substantial ground for objection to giving such powers to every legislature. It is true, as I have stated, that many States require two-thirds, but the extremely conservative constitution makers of New Mexico, having recognized the periodical desirability of power in majorities, are practically out of court on that point.

This is hardly the rock upon which we will split. If we are to submit any amendment at all to the people of New Mexico, we may as well come at once to the more modern and re-

publican proposition of majority rule and let them say whether they will have the one or the other. Personally, I consider this provision as it now stands the least objectionable of the various features of article 19 and would not have advocated any change, notwithstanding I prefer the majority rule; but the substitute framed by your committee is not so nearly the product of one mind as is the original provision, and I am glad to support that feature as proposed, which finds sanction in the constitutions of 17 States of the Union.

METHOD OF RATIFICATION.

The next provision, however, that a majority of those voting upon an amendment shall control, is so manifestly right and so generally supported by the constitutions of the various States that I have little patience with pretended objections to it. I have made a notation here——

The CHAIRMAN. The time of the gentleman has expired.

Mr. FLOOD of Virginia. How much more time does the gentleman desire?

Mr. MARTIN of Colorado. I have been interrupted so frequently that I may need 20 or 30 minutes to conclude.

Mr. FLOOD of Virginia. Then, Mr. Chairman, I yield 20 minutes to the gentleman.

The CHAIRMAN. The gentleman from Colorado is recognized for 20 minutes more.

Mr. MARTIN of Colorado. A table prepared by the committee shows that 28 States permit amendment by a majority of those voting thereon, and in only 18 is a greater than a majority vote required.

To count every vote cast at an election but which is not cast upon the question as a vote against it is to place a premium upon ignorance and neglect of duty, and is to place the power of defeating a measure in the hands of those who fail or refuse to exercise that power one way or the other.

The constitution makers of New Mexico recognized the fact that not nearly all voters at an election vote upon constitutional amendments when they provided that 40 per cent of the total vote cast should be necessary to adopt an amendment. The proposal would be considered monstrous that all those not voting upon an amendment should be counted as for it, but the reverse is no less monstrous in reason and justice and may be no less fruitful of harm. We may as well have a rule here in Congress that Members not voting upon a bill shall be recorded as against it. I believe in government by those who exercise the rights of citizenship, and not by those who do not. But our resourceful friends in New Mexico did not stop at the requirement that 40 per cent of the total vote cast voting affirmatively should be necessary, but that the amendment must receive such vote in at least one-half the counties in the State. So far as I know, this is a unique method of distributing political power.

Mr. MONDELL. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from Colorado yield to the gentleman from Wyoming?

Mr. MARTIN of Colorado. I do.

Mr. MONDELL. Does the gentleman think that the provision contained in the New Mexico constitution, requiring 40 per cent of all those voting for the ratification of an amendment, renders amendment more difficult than the provisions in the constitutions of some of the other States requiring a majority of all the votes cast at an election, or, as in the State of Iowa, a majority of all voters qualified to vote for members of the general assembly? I think the State of Georgia also has a provision of that kind. Does the gentleman consider that this provision he objects to renders amendment more difficult than the provisions I have referred to?

Mr. MARTIN of Colorado. Did I understand the gentleman to say that in Iowa it took a majority of all votes cast in the election?

Mr. MONDELL. In Iowa a majority is required of those qualified to vote for members of the general assembly.

Mr. MARTIN of Colorado. That is neither here nor there; that is not the most objectionable feature with reference to ratifying, but still further requirements. The gentleman understands the conditions down there as well as I do—that this amendment must get at least 40 per cent of the total vote cast and 40 per cent in at least one-half of the counties in the State.

Mr. MONDELL. Will the gentleman yield until I read the provision in the Iowa constitution?

Mr. MARTIN of Colorado. No; I do not care to have that taken out of my time. If he states that it takes a majority of the total vote cast in Iowa, I will accept it.

Mr. MONDELL. A majority of the electors qualified to vote for electors of the general assembly.

Mr. MARTIN of Colorado. But there is no provision in the Iowa constitution and no provision in the constitution of any other State in the Union that I ever heard of requiring a certain percentage of the vote cast in at least one-half the counties of a State to ratify an amendment.

Mr. MONDELL. The Constitution of the United States has a provision under which the affirmative action of three-quarters of the States is required.

Mr. MARTIN of Colorado. Well, if that is such a wise and beneficent provision of the Federal Constitution, why did not the States incorporate it in their constitutions? There seems to have been some necessary line of demarcation between the State and Federal Governments when in 28 of the 46 States of the Union a constitutional amendment may be ratified by a majority of the votes cast thereon. I am arguing as to what the general rule is to show the reasonableness of the recommendations of the committee.

Mr. MONDELL. If the gentleman will pardon me, the gentleman must admit that there are a number of States with constitutional provisions which render amendment quite as difficult as the provision which he criticizes.

Mr. MARTIN of Colorado. No; I will not concede that, especially under the conditions existing in this Territory, the racial conditions down there. I want to say to the gentleman that this provision was not put in this constitution to restrain the Spanish-speaking people of New Mexico. It was conceded on all sides before the committee that they are a very conservative people, not much taken with changes, and that they could be depended upon to stand by the constitution as adopted. But this was put in to hog tie the American element of the Territory of New Mexico. It was readily foreseen how there could be conditions injected and issues raised of a local character that I do not care to go into at this time that would make it exceedingly difficult to ever get 40 per cent of the total vote cast for any purpose for an amendment in some of these counties.

Mr. MONDELL. I note that the amendment which is proposed in the resolution which the gentleman favors provides that no amendment by a majority vote, such as is provided, shall apply to or affect sections 1 and 3 of article 7, but as to these articles there must be a three-quarters vote of the legislators and an affirmative vote of at least three-quarters of the electors. I notice that article 1, section 1, relates to suffrage, and starts out with the declaration that every male citizen of the United States shall have a right of franchise. The gentleman comes from a woman-suffrage State, and I wonder why the gentleman considers it important that a larger vote shall be required to grant the right of suffrage to women than would be necessary for an amendment, for instance, striking out the bill of rights.

Mr. MARTIN of Colorado. Now, I will say to the gentleman that I will reach that proposition in a few minutes. I will only say now that he has completely distorted the purpose of the committee, and for that matter the purpose of everybody concerned, with reference to the particular provision he has just quoted.

Mr. MONDELL. It is true that while you provide other portions of the constitution may be amended by a majority vote, a proposition to grant the franchise to women can only be adopted by a three-quarters vote of the electors. I assume that the gentleman from Colorado deems that it is wise to have that in the resolution.

Mr. MARTIN of Colorado. A proposition to amend sections 1 and 3 of article 7, on election franchise, and sections 8 and 12 of article 10, on education, can not be ratified except by a two-thirds vote in every county of the Territory of New Mexico, which shall be not less than three-fourths of the entire vote cast in the State, and I will explain the reason for that in a moment.

Mr. MONDELL. Just one question. I ask the gentleman from Colorado whether he considers it important that a larger vote should be required for a woman's-suffrage amendment than for an amendment, say, striking out the bill of rights.

Mr. MARTIN of Colorado. I want to say to the gentleman that I did not insert these provisions in the constitution of New Mexico, and the committee has not inserted them. The Committee on the Territories has not inserted one single word quoted by the gentleman, but we have simply left these provisions in the constitution of New Mexico as the people adopted them, because everybody who appeared before that committee, Democrats, Republicans, and insurgents, unqualifiedly stated that the people of New Mexico all wanted those provisions in the constitution as nearly unamendable as they could be made. They made them practically unamendable, and we left them that way. That is all there is to that. We are not making a constitution for the people of New Mexico.

Mr. MONDELL. I assume that the gentleman approves the provision, because the committee could have changed the provision and did not.

Mr. MARTIN of Colorado. Yes; the committee could have made New Mexico a constitution that would suit me in a great many particulars better than this one does, and I am pointing out some of the ways in which I could be better suited; but we are not making a constitution.

I want to say that so far as I know, and so far as has come to the attention of the committee, this 40 per cent proposition in at least one-half of the counties is absolutely a unique distribution of political power. It was claimed that the principal object of this provision was to prevent the disturbance of the different water systems existing in the American and Mexican counties, so that the one might not displace the other, or, more specifically, that the Americans might not in time seek to constitutionally overthrow the Mexican or Spanish systems.

Passing over the suggestion that anything was left undone by the framers of the New Mexico constitution to secure the Mexican support of the constitution, which suggestion is incredible in the light of provisions to which I will call attention again—the matter just mentioned by the gentleman from Wyoming [Mr. MONDELL]—I know of my own knowledge and experience that this limitation was inserted for the express purpose of rendering all parts of this constitution more difficult of amendment, and I will predict now that the very amendment proposed by this committee will be overwhelmingly defeated in certain counties of New Mexico if so willed by the controlling corporate and political influences in that Territory, and future amendments will meet the same fate; and I know this because I have got some such territory in my own district. I remember once in that State we submitted an eight-hour constitutional amendment, and down in the corporation-owned coal-mine counties that amendment was absolutely snowed under by the very men whom it was designed to benefit, simply because they were not voting, as American citizens, their own individual wills and judgments, but were voting as they were being dictated to and coerced by their employers. And we have counties, such counties as you gentlemen have in New Mexico, in which it is absolutely impossible to secure a majority for any constitutional amendment, no matter how beneficial and necessary that amendment may be, if it is opposed by the leading corporate and political influences in those counties.

I am not deceived at all as to the purpose of this extraordinary requirement, and I place too high an esteem upon the intelligence of the majority of the people in New Mexico to think they are deceived by it, and I believe, if they can get a fair expression at the polls, they will accept the substitute offered them in this resolution.

ONLY THREE "AMENDMENTS" PERMITTED.

The next change proposed by the majority is that while in the article as it now stands the number of amendments that may be submitted at one election is limited to three amendments—and I want you to note the word "amendments"—there is no limit in the substitute. I unhesitatingly criticize the present limitation as vicious and deceiving. It does not permit amendments to three articles even, but three amendments to one article would exhaust the law, and three amendments to one article, mind you, might be insufficient to properly amend the article.

Every detail proposed to be changed might be considered to be an amendment, and there would always be a question about it. We may amend six articles in Colorado, and yet we had a great legal battle there as to whether a new article did not amend several articles. I simply put this provision of the New Mexico constitution down as a joker, and as jokers have no place in a constitution we have omitted it altogether. Our action is in harmony with the general rule of other State constitutions. The gentleman from Wyoming has been springing the Federal Constitution on me, and I want to spring the Federal Constitution on him at this juncture and call his attention to the fact that at one time 10 amendments to the Federal Constitution were submitted and adopted at one time. There is no limitation as to the number of amendments that may be submitted to the Federal Constitution. We could submit 40 if we could get the votes for them here in Congress, and yet there is a purpose to limit the people of New Mexico to three amendments.

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

Mr. MARTIN of Colorado. Certainly.

Mr. MANN. Is the gentleman informed as to how many constitutions of the various States the same provision applies, limiting the number of amendments which may be submitted at the same time?

Mr. MARTIN of Colorado. There has been some investigation made along that line, and I believe that Colorado is the only State in the Union——

Mr. MANN. Oh, well; the gentleman is mistaken about that. My own State only allows one amendment at a time.

Mr. MARTIN of Colorado. I will say to the gentleman we had several tabulations here, and I thought we had that one on that, but we have not. All I can say to the gentleman is: There was an examination or running over of the charters and constitutions, and a great majority of States do not limit the number of amendments which may be submitted to the constitution at one time; 39 of the 46 States have no such limit.

I am interested, however, in the observation of the gentleman from Illinois. Does your constitution read that not more than one amendment shall be submitted at one time or that not more than one article shall be amended at one time? Does the gentleman know which way it reads?

Mr. MANN. I think it is not more than one amendment, but I am not sure about that.

Mr. TAYLOR of Colorado. If the gentleman will permit a suggestion——

Mr. MARTIN of Colorado. Certainly.

Mr. TAYLOR of Colorado. The Colorado constitution adopted the Illinois constitution, which contained a provision in regard to one article, but we amended it a few years ago making it six articles which might be amended hereafter.

Mr. MANN. We have not amended ours yet.

Mr. TAYLOR of Colorado. No; you have not been so progressive.

Mr. MANN. But we have been far more prosperous.

Mr. TAYLOR of Colorado. I do not think you have in proportion.

Mr. MANN. Oh, yes.

Mr. MARTIN of Colorado. At any rate, you are both in the Union and these Territories are not. I think my criticism is well taken that this will be a very burdensome provision of the New Mexico constitution. It will leave it an open question as to what is an amendment; and I can see no necessity for leaving any such limitation. There is no likelihood this constitution will be amended or any constitution will be amended in wholsale manner.

EDUCATION AND ELECTIVE FRANCHISE.

Now, I want to call attention here at this point to the proviso which was mentioned by the gentleman from Wyoming, and which is the concluding part of section 1 of article 19 of the New Mexico constitution. It reads as follows:

Provided, That no amendment shall apply to or affect the provisions of sections 1 and 3 of article 7 hereof on elective franchise, and sections 8 and 10 of article 12 hereof on education, unless it be proposed by vote of three-fourths of the members elected to each house.

Now, when you turn back to article 7 on elective franchise, you find this provision:

SEC. 3. The right of any citizen of the State to vote, hold office, or sit upon juries shall never be restricted, abridged, or impaired on account of religion, race, language, or color, or inability to speak, read, or write the English or Spanish languages, except as may be otherwise provided in this constitution; and the provisions of this section and of section 1 of this article shall never be amended except upon a vote of the people of this State in an election at which at least three-fourths of the electors voting in the whole State, and at least two-thirds of those voting in each county of the State, shall vote for such amendment.

Then you find, over in article 12 on education, the following in sections 8 and 10, providing substantially that the legislature shall provide for the training, and so forth, of teachers in the normal schools, so that they may become proficient in the English and Spanish languages, and that children of Spanish descent in the State of New Mexico shall never be denied the right of attendance and admission in the public schools and other educational institutions on an equal footing, and so forth, with all other children. That is followed by a provision that this section shall never be amended except by a vote of the people of the State in an election at which at least three-fourths voting in the State, and two-thirds voting in each county in the State, shall vote for such amendment.

Now, in the substitute article which we are proposing to submit to the people of New Mexico we let stand the proviso identically as it now appears in the constitution. It was suggested, however, that the adoption of the proposed substitute would wipe out the safeguards of articles 7 and 12, because it would be adopted subsequently to the constitution itself in point of time and so would raise a conflict. We therefore simply incorporated the ratification provisions of those sections in the proposed substitute and made it a part of the proviso in section 1 of article 19, safeguarding these things beyond question.

Mr. LENROOT. Will the gentleman yield?

Mr. MARTIN of Colorado. In other words, we simply went forward to section 3 of article 7 and section 10 of article 12, and bodily took out the provisions about the ratification

of amendments to these sections and brought them back and inserted them in the proviso.

Now I will yield to the gentleman.

Mr. LENROOT. I wish to call the attention of the gentleman to the fact that in section 8 of article 12 there is no provision with regard to ratification different from any other sections of the constitution, but with the resolution proposed by the committee it makes section 8 ratified only by a three-fourths and two-thirds vote, whereas, except for this resolution, it would be ratified by a majority vote. I would like to have an explanation or reason for that.

Mr. MARTIN of Colorado. The gentleman has just called my attention to a conflict in these provisions which has heretofore escaped my attention. It is provided in section 3 of article 7 that that section shall never be amended "except in the following manner," and it is provided in section 10 of article 12 that that section shall never be amended "except in the following manner," both requiring a two-thirds vote in the county and three-fourths in the State. But the proviso in section 1 of article 19 reads that sections 1 and 3 of article 7 and sections 8 and 10 of article 12 shall never be amended except the amendment be proposed by at least a three-fourths vote of each House. It would look as if there is a conflict there. But yet there may be no conflict. It may be that they propose that section 1 of article 7 and section 8 of article 12 may be amended in the manner provided in article 19, but that section 3 of article 7 and section 10 of article 12 shall never be amended except in the manner provided for in the sections.

Mr. LENROOT. Will the gentleman yield again?

The CHAIRMAN. Does the gentleman from Colorado yield to the gentleman from Wisconsin?

Mr. MARTIN of Colorado. Yes.

Mr. LENROOT. I would like to ask the gentleman if this resolution, then, does not make it much more difficult to amend section 8 of article 12 than does the original constitution? I would like to ask the gentleman whether the resolution now before the committee does not make it much more difficult to amend section 8 of article 12 than the original constitution does?

Mr. MARTIN of Colorado. The language of the resolution undoubtedly renders all of these sections unamendable except in the manner pointed out in the proviso—that is, three-fourths of the vote of the entire State and two-thirds in each county. But even as to section 1 of article 7 and section 8 of article 12, you could never get a three-fourths vote of both Houses to propose an amendment, so the sections are practically unamendable, anyhow.

Mr. MANN. If the gentleman will allow me, I do not see any conflict there at all. The original provision of article 3 in section 7, for instance, required that an amendment should be ratified by three-quarters of the votes and also by two-thirds in the counties. Article 19, in reference to amendments, provides that an amendment shall not be submitted unless three-quarters of the legislators vote to submit it. Now, in your proposition—which I do not agree to—you simply carry these two propositions combined in the proviso. You have not changed that.

Mr. MARTIN of Colorado. We have not. We have brought the provisions back and inserted them in the proviso because it was suggested that the subsequent adoption of the article would create a conflict between the method of ratification in section 1, article 19, and the special method provided in the articles on education and franchise.

Mr. MANN. But does the gentleman think you can provide in a constitution that a certain section shall not be amended except in a certain way, and make it so inviolable that by the adoption of another amendment to the constitution you can not amend it in any way that you please? Does the gentleman believe that a constitution can be so constructed that it can not be changed by subsequent amendment?

Mr. MARTIN of Colorado. We did not concern ourselves with that question. They had evidently sought to tie up the proposition beyond amendment except through the medium of a constitutional convention, which is also tied up, and we were willing to allow them to do so.

Mr. MANN. That is not an issue here. I was only asking if the gentleman had an opinion about it. Suppose you should provide by amendment to the constitution authorizing it to be amended in any particular by a majority vote. Does not that supersede everything else in the constitution? You had in Colorado a provision that only one article could be submitted, and thereupon you amended that and made it six.

Mr. MARTIN of Colorado. Yes.

Mr. FLOOD of Virginia. The constitution can only be amended in the manner prescribed by the constitution unless a constitutional convention is held. Of course the convention could do as it pleases, but the legislature could not submit an amendment for the people to vote upon in contravention of the constitution.

Mr. MANN. They could submit an amendment to be voted upon providing for a different method of amending the constitution, and if that was adopted you would make it wide open.

Mr. MARTIN of Colorado. The method we submit is not wide open.

Mr. MANN. I understand that.

Mr. McGUIRE of Oklahoma. Will the gentleman yield for a question?

Mr. MARTIN of Colorado. Certainly.

Mr. McGUIRE of Oklahoma. Will the gentleman state the majority for this constitution in New Mexico and also in Arizona, and the number of votes cast in each Territory?

Mr. MARTIN of Colorado. I have not those figures, but the New Mexico constitution was adopted by 18,000 majority and the Arizona constitution got 77 per cent of the total vote cast. I think the chairman will supply those figures a little later; but, anyway, there was an overwhelming majority for both.

Mr. HAMILTON of Michigan. Will the gentleman yield?

Mr. MARTIN of Colorado. Yes.

TEXAS-NEW MEXICO BOUNDARY LINE.

Mr. HAMILTON of Michigan. I would like to inquire of him in relation to section 2 of the joint resolution.

What I want to suggest to the gentleman is this: The gentleman is undoubtedly familiar with the fact that when the people of New Mexico ratified their constitution they ratified a constitution which did not give the true boundary line of New Mexico, and that on February 16, 1911, we passed a joint resolution defining the true boundaries of New Mexico.

Mr. MARTIN of Colorado. Exactly.

Mr. HAMILTON of Michigan. And when we put through the joint resolution approving the constitution of New Mexico in February last we declared that we approved of the constitution of New Mexico subject to the terms and conditions of the joint resolution of February 16. Now, I want to suggest to the gentleman from Colorado, as a member of the Committee on the Territories, that inasmuch as you are requiring the people of New Mexico to pass upon parts of the constitution, whether it would not be a good idea to require them to vote upon a proposition that their true boundaries shall be the boundaries not as defined in their constitution, but the boundaries as defined by the joint resolution of February 16? You might just as well do that as to make this declaration, and there is a question I take it whether we absolutely make those boundaries beyond all question the boundaries of the proposed State of New Mexico by this method.

Mr. FLOOD of Virginia. As I understand, if I may be permitted——

Mr. MARTIN of Colorado. Certainly I will yield to the chairman of the committee.

Mr. FLOOD of Virginia. I will say to the gentleman from Michigan, as far as I am concerned I am very glad to hear his suggestion. Our idea was, and we thought we were correct in that, that there was a survey a number of years ago known as the Clark survey——

Mr. HAMILTON of Michigan. Yes.

Mr. FLOOD of Virginia. That fixed the boundary line between New Mexico and Texas, and that survey had been ratified and affirmed both by Congress and by the Legislature of Texas, but was ignored by the constitutional convention of New Mexico. We thought that the joint resolution of February 16, 1911, reaffirming the Clark survey as the true boundary line between those two States and incorporating the provisions with reference to the joint resolution of 1911 in this resolution, would fix that matter beyond all question.

Mr. HAMILTON of Michigan. Mr. Chairman, I want to suggest this: There is always this question, a constitution having been framed and having been ratified by the people of a Territory proposing to become a State, whether a change of the constitution itself in any particular does not require the same ratification that the constitution as a whole received, in order to validate it, as the constitution of the proposed State. Now, in this you do not require that vote. Therefore, it occurred to me, since you are proposing these votes, that it would be very simple to make it dead sure that the people ratified a constitution with the true boundary lines in it. You have not the true boundary lines in the constitution of New Mexico. You provide

here, in effect, that they are admitted with boundaries subject to the joint resolution of February 16, and I am inclined to think that if there should be litigation about it the courts would probably hold that they were admitted with that condition as a fundamental condition, and yet, inasmuch as you are going to require these people to vote, I suggest whether it might not be a good idea before this joint resolution goes out of the House to put that in it as a question to be voted upon as a part of their constitution.

Mr. FLOOD of Virginia. I will say to the gentleman, that it does not impress me that it is necessary at all, but the committee will be together sometime during this discussion, and they will take up this suggestion and consider it.

Mr. STEPHENS of Texas. Mr. Chairman, will the gentleman yield?

Mr. MARTIN of Colorado. Yes.

Mr. STEPHENS of Texas. Mr. Chairman, I was the author of the resolution with reference to the boundary between Texas and New Mexico. This was brought about at the request of the Attorney General of the United States, who assisted me in drafting the resolution, with the President and the Senator representing the State of Texas, and it was there——

Mr. HAMILTON of Michigan. That was the resolution of February 16?

Mr. STEPHENS of Texas. Yes; and it was understood thoroughly that it could not in any way affect the boundary between New Mexico and Texas, but it would be a fixed boundary hereafter.

Mr. HAMILTON of Michigan. Suppose we should adopt the joint resolution approving the constitution of New Mexico, with boundaries other than those specified in the joint resolution of February 16, that resolution being adopted subsequent to the joint resolution of February 16, might not some lawyer claim hereafter that we had waived the joint resolution of February 16 and approved the boundaries other than those contained in the resolution of February 16?

Mr. FLOOD of Virginia. But we specify here that this admission is subject to the resolution of February 16, 1911.

Mr. HAMILTON of Michigan. Precisely; but by so doing you do not change the constitution, the people themselves have never ratified the constitution in that——

Mr. FLOOD of Virginia. But we have jurisdiction now of the boundary line of the Territory of New Mexico.

Mr. HAMILTON of Michigan. I beg pardon——

Mr. FLOOD of Virginia. The question is between the Congress of the United States and the Legislature of Texas. They have confirmed——

Mr. HAMILTON of Michigan. I think the gentleman misunderstood me. The constitution specifies boundaries different from the boundaries as specified in the joint resolution of February 16.

Mr. FLOOD of Virginia. I understand that.

Mr. HAMILTON of Michigan. And that is part of the constitution.

Mr. FLOOD of Virginia. But we have fixed the boundary line in the resolution of February 16, 1911, and this resolution admitting this State as a State of the Union refers to this resolution of February 16, 1911, and says that the true boundary line——

Mr. HAMILTON of Michigan. But the people of New Mexico have never ratified that. You make no provision for the ratification of it. I simply suggest you might easily make a provision for the ratification, so as to tie it up beyond peradventure.

A FEW WORDS TO THE MEXICAN PEOPLE.

Mr. MARTIN of Colorado. Now, Mr. Chairman, if this particular topic is sufficiently misunderstood by the various gentlemen who have participated in the discussion, I want to proceed; and before I dispose of this proviso, in which we have sought to safeguard the Mexican people against future discrimination, I want to say a few words to our Mexican friends down in New Mexico. I represent counties of you in my district. The greater part of my district was carved out of your Territory. I know you. You will be told that this substitute is a dark and carefully veiled attack on your rights, but nothing is farther from the truth. You have rights. Yours is the right of prior occupancy and possession. The provisions on education and the elective franchise in the New Mexico constitution safeguard you against discrimination or deprivation of any right because of race, color, religion, language, or inability to speak, read, or write the English language. Your children shall always have access to the schools of New Mexico on equal footing with all other children, and teachers will be trained in both languages. In the substitute we offer you are more fully protected, if possible, because the constitution as it now stands says that no amendment shall apply to these special provisions unless proposed by a three-fourths vote of each house, and we immediately say that it must be ratified by not less than two-thirds of the total vote in each county and by not less than three-fourths of the total vote in the State, thereby removing all possibility of a conflict between article 19 and the articles on the elective franchise and education. In addition, we propose to strike from the enabling act the disability to hold office imposed upon your native tongue.

I want to warn you, therefore, against specious pleas intended to frighten you into opposing the constitutional amendment upon which you are to vote if this resolution passes. And I want to point out to you the fact that in Colorado your people have been treated fairly and their rights protected without the extraordinary safeguards in the New Mexico constitution. You are not to be cajoled into the belief that the corporation lawyers and political bosses who framed the New Mexico constitution are your divinely appointed guardians. They would double-cross you quicker than anybody if it served their selfish interests, and they have no interest in you further than they can use you to serve their own purposes. [Applause on the Democratic side.] I hope, therefore, to see you, my Mexican friends, strike hands with the progressive American element in New Mexico to make that a State where some decent measure of fairness will be realized in the election of officers and the making and administration of law. [Applause on the Democratic side.]

I want to give a little attention at this point to the minority reports which have been filed upon this resolution.

THE MINORITY REPORTS.

The majority report is consistent. It recommends the submission to a separate vote of the people of each Territory that feature of each constitution which is considered so objectionable as to make it a material issue. The minority have filed two reports. That by the gentleman from Michigan [Mr. WEDEMEYER] and the gentleman from Kansas [Mr. YOUNG] is consistent. It recommends the admission of both Territories as States under the constitutions as heretofore adopted. But the views of the majority of the minority contain about as many inconsistencies as could well be crowded into three pages of print.

In the first place they say:

As to Arizona, we agree with the majority of the Committee on the Territories that there should be submitted to the qualified voters of Arizona the question whether the provision in their proposed constitution providing for a recall of public officers shall apply to judicial officers.

And in the next place they say:

That the admission of Arizona as a State in the Union under its constitution shall be dependent upon the ratification of the proposition or amendment providing that the recall of public officers, as now proposed in the Arizona constitution heretofore adopted, shall not be construed to apply to judicial officers.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FLOOD of Virginia. How much time does the gentleman desire?

Mr. MARTIN of Colorado. I did not get a chance to use very much of that 15 minutes myself, I was interrupted so frequently.

Mr. FLOOD of Virginia. I will yield 20 minutes more to the gentleman.

The CHAIRMAN. The gentleman from Colorado is recognized for 20 minutes more.

Mr. MARTIN of Colorado. They, therefore, say in one breath that they agree with the majority in submitting the proposed exemption of the judiciary to a vote of the people, letting them vote it in or out; and in the next breath that they must vote it in as a condition precedent to statehood.

But that is not the only inconsistency. It is absurd to submit to a vote of the people a proposition which they must adopt. If they must adopt the proposition, let Congress impose it. I would much rather see the committee amendment as to New Mexico go into the New Mexico constitution than to see the recall of the judiciary come out of the constitution of Arizona, but it has seemed to me all along that if the adoption of these provisions was to be made mandatory, then it was the logical thing for Congress, which has the power, to impose them. Such an election would be farcical, and it strikes me as the taking of a position by the minority which is hard to defend upon any ground. I do not envy the task of those gentlemen who have to defend such a proposition.

If the people of Arizona were required to go through this senseless formality in order to gain admission to the Union, I would not blame them for voting the exemption into the constitution at the first election and then voting it out at the next.

Our minority friends also say that they object to the delay in the admission of New Mexico as a State, which will be caused by requiring a new election to be held as proposed by

the majority, and then say, with reference to the recall of the judiciary in Arizona that this question can be submitted to the voters of Arizona at the same time with the election of State and other officers at an election to be called in conformity with the provisions in the enabling act, in order to save the delay and expense of two elections in Arizona, which is precisely what the majority propose in the case of the New Mexico amendment.

There will be no two elections in either case. The election upon these amendments will be held at the same time and place as the election for State officers. They will have the same election officers. There will be absolutely no delay and very little additional expense entailed by the fact that they are required to vote on this constitutional amendment at the same time that they are required to vote for their State officers.

EXEMPTING JUDICIARY ONLY.

But it would be most interesting to know by what line of constitutional reasoning the majority of the minority arrived at the conclusion that a constitution providing for the recall of all executive and legislative officers is republican in form, while the recall of judicial officers, to quote their own language, is "fundamentally destructive of republican form of government."

I lay no claims to being a constitutional lawyer, but it is my understanding that the fundamental fact in the structure of our Government is that the three departments are coordinate and of equal power and dignity within their respective spheres, and, so far as I am concerned, I would see the entire institution of the recall fall to the ground before I would ever give my consent to the proposition recognized by the report of the minority that one of these departments is so superior in character, function, and dignity that it is to be exempt by the fundamental law of the land from provisions by which the people undertake to control the tenure of office of the other two departments, or in any other material respect. [Applause on the Democratic side.] I do not take the position that the merits of the recall is not a debatable question. All reforms are debatable. I believe with ex-President Roosevelt that the experiment ought to be permitted to the people of a State who express a desire to undertake it, and I hope that its results will be beneficial and the institution permanent.

WHAT IS A REPUBLICAN FORM OF GOVERNMENT?

Mr. HAMILTON of Michigan. Will the gentleman yield?

Mr. MARTIN of Colorado. I will.

Mr. HAMILTON of Michigan. Article IV, section 4, of the Federal Constitution provides that "the United States shall guarantee to every State in this Union a republican form of government." In the course of the gentleman's investigation, has he run across a definition of what constitutes a republican form of government—one that satisfies him—in contradistinction to a democracy?

Mr. MARTIN of Colorado. I believe there was a satisfactory definition of a republican form of government given before the committee——

Mr. HAMILTON of Michigan. I would not want to accept that as authority.

Mr. MARTIN of Colorado. It was made, not on the authority of the gentleman who made the statement, but he took it from Madison. "A republican form of government is one whose officers serve during good behavior for a fixed period or at the will of the people."

Mr. HAMILTON of Michigan. So far as Madison's definition goes, a republican form of government is a representative form of government, is it not?

Mr. MARTIN of Colorado. I should not say it necessarily means representative.

Mr. HAMILTON of Michigan. The gentleman did not quote the whole of the definition. He speaks of officers in a republican form of government, and those under the definition of Madison were elective officers.

Mr. MARTIN of Colorado. I want to say this, that I believe the initiative and referendum, which is in the Arizona constitution—and it is not proposed to keep that Territory out on account of that provision—is much nearer to the question of representative government the gentleman is driving at than that of the recall, because the recall is only another method of removing an officer. We have the method of impeachment at the hands of the legislature, and the recall is only an impeachment by the people.

The initiative and referendum goes directly to the question of representative government, and I think we had the initiative and referendum form of government existing locally at the time the Constitution was adopted, and that that form is permissible under the Constitution of this country.

Mr. HAMILTON of Michigan. I want to say that I did not rise for the purpose of undertaking to discuss the merits or demerits of the initiative and referendum, but I wanted to get the gentleman's definition of what constitutes a republican form of government as contradistinguished from a democracy.

Mr. MARTIN of Colorado. Several States in the West, I will say, have a republican form of government and are operating under the so-called "nostrum."

Mr. HAMILTON of Michigan. Would the gentleman be kind enough to give me his definition of what constitutes a republican form of government?

Mr. MARTIN of Colorado. I can give the gentleman a concrete illustration. I think the people of Arizona have adopted a republican form of government in their constitution.

Mr. HAMILTON of Michigan. Oh, that is begging the question. I suppose the gentleman concedes the high authority of the fathers of the Republic, and I supposed that the gentleman, when he was discussing this profoundly important question, might be able to lay his hand upon some definition of a republican form of government.

Mr. MARTIN of Colorado. I believe that government by consent of the governed is a republican form of government.

Mr. HAMILTON of Michigan. Oh, but a pure democracy is that.

Mr. FLOOD of Virginia. If the gentleman from Michigan would like to have Madison's definition, I have got it here.

Mr. HAMILTON of Michigan. I would like to have the gentleman read it.

Mr. MARTIN of Colorado. Well, Mr. Chairman, if the gentleman will extend my time, I would be glad to yield to the chairman, who has been so kind to me. I want to say, however, that I will never yield to the proposition that the word "republican," as used in the Constitution of the United States, has any such restricted meaning as the gentleman contends for, and if it has, every form of democracy in this country would be unconstitutional.

Mr. HAMILTON of Michigan. Will the gentleman yield further?

Mr. MARTIN of Colorado. Yes.

Mr. HAMILTON of Michigan. Is it not fair reasoning that when the framers of the Constitution adopted that language—that the United States should guarantee to every State a republican form of government—they meant that the United States would guarantee the form of representative government which already existed in the thirteen States?

Mr. MARTIN of Colorado. No, sir; it meant to guarantee them a free form of government, in which the people were supreme.

Mr. HAMILTON of Michigan. Is not that the construction put upon it by the commentators on the Constitution from the beginning down to now? I do not accept the Arizona constitution or the opinion of some gentlemen who appeared before the Committee on Territories. I am asking the gentleman to give us what lawyers concede to be authority, not somebody's speculation.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, will the gentleman yield for a moment?

Mr. MARTIN of Colorado. I yield to the gentleman from Mississippi.

Mr. HUMPHREYS of Mississippi. The delegate in the Constitutional Convention who was the author of that section of the Constitution which guaranteed to each State a republican form of government afterwards became a judge of the Supreme Court of the United States, and he gave a definition of what, in his opinion, was a republican form of government, and I will read that to the gentleman from Michigan if he would like to hear it.

Mr. HAMILTON of Michigan. Who was that?

Mr. HUMPHREYS of Mississippi. James Wilson, of Pennsylvania.

Mr. HAMILTON of Michigan. I hope the gentleman will read the whole of it.

Mr. HUMPHREYS of Mississippi. I will read a part of it.

Mr. HAMILTON of Michigan. I want the gentleman to read that part which shows that it is a representative form of government.

Mr. HUMPHREYS of Mississippi. I will read the gentleman exactly what he says. Speaking of the State of Georgia, he said:

> As a citizen, I know the government of that State to be republican, and my short definition of such a government is one constructed on this principle, that the supreme power resides in the body of the people.

Mr. MARTIN of Colorado. Mr. Chairman, I think that definition ought to satisfy the gentleman from Michigan [Mr. HAMILTON] until such time as he gets the floor in his own right. [Laughter.]

GROUNDS FOR RECALL OF JUDGES.

Mr. LITTLETON. Mr. Chairman, will the gentleman yield?

Mr. MARTIN of Colorado. Yes.

Mr. LITTLETON. I would like to have the gentleman from Colorado indicate, if he will, upon what grounds, or what character of grounds, he thinks a recall of a judge should take place.

Mr. MARTIN of Colorado. Well, I think it may properly take place on the same grounds for which he could be impeached by a legislative body. Sometimes some of them are sought to be impeached and the proceeding is a failure when it ought to succeed. Perhaps if the people had the impeaching of some judges, the procedure would not result so invariably in a whitewash, as congressional impeachments have resulted.

Mr. COOPER. Will the gentleman from Colorado yield until I may answer the gentleman's question?

Mr. MARTIN of Colorado. Certainly.

Mr. COOPER. I think a ground for a recall of a judge, where there have been proper safeguards thrown around it, would be such grounds as were exposed repeatedly in the case of New York City Judges Barnard and Cordoza, who often and corruptly made orders in favor of the Tweed ring and were impeached and removed from office, but not impeached until long after their corruption had become known to the general public and had disgusted the people of the city of New York, and, indeed, of the whole of the United States.

Mr. MARTIN of Colorado. Mr. Chairman, I did not intend that this discussion should go off into New York politics. [Laughter.] We are away off now in the wild and woolly and untrammeled West.

Mr. LITTLETON. Mr. Chairman, will the gentleman from Colorado yield?

Mr. MARTIN of Colorado. I will yield to the gentleman from New York.

Mr. LITTLETON. May I ask the gentleman from Colorado—and by that angle may I reach the gentleman from Wisconsin [Mr. COOPER]—if he charges that the trial of Cordoza and Barnard, however corrupt they may have been and however much they may have prostituted the public service, should have been had without charges and without a hearing? [Applause.]

Mr. COOPER. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield?

Mr. MARTIN of Colorado. I do.

Mr. COOPER. I do not, I say to the gentleman from New York; and I will say further that his question involves the well-known fallacy of a begging of the whole question. The American people, reading as they do, considering and understanding public questions as they do, are not going to be stampeded into the removal of a judge without charges and without the charges being established. But I have not committed myself to the granting of the right of recall as to the judiciary. I was simply seeking to answer the question propounded by the gentleman from New York [Mr. LITTLETON] to the gentleman from Colorado. Now, I would like to ask the gentleman from Colorado one question, or, rather, to answer one other question which has been propounded to him as to a republican form of government.

Mr. MARTIN of Colorado. I yield to the gentleman.

Mr. COOPER. Abraham Lincoln, one of the most profound lawyers the country ever knew, one of the highest-minded patriots, gave a definition, I think, of what this Government is, which is a definition of a republican form of government—a government of the people, by the people, and for the people.

Mr. HAMILTON of Michigan. Did he say that was a republican form of government?

Mr. COOPER. No; but he said this was a government of the people, by the people, and for the people.

Mr. HAMILTON of Michigan. Will the gentleman yield to me?

Mr. MARTIN of Colorado. Yes.

Mr. HAMILTON of Michigan. Mr. Chairman, those phrases have been rolled off from the lips of gentlemen on Fourth of July orations ever since Lincoln uttered them. I was asking someone as a lawyer to give a distinction between a republican form of government and a democracy, and the gentleman from Wisconsin simply quotes those words, which are beautiful and true, but they do not give the distinction, and the gentleman knows it.

Mr. COOPER. Mr. Chairman——

Mr. MARTIN of Colorado. I think the gentleman from Wisconsin has stated his case fully and eloquently——

Mr. HAMILTON of Michigan. Eloquently; yes.

RECALL SHOULD APPLY TO ALL OR NONE.

Mr. MARTIN of Colorado. And I want him to let it rest at that. I say I am not taking the position that the recall of the judiciary, for example, or of any other officer, is not a debatable question, but I do take the position that the unwisdom of subjecting all of the officers of one department of the government to this method of removal from office and exempting all the officers of another department is beyond argument, and if carried to a logical conclusion would make the judiciary what it was never intended by the fathers and what ought not to be—superior to the other departments of government. And in this connection I make note of the fact that a lesser status was given to the judiciary of the United States when it was made appointive and not elective.

The executive and legislative departments of government hold their commission from the people, but the judiciary holds its commission from the Executive, with the consent of the legislative. And of these, the legislative is incontestably the first. This Government was not created by the executives or by judges, but by legislators. The legislature, not courts or executives, is the palladium of our liberties. The executives and judges are properly the ministers and servants of the law-making power to do those things which it has ordained but which it can not execute or interpret, and it may even remove them, but can not be removed by them. [Applause on the Democratic side.] Our friends, therefore, not merely seeking to meet the presidential objection to the constitution of Arizona, as we have done, but basing their objection upon a fundamental ground, should have leveled it against the entire proposition. Now, Mr. Chairman, I want to hasten on. I want to refer briefly to some of the provisions——

Mr. RAKER. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman yield?

Mr. MARTIN of Colorado. I do.

Mr. RAKER. Under your resolution, on page 12, commencing on line 24, after the word "constitution," in substance is that if this constitutional provision should fail of adoption by the people of Arizona the original provision in regard to the recall of the judiciary would remain in the constitution as it is now presented to Congress for its action. Is that correct?

Mr. MARTIN of Colorado. Yes.

Mr. RAKER. Now, if the people of Arizona fail to thus carry this amendment as proposed——

Mr. MARTIN of Colorado. I see what the gentleman is driving at——

Mr. RAKER. There is another stronger than that, and it is this: Is not it a fact that when the people of Arizona fail to adopt this proposed constitutional amendment it will come back to the President, and it must require his approval before Arizona can be admitted as a State?

Mr. MARTIN of Colorado. No; we do not understand that anything will come back from Arizona or New Mexico to the President for his approval or disapproval. The returns will be certified to him of the elections in Arizona and New Mexico, but we only require them to furnish evidence that the vote was had on the amendments under the resolution.

Mr. RAKER. But under your enabling act it requires the affirmative act of the President to bring it in as a State. Is not that right?

Mr. MARTIN of Colorado. Under the enabling act it does; yes.

Mr. RAKER. How are you going to overcome that by this proposed amendment in regard to the recall when it goes back to the people?

Mr. MARTIN of Colorado. This resolution is going to the President. This resolution that we are considering now is going to the President, and if the President approves this resolution, which we hope and believe he will, the State is admitted when it complies with it. There will be no further approval or disapproval of it by the President. He will accept the returns certified to him by the governors of Arizona and New Mexico and issue his proclamations accordingly.

Mr. RAKER. Without his approval under the original enabling act?

Mr. FLOOD of Virginia. The enabling act is repealed where it is in conflict with this.

Mr. MARTIN of Colorado. We contend that if he signs this resolution it will be an approval of those constitutions, with the condition attached to it just as it is imposed by Congress.

Mr. RAKER. Then, in other words, the gentleman claims that this amended resolution does away with the affirmative approval of the Arizona Constitution by the President?

Mr. MARTIN of Colorado. We claim that when he signs this resolution he will, in effect, affirm in every respect, save that which in Congress disapproves, which is tantamount, however, to an entire disapproval of the constitutions until the condition imposed is complied with.

Mr. MANN. Will the gentleman yield?

The CHAIRMAN. Does the gentleman yield to the gentleman from Illinois?

Mr. MARTIN of Colorado. Yes.

Mr. MANN. What the gentleman says is true, but it does not quite cover the case. Is not this resolution based upon the proposition now that Congress has the power to admit any Territory as a State regardless of the provision in the enabling act with reference to the approval of a constitution?

Mr. MARTIN of Colorado. It is.

Mr. MANN. You are not requiring the approval of the constitution at all, but you consider it as a republican form of government and admit the State?

Mr. MARTIN of Colorado. It is an entirely new proposition, admitting these States when they do the thing enjoined on them, but as framed the President must first sign it.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. FLOOD of Virginia. Mr. Chairman, the gentleman has been interrupted so much that I desire to yield such time to him as may be necessary for him to conclude his remarks.

Mr. MANN. Oh, we can never get through at that rate.

Mr. FLOOD of Virginia. I will yield the gentleman such time as he may desire to finish his speech.

PRESIDENT HAS NOT DECLARED RECALL UNREPUBLICAN.

Mr. FERRIS. Will the gentleman yield?

The CHAIRMAN. Does the gentleman yield to the gentleman from Oklahoma?

Mr. MARTIN of Colorado. Yes.

Mr. FERRIS. I observe on page 6 of the majority report that the controlling reason of the committee for proposing this change was the objection of the President to the recall provision of the Arizona constitution, so far as it applies to the judiciary, and the belief on the part of the committee that if the recall as applied to the judiciary was again submitted to the people of Arizona it would meet the objections of the President?

Mr. MARTIN of Colorado. Yes.

Mr. FERRIS. I wanted to ask if the gentleman knows—and I do not want to embarrass him if he does not—whether the President put that on the ground that it would render the constitution not republican in form, or whether he said it is on account of his own personal objection?

Mr. MARTIN of Colorado. I have never heard any expression attributed to the President from any source to the effect that he believed the recall of the judiciary to be unrepublican in form. He is very much opposed to it as a matter of policy, and he thinks it very unwise and very unfair to the judiciary. He thinks it will subject them to popular clamor, and all that sort of thing; but I do not understand that the President has ever stated anywhere to anybody that it is in violation of the Constitution of this country.

THE NEW MEXICO REFERENDUM.

Now, Mr. Chairman, I will proceed, if I may, without interruption. I want to refer to a few features of the constitution of New Mexico which indicate that there is some method in the apparent hog tying of that constitution in the manner in which it is hog tied in the article on amendments, and that is the only expression that occurs to my mind to fitly characterize what they have done to that constitution in that regard. New Mexico is not so backward or reactionary as some gentlemen might infer, as will be admitted when it is known that 51 of the 100 members of her constitutional convention were elected upon a pledge for the initiative and referendum. But something happened. I do not know what it was. Things frequently happen in conventions, and sometimes in more dignified bodies than conventions, where gentlemen go pledged to certain propositions, and then change their minds. They have no initiative at all in the New Mexico constitution, and this is what they have now in the way of a referendum: Ten per cent of the qualified electors in three-fourths of the counties, constituting not less than 10 per cent of the qualified electors of the State, may sign a petition to submit a legislative act to the voters at the next election, and 40 per cent of the total votes cast at such election, not upon the law, but for governor or other high officer, whatever the high vote may be—and you can rest assured it would be the high vote—are requisite to annul the act.

To suspend the act before it becomes effective—before it takes effect—requires the petition within 90 days of not less than 25 per cent of the electors in three-fourths of the counties in the State, being not less than 25 per cent of the total votes cast, and 40 per cent, as before, to annul. And annulment revives the former law.

But now listen to this provision in the New Mexico referendum:

> It shall be a felony for any person to sign any such petition with any name other than his own, or to sign his name more than once to any measure, or to sign any such petition when he is not a qualified elector in the county specified in such petition.

The intent and object of that provision is obvious. It was obviously intended to scare the voters out of signing any such petition. It strikes me that a simpler and more effective way of getting at the desired result would have been to make it a misdemeanor to sign such a petition. I would like to stay in Congress until a legislative act was suspended under the provisions of the New Mexico referendum. But that is not all. There are some exemptions in the referendum in New Mexico. First, the general appropriation laws, then laws for the preservation of public peace, health, and safety. I have no quarrel with these. But listen to this exemption:

> Laws for the payment of the public debt or interest thereon or the creation or funding of the same.

Now, if there is any one power which has been universally reserved to the electors of the States from time immemorial it is that of funding public debts or creating bond issues. To create such State debts this power is reserved to the people of the State. To create such county debts it is reserved to the people of the county.

To create such municipal debts it is reserved to the people of the municipality. I may safely say that that is the universal rule. It is true there are exceptions in the New Mexico constitution, but the State is starting out with several millions—about four millions—of Territorial, county, and railroad indebtedness, and may contract other huge indebtedness, in the funding or refunding of which the people will have no referendum.

LEGISLATIVE AND JUDICIAL GERRYMANDER.

Then take the matter of legislative apportionment. The districts are so gerrymandered that 4 of the 26 counties will control the legislature politically. I would not complain of this, but it is further provided that only after each decennial census may the legislature reapportion the State. This insures the Republican Party control of the New Mexico Legislature for the next 10 years, no matter what political changes may occur, and will probably render a reapportionment impossible even far beyond that time. The State is judicially gerrymandered and tied up in the same way.

STATE CORPORATION COMMISSION.

Article 11 creates a State corporation commission, to which is given exclusive power and jurisdiction over railway, express, telegraph, telephone, sleeping-car, and other transportation and transmission companies and common carriers. After defining the powers of this State corporation commission comes the following extraordinary provision:

> In case of failure or refusal of any person, company, or corporation to comply with any order within the time limit therein, unless an order of removal shall have been taken from such order by the company or corporation to the supreme court of this State, it shall immediately become the duty of the commission to remove such order, with the evidence adduced upon the hearing, with the documents in the case, to the supreme court of this State.

In other words, this constitutional provision, which is to be found in no other State constitution, acts as an automatic injunction in every case, no matter how trivial, and upon every order, no matter how well settled the principles or issues involved. This is supposed to be a certain remedy for the use of injunctions against corporation commissions, and I should think it would be. It is only necessary for the defendant to ignore the order of the commission until the time set for its execution expires, when the whole matter will be removed automatically to the supreme court. As if to render this alleged corporation commission still more ornamental in character, the supreme court may try every appealed case de novo, taking new evidence. The function of the corporation commission, therefore, is purely advisory, and the supreme court will be the real corporation commission of New Mexico. The commission can not even subpœna witnesses or punish for contempt except through the medium of the courts.

ARIZONA CONSTITUTION COMPARED.

Contrast with this provision that of the constitution of Arizona, which, in addition to giving its corporation commission full power to regulate all public-service corporations within the State, also empowers it to enforce the attendance of witnesses and the production of evidence and to punish for contempt, and which further provides that the rules, regulations, orders, or decrees of the commission shall remain in force pending the decision of the courts.

Which of these constitutional provisions approximates the latest expression of Congress as prescribed in the recent amend-

ments to the interstate-commerce law, known as the Mann bill, from which I quote as follows:

All orders of the commission, except orders for the payment of money, shall take effect within such reasonable time, not less than 30 days, and continue in force for such period of time, not exceeding two years, as shall be prescribed in the order of the commission, unless the same shall be suspended or modified or set aside by the commission or be suspended or set aside by a court of competent jurisdiction.

The pendency of such suit shall not of itself stay or suspend the operation of the order of the Interstate Commerce Commission, but the Commerce Court, in its discretion, may restrain or suspend in whole or in part the operation of the commission's order pending the final hearing and determination of the suit—

and so forth.

The Arizona constitution gives every public-service corporation the right with any of its lines to cross, intersect, or connect with the lines of any other public-service corporation; but in New Mexico permission to intersect, connect with, or cross any other railroad must be secured "in each instance" from the commission.

The people of New Mexico may want to modernize their State corporation commission, or galvanize it into life, or empower the legislature to have some authority in the premises, or become dissatisfied with the supreme court as the regulative body; and I can see them now getting 40 per cent of the total vote cast for governor at an election and in at least one-half of the counties in the State for such an amendment, and I can see them all the more plainly because I have some such counties in my own State, where no opposed amendment could get a majority even of those voting upon it. It is a well-known fact that rarely is two-thirds of the total vote cast at an election cast upon an amendment, so that this provision puts the power of defeating amendments in the hands of those who are too ignorant or too careless to vote upon them at all. The chief cause of complaint, however, is the 40 per cent requirement in at least one-half of the counties in a State so divided racially as to make it more than ordinarily difficult to secure an amendment to the New Mexico constitution under any kind of method, however liberal.

OMISSIONS OF THE NEW MEXICO CONSTITUTION.

It is not only in the matter of taking things out of the New Mexico constitution that the people might want to exercise some practicable method of amendment. In the light of modern political ideals this constitution is quite as remarkable for the things that are left out. The moving principle of the Arizona constitution appears to have been faith in the people and that of the New Mexico constitution fear the people.

Some queer things develop in Congress. Representatives come here from States where every "ism" has its day. They must swallow every political nostrum and seek office as Republicans in the garb of populism. They must be for the Oregon plan. They must be against Aldrichism and Cannonism and Payneism. They must overthrow their own party organization under the shibboleth of progress, and then when they get down here to Congress they swallow such a constitutional antiquity as the New Mexican constitution at a gulp, without winking, and not only say that it tastes good, but that it is partisan politics to take the position that the people of a new State ought to be given an opportunity to say whether they want a practicable and truly republican method of amending their constitution.

NO GENERAL EMPLOYER'S LIABILITY LAWS.

Here are some of the things upon which the constitution of New Mexico is silent: Excepting railway employees, it does not contain a word with reference to employer's liability laws or enjoin in any manner the enactment of such laws upon the legislature. It is true the legislature can enact such laws, but why not have given them the sanction of the constitution? Why protect the railway employees by the most sweeping provision that language could devise and leave the men in the mines without protection? The constitution of Arizona nullifies anti-liability contracts between employer and employee; abolishes the rule of fellow servant; makes the defenses of contributory negligence and assumption of risk questions of fact for the jury; prohibits statutory limitations on the amount of recovery; provides for a workman's compensation law and commands the legislature to enact liability laws for all forms of industry.

These are all issues vital to the wage earner, but do not seem to have been of sufficient consequence in the minds of the constitution makers of New Mexico to receive mention. Every lawyer of experience knows the difficulty of devising such legislation so as to avoid constitutional objections, and with a proper recognition of these principles in the organic law the battle is half won. So far as New Mexico is concerned, it will, with the adoption of this constitution, be not even begun.

ARIZONA LABOR ARTICLE.

Arizona has dignified labor with a labor article in its constitution, and, in view of the threatened disapproval of that constitution, I commend that article to the attention of wage earners everywhere, and I stand ready to back the bald assertion that article 19 of the constitution of Arizona, entitled "Labor," does more for the protection of the wage earners in fewer words than does any constitution ever written.

DIRECT PRIMARIES.

There is a popular political institution in this country to-day known as the direct primary, but it is unknown to the constitution of New Mexico. It will be said that the legislature may enact such a law, but it might well have received the positive sanction of a constitution which defines with such particularity the method of regulating corporations. Corporation regulation is a necessary feature of modern government, but government regulation itself is much more necessary. Given this, all these other things will be added unto the people, and without this nothing else will be regulated.

The constitution of Arizona enjoins the enactment of a direct primary election law for all officers from United States Senator to constable, together with a secret ballot and publicity of campaign expenses, both before and after elections. New Mexico is silent on all these popular measures. [Applause on the Democratic side.]

ENOUGH SHOWN TO WARRANT COMMITTEE'S ACTION.

Other features of this constitution have been criticized by those conversant with the local conditions involved, but it is not my purpose to go into a general analysis of either of these constitutions. The features mentioned are typical, and I submit that sufficient has been shown to indicate that with the development and growth of population now going on and which will increase under statehood, and with the consideration of statehood eliminated, a majority of the people of New Mexico may properly want to amend their constitution in various particulars, a thing obviously impracticable, if not impossible, as it is now framed.

THE SPIRIT OF ARIZONA.

I have already contrasted the attitude of the Arizona delegation with that of New Mexico in expressing entire willingness to have any feature of their constitution resubmitted, but I want to go further and congratulate the people of Arizona upon the splendid spirit displayed by them in adopting the kind of constitution they wanted, notwithstanding the fact that the President had warned them in advance of his disapproval of such a constitution as he termed a zoological garden, by which expression he characterizes the various progressive measures for enlarging the rule and power of the people, not one of which measures has ever received his sanction.

This is not the first time in recent years that the Executive has sought to influence and coerce the people of a new State in framing the organic law under which they were to live, move, and have their being. The present Executive, when a Cabinet officer, was sent by his chief, who now appears to see things in a different light, into the then Territory of Oklahoma, which was framing a zoological garden form of constitution, and which was adopted by the people of Oklahoma by 114,000 majority, and under which constitution Oklahoma has flourished as has no other State throughout the entire history of this country. [Applause on the Democratic side.] Life, liberty, and property are nowhere safer than in Oklahoma, and in no State have the people a larger measure of governmental power than the people of that State. And this is the history and the lesson of the growth of democracy. From the cave man to Lincoln the trend of power has been from the ruler to the ruled; and never were the blessings of life, liberty, and property so generally diffused or so secure; never were governments so stable as to-day, when the will of the people is manifest in all civilized governments as never before at any time in the history of the world. I think we may well pause a moment in admiration of the American spirit of Arizona. The presidential shadow, great as it is, both naturally and officially, did not obscure the vision or chill the spirit of the hardy, rugged manhood of Arizona. The Postmaster General, who knows more about politics than he does about post offices [applause on the Democratic side], took up a quondam residence in Arizona and secured control of a bunch of daily newspapers, forsooth, to guide with the superior light of his wisdom the benighted denizens of that Territory in framing a safe, sane, and conservative constitution and incidentally to make himself a United States Senator. But the constitution of Arizona bears no earmarks of such authorship, and the senatorial seed fell upon such sterile soil that it found no root.

New Mexico was a more fruitful field for such enterprises and listened with a readier ear to the call for a safe and sane constitution. Personally I should ask for no cleaner-cut political issue in this country than the approval by a Republican President of such an instrument as the New Mexico constitution and the disapproval by him of such an instrument as the constitution of Arizona.

Mr. McGUIRE of Oklahoma. Will the gentleman permit a question?

The CHAIRMAN. Does the gentleman yield?

Mr. MARTIN of Colorado. I do.

Mr. McGUIRE of Oklahoma. Does the gentleman know the Democrats of Oklahoma have made two efforts already to amend the constitution—the best constitution ever written?

Mr. MARTIN of Colorado. Well, the people of Arizona I hope will make a great many more than two efforts to amend their constitution. [Applause on the Democratic side.]

Mr. CARTER. Will the gentleman yield?

Mr. MARTIN of Colorado. I yield to the gentleman.

Mr. CARTER. The fact that the people of Oklahoma made two efforts to amend their constitution simply demonstrates their progressiveness. [Applause on the Democratic side.] And it further demonstrates the fact that the initiative and referendum is not such a dangerous proposition after all. [Applause.]

Mr. McGUIRE of Oklahoma. Will the gentleman permit a question?

Mr. MARTIN of Colorado. I will.

Mr. McGUIRE of Oklahoma. It is a fact that the people of Oklahoma have made two efforts to amend their constitution. They made one very earnest effort to amend the constitution in which they failed. There is, at the present time, another effort being initiated to amend the constitution in our State in which I hope they will fail. For instance, every time the Oklahoma Legislature has met it has made the election laws of that State more partisan. At the last election, or rather prior to the last election, the legislature had increased the partisanship of the Oklahoma election laws——

Mr. MARTIN of Colorado. Mr. Chairman, I can not yield further——

Mr. McGUIRE of Oklahoma. And it was submitted to the people, and every liberal honest Democrat voted with the Socialists and Republicans in overwhelmingly defeating it.

Mr. MARTIN of Colorado. The only objection I have to the statement of the gentleman is that it is one of the things that calls for a reply and is a seesaw back and forth. Brother CARTER has a reply on his lips, I think.

Mr. CARTER. Mr. Chairman, I do not know to whom the gentleman from Oklahoma refers when he speaks of liberal Democrats joining with the Republicans——

Mr. McGUIRE of Oklahoma. I did not mean the gentleman.

Mr. CARTER. I did not understand the gentleman.

Mr. McGUIRE of Oklahoma. I did not mean the gentleman. [Laughter.]

Mr. CARTER. I did not understand what the gentleman said.

The CHAIRMAN. Does the gentleman from Colorado yield?

Mr. MARTIN of Colorado. Mr. Chairman, I have nearly concluded, and I decline to yield.

Mr. CARTER. Just a moment. I do not know who the gentleman means by the "good, liberal Democrats." I have never heard of any charge of fusion in Oklahoma except that between Republicans and Socialists. [Applause and laughter on the Democratic side.]

Mr. HAMILTON of Michigan. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield to the gentleman from Michigan?

Mr. MARTIN of Colorado. I must refuse to yield.

Mr. HAMILTON of Michigan. I just want to ask the gentleman from Oklahoma a question.

Mr. MARTIN of Colorado. I have just about concluded, Mr. Chairman. But I will say, before concluding, that I have not sought to inject my personal opinions or prejudices at all into the discussion of this resolution. No matter what criticisms I have passed upon the constitution of New Mexico, and no matter what partisan observations I have made in the course of my remarks, I have voted in the committee to submit to the people of Arizona a proviso excepting the judiciary from the operation of the recall when, as I have already stated, I do not believe in distinguishing between the judicial and other departments of this Government. I do not believe the judiciary is a superior or more sacred department of this Government. The Government of England has weathered the storms of the centuries with the judiciary decidedly inferior in power and importance to the legislative branch, with the executive decidedly inferior to the legislative branch. Not in 200 years has a ruler of England vetoed an act of Parliament, and the British Parliament is today gestating a law, as it has many other laws, providing in express terms that no court shall question the constitutionality or validity of such law.

President Taft has been over in New York City inveighing bitterly against the recall, its alleged tendency to discredit judges, and all that sort of thing. He thinks that in the matter of procedure and the trial of causes the English courts are somewhat better situated than the American courts. But I would like to invite his attention to the larger aspects of the case, such as those I have just stated. The fact of the matter is that the tendency in this country has been not to degrade but to exalt the judiciary, permitting it to nullify the most solemn legislative enactments which have grown out of the very distress of the people and to legislate.

I am one of those who think it would be better to have a just judge unjustly recalled than to have a just law which affects all the people unjustly wiped off the statute books. I see no occasion for hysteria over the recall of judges. I am not an institution worshiper. I regard all public officials as public servants, with no more right to betray their employers and retain their places than a private servant, and I can anticipate no harm to the structure and integrity of the judiciary if the people are empowered to do by the recall what the legislative body may now do by impeachment, and remove them from office.

All this talk about the mob, mob law, and mob rule is an insult to the patriotism and an impeachment of the capacity for citizenship of the people of this country. Some people are always harping on mob rule in connection with these progressive reforms that are gaining such force all over this country at this time. Where are all these mobs and what are these mobs? What are they but the great body of American citizenship? There is not a man within the sound of my voice who does not know that the government of any State in the Union could be reorganized and every office in that State vacated and refilled, and still that State would have a stable government. There are scores of men in each Member's district who are just as well qualified, and perhaps better, to come here and make laws for the country as the Members themselves.

Mr. HAMILTON of Michigan. I would like to ask the gentleman if he thinks it would take a whole day to reorganize a State?

Mr. MARTIN of Colorado. Well, it might take a whole day back East, but out West it would not. [Laughter.]

Mr. HAMILTON of Michigan. We are west in Michigan.

Mr. MARTIN of Colorado. Oh, you think you are West, but we call you East. [Laughter.]

Mr. HAMILTON of Michigan. You have a good many misnomers out in your country. [Laughter.]

Mr. MARTIN of Colorado. I know that a whole lot is claimed for these reforms that will not be accomplished, and people may unreasonably expect, perhaps, that when they get a lot of reforms on the statute books they will be better off. But, I repeat, it is an insult to the American people to harp on "mob rule" in connection with these reforms, as though the ruling instinct of the American people were really mob rule. As a matter of fact, I consider the American people an extremely patient and law-abiding people, and the most enduring sign of the Republic is the vast capacity for statesmanship resident in the body politic.

But while I entertain these views, into which I can not go now into detail, I have been entirely willing to submit this question to the people of Arizona. Whether they vote it up or down, the condition will have been complied with, and Arizona will enter the Union of States. It will be the same with New Mexico. If the people of New Mexico do not want to make their constitution amendable, they have only to put a cross mark in the proper place and the constitution of that State will take rank next to the Rock of Ages among things that are stable. [Laughter.] They naturally fear that any condition precedent endangers statehood, but once the matter is submitted to them I can not think that they will go deliberately to the polls and vote to tie their own hands indefinitely. The only organized opposition that there could be to such a reasonable proposition as is proposed by your committee would come from the special and selfish interests, whether industrial or political, which feel that by this instrument as it now stands they have secured themselves far beyond the time which would be voluntarily given them by a majority of the people of New Mexico.

I want to say in conclusion, Mr. Chairman, that I believe our committee has worked out in this proposition a solution that is absolutely fair to all parties and to all interests concerned and to both Territories, and that it is not in any sense a partisan proposition. We therefore invite to the support of this resolution all fair-minded, progressive Members of this body without regard to political distinctions. [Applause.]

Mr. O'SHAUNESSY. Mr. Chairman, will the gentleman answer a question?

Mr. MARTIN of Colorado. I will; but I have concluded.

Mr. O'SHAUNESSY. The gentleman has stated that by some subtle influence 51 per cent of the delegates to the constitutional convention so changed things as directed by the will of the people, that this hybrid constitution was evolved from their labors.

Mr. MARTIN of Colorado. I stated that 51 of the 100 members were elected on a pledge for the initiative and referendum, and that when they got in they fell down and put in no initiative at all, and a referendum that is a mere farce.

Mr. O'SHAUNESSY. Admitting that that subtle influence still remains in New Mexico, what guaranty is there that when this is submitted to the people they will vote to dispense with this hybrid constitution and get something else that is more in accord with progressive principles?

Mr. MARTIN of Colorado. I will say that we have provided in section 4 of this resolution for a secret ballot. There is no Australian ballot system down there, they have the old antiquated system of ballots and open voting. I think that jarred some of our Republican brethren on the committee when it came out, but we have provided for a fairly secret ballot and thrown certain rudimentary safeguards about it. Besides, I think the people will not be subjected to the influences that were brought to bear upon a majority of the 100 men in the convention.

Mr. O'SHAUNESSY. One more question. The gentleman assumes therefore that there is a reasonable probability that this amendment will be adopted?

Mr. MARTIN of Colorado. I do. I honestly believe that there is an even chance for the adoption of this amendment. I can not mention names for it would not be fair to do so, but one of the leading Republicans who appeared before the Committee on Territories, a man who has occupied high official position in New Mexico, has stated that he would get out and take the stump for this substitute proposition if submitted to the people in New Mexico.

Mr. O'SHAUNESSY. There is another question I would like to ask: What was the compelling reason for the submission of the recall of the judiciary in the Arizona constitution?

Mr. MARTIN of Colorado. To meet the objections of the President.

Mr. O'SHAUNESSY. I mean what was the compelling reason for putting it into the constitution? Was the judiciary so bad in Arizona that they wanted an easy method to rid themselves of it?

Mr. MARTIN of Colorado. It is not a recall of the judiciary. It is a recall of all officers. The recall provides for the recall of all elective officers.

Mr. MANN. All elective officers whether elected or appointed.

Mr. O'SHAUNESSY. Was there any particular argument urged against the judges in Arizona or any other place as a reason why this should be incorporated into the constitution?

Mr. MARTIN of Colorado. Not to my knowledge.

Mr. ANDREWS. Do I understand the gentleman to say that the majority of the 100 delegates elected in New Mexico were instructed for the initiative and referendum and recall?

Mr. MARTIN of Colorado. I was told 51 of the 100.

Mr. ANDREWS. Well, the gentleman is very much mistaken.

Mr. MARTIN of Colorado. Not the recall.

Mr. ANDREWS. Or the initiative and referendum.

Mr. MARTIN of Colorado. I have been told that 51 of the 100 delegates to the New Mexico constitutional convention were elected on an initiative and referendum platform.

Mr. ANDREWS. Absolutely that is a mistake. In that convention there were 71 Republicans and 29 Democrats. Five Democrats were elected from Republican counties, nonpartisan. Now, in that caucus of Republicans I was present, and there were 70 Republicans present. On the question of the initiative and referendum, put squarely up to them by counties, 56 to 14 voted against the initiative and referendum.

Mr. MARTIN of Colorado. I am going to look over the hearings on this proposition——

Mr. ANDREWS. Well, I can not help the hearings. I am telling you the facts.

Mr. MARTIN of Colorado. To ascertain what the authority is for the statement that has been made. I think other gentlemen have heard it.

Mr. FLOOD of Virginia. Oh, yes.

Mr. MARTIN of Colorado. I think the chairman has heard the statement made that 51 of the 100 were so instructed.

Mr. FLOOD of Virginia. Yes; it has been stated. There is no doubt about that.

Mr. FERRIS. Mr. Chairman, what the gentleman from New Mexico [Mr. ANDREWS] says is not a contradiction of what the gentleman from Colorado says. He merely states what was done in the caucus, and the gentleman from Colorado stated——

Mr. MARTIN of Colorado. What was done in the districts or the counties where they were elected.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. BYRNS of Tennessee, having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment the following resolution:

House concurrent resolution 8.

Be it resolved by the House of Representatives (the Senate concurring), That the resolution passed by the Legislature of Alabama in regard to the bicentennial celebration at Mobile on May 26, 1911, be received.

The said resolution reads as follows:

"Senate joint resolution 52.

"[No. 241.]

"Whereas this year, 1911, is the two hundredth anniversary of the foundation and settlement of the city of Mobile, first capital of La Province de la Louisane, in 1711, and

"Whereas the city of Mobile and her people are making preparation for celebrating the event: Therefore be it

"Resolved by the Senate of Alabama (the House of Representatives concurring), That the Legislature of Alabama does hereby request the Senators and Representatives in Congress from the State of Alabama to bring the said anniversary celebration to the attention of Congress and the several departments of the United States Government and the representatives at Washington of foreign powers.

"Approved, April 6, 1911."

Be it further resolved, That the Congress of the United States acknowledges with pleasure the receipt of said resolution and appreciates the courtesy of the notice extended of that important event in the Nation's history.

Resolved further, That we commend the action of the city of Mobile in making preparations for this celebration. We regard that territory as one of the most valuable acquisitions of the Government and congratulate Alabama and the people of Mobile upon her growth as a city, and extend our best wishes for a successful celebration and a large attendance of patriotic American citizens.

Resolved further, That a copy of these resolutions be forwarded to the mayor of the city of Mobile in evidence of our appreciation of the work that will be done on May 26, 1911, in commemoration of the founding and settlement of our beautiful and progressive city on the Gulf.

The message also announced that the Vice President had appointed Mr. CLARKE of Arkansas and Mr. BURNHAM members of the joint select committee on the part of the Senate, as provided for in the act of February 16, 1889, entitled "An act to authorize and provide for the disposition of useless papers on file with the Civil Service Commission.

NEW MEXICO AND ARIZONA.

The committee resumed its session.

Mr. FLOOD of Virginia. Mr. Chairman, I yield one hour to the gentleman from South Carolina [Mr. LEGARE]. [Applause.]

Mr. LEGARE. Mr. Chairman, I wish in the outset to ask the courtesy of the House that I be not interrupted. My time is limited, I am not very strong, I speak with an effort, and unless some Member really wishes to ask me a question of considerable importance I shall appreciate the courtesy of being allowed to conclude my remarks without interruption.

Last year we passed an act which placed the Territories of New Mexico and Arizona on the threshold of statehood. In this act we authorized, empowered, and directed the people of these Territories to call a constitutional convention, adopt a constitution, submit it to the people for ratification, and then come back to us and to the President for approval. These conditions have been complied with in both Territories, and the people are now asking for this approval. If I should enter into a detailed explanation of these two constitutions after the able and exhaustive explanation of my friend the distinguished gentleman from Colorado [Mr. MARTIN], it would be surplusage and a useless waste of your time; but, Mr. Chairman, I wish simply and briefly to explain this bill. It calls for a vote by the people of New Mexico on two amendments to the constitution which they have adopted and a vote by the people of Arizona upon the question of recall of their judiciary. We do not require that they shall write it into their constitution in the shape of an irrevocable ordinance, but simply that they shall

vote once more upon the question. At the same time we give them statehood.

Now, then, if it is the wish of these people that these two articles shall remain in their constitutions as they are now written, and a majority shall so elect, all well and good; but if, on the other hand, a majority of the people of the Territories wish to change these articles as amended, they are privileged to do so under the terms of this bill.

Mr. Chairman, what are these amendments? First, that the people of New Mexico shall have the right to vote once more upon article 19 of their constitution, which applies to the manner of amendment. The reason your committee gives to this House for placing this amendment in this resolution is it was assured by people from this Territory that as the constitution of New Mexico now reads it would be absolutely impossible to amend it within the next 25 years. The other article on which we say we would like them to vote once more in New Mexico is the one which relates to non-English speaking people holding office there. These people come to us from New Mexico, both Republicans and Democrats, and say that in the enabling act passed last year we have taken them by the throat and told them they must enact an irrevocable ordinance whereby no Spanish-speaking person can hold office in their State. They tell us, both factions, that some of the best people of their State and some of their most brilliant men are Spanish-speaking people; and believing, as we do, that we have no right to say to a sovereign State or a proposed sovereign State you must permit us to dictate your organic law, that we have no right to take them by the throat and force them to place in their constitution an irrevocable ordinance of this kind, we give them the opportunity of voting once more upon this question. So much for that amendment.

In regard to the amendment of the Arizona constitution our reasons are as follows: We wish to give the people of Arizona an opportunity of voting once more on the right of the recall of the judiciary. We believe, in fact, we are very certain, the President will not approve the constitution of Arizona with that article in it. Now, then, in this enabling act, strange as it may seem, there is no machinery provided whereby the people of Arizona, in the event of failure on the part of the President to approve this constitution, can recall or reconvene their convention. They are powerless. In other words, gentlemen, if the President fails to approve this constitution of Arizona the people are powerless and can not reconvene their convention for the purpose of changing or correcting this article and satisfying the President, but must stand idly by and be deprived of statehood until some new President shall occupy the White House or until Congress shall pass some law amending this enabling act. Now, then, I ask your attention to one thing in particular, and that is this: We do not say to the people of Arizona and of New Mexico, you must vote for these things, you must write these amendments into your constitution, and keep them there for all time. But we say to them, come into the Union. You are admitted into the Union, go ahead and elect your officers, and at the same time vote once more upon these propositions.

Under the resolution they lose no time; statehood is not delayed a single minute. They incur no extra expense. If the majority of the people want these amendments, they can get them. If a majority of the people are opposed to these amendments, they are not required to take them. In every event it is left to the people, a majority of the people, to write their own constitution. Now, gentlemen, those are the reasons in a nutshell and briefly expressed why the committee has placed these amendments in this resolution. I wish, however, personally to go a step further in this matter. I wish to record my protest against the recall feature of the Arizona constitution, especially the recall of the judiciary. I am opposed to the initiative and referendum. I can see no good to come of these new-fangled idiosyncracies. I can see that they will do harm. However, I realize they are political baubles which the demagogue can hand out to the people, toys with which the people may play without serious injury to themselves or to the country. We have too many laws as it is. We are grinding out new ones every day, but if every man who has a new idea is given the right to have it written into law; if every law enacted is referred to the people at an election for their ratification or rejection, it will in the end result in one continuous election and one great conglomeration of laws. However, it can not result in irreparable injury. The demagogue will have a market in which to manufacture and cry his wares, and I believe the people in time will weary of it and cry out against it.

I can even accept with equanimity this recall of officials other than judges. It is wrong, all wrong. It can do no good. It is unquestionably detrimental to the efficiency of the office, but, as a matter of fact, it can do very little permanent harm. But when you come to the recall of the judiciary, my every sense of right rebels and my every idea of a safe and stable government cries out against it [applause], because it is a blow at the strongest and most essential pillar of our Government. The Executive can go astray, but the court is there to bring him back into the paths of righteousness. The legislature can burst wide the bonds of constitutional limitation and wander afar into the field of illegality, but again the court is there to check this second great branch of our Government; but when you crush the power of the judiciary and lessen its efficiency, you make wreck and ruin of all that our fathers handed us in the shape of safe, stable, and lasting government. [Applause.]

This constitution of Arizona provides for the recall of a judge or other officer within from 20 to 35 days. In other words, when 25 per cent of the people voting at the last preceding general election shall have signed a petition and it is filed, the judge or other officer is given five days in which to resign, and if he fails to resign at the end of that time an election is ordered, not more than 30 or less than 20 days from the filing of the order; and on a ticket there is to be printed in 200 words or less the reason for his recall, and on that same ticket the judge, who possibly may be recalled because of some great decision that he has rendered, is required to write the reasons why he should not be recalled, in 200 words or less, and then his name with others is placed in nomination and voted upon.

Why, gentlemen, I can readily see how the efficiency of every little crossroads magistrate will be lowered and his decisions influenced and biased by having this sword of Damocles constantly hanging over his head. I can not fail to realize that every county sheriff will be tempted from time to time to fail of his duty, with this radical, drastic form of impeachment always staring him in the face.

I can hear now the cry of the angry mob as it struggles to gain possession of some poor, cowering wretch, whose only protection and safety are the bravery and manhood of a determined officer of the law; and when that officer shall have performed his duty and maintained the majesty and dignity of the law, I can see that same mob, defeated of its purpose and deprived of its prey, going to some place and signing the recall of that officer, whose only offense was that he obeyed the mandates of the law.

Some time ago the newspapers told how the mayor of the great city of Seattle, Wash., had been recalled because he was too lenient with the liquor men, too lax in the enforcement of the liquor laws. Not long after that the newspapers announced that the mayor of Tacoma, there in the same State, breathing the same atmosphere, operating under the same recall law, had been recalled because of his too strict enforcement of the liquor law. Wishing to be assured as to this, I went to a gentleman from Tacoma and asked him if it was true the mayor of his town had been recalled because of a too stringent enforcement of the liquor laws. "Why," he said, "no; that was partly it, but they recalled him because he stopped a prize fight." "Well," I said, "is not prize fighting unlawful and in violation of the law in Tacoma?" "Oh, yes," he said; "but the people wanted it. It helped the town. It brought crowds of people there, and they wanted it. There were 10,000 people gathered at the prize ring, waiting to see the fight, and when the mayor stopped it they left almost in a body and went directly down town and signed his recall."

Gentlemen, if this recall law applied to Members of Congress we would be in daily danger of its operation. There is always in every district in this Union a certain percentage of the electorate who are always against the incumbent. Watching your every utterance and act, this restless and dissatisfied element is always ready to take advantage of your every error and to stir up strife, and how easy it would be to secure 25 per cent of the signatures of voters to a petition. People sign almost any petition which is placed before them, and when 25 per cent of them have signed a petition for your recall, and that fact is published to the world, why the other 75 per cent immediately become suspicious of your actions, and before you have realized what has happened they have placed your name in nomination and you are recalled and damned and disgraced for all time.

It is not only the removal from office, it is not so much that you lose the position, not so much that your hopes are blighted and your ambitions crushed, but it is the disgrace that goes with it. It places the seal of disgrace upon the fair name you have heretofore borne unsullied and stamps you with a shame that will follow you for all time and be as a handicap to the children who come after you.

It is true we are liable to be removed at the end of every two years, but that is fair and to be expected. But this radical

recall law places every man at a disadvantage and subjects him to the most degrading humiliation possible to befall a public servant.

Advocates of the measure will of course say it will not reach men who comply with the law and live up to the requirements of the office. But that is not true. It requires the officeholder to comply at all times with the fanciful everchanging will of the people. There comes a time in the life of almost every public man when he must either oppose a temporary popular sentiment or else bury his self-respect and smother the dictates of his conscience. If he is strong, if he withstands the temptation, if he fails to yield, history will tell of his statesmanship and greatness, but this can not be expected where there is a recall. The temptation is too great.

Did you ever stop to think of it? George Washington would have been recalled if this law had been in operation in his day and time. Abraham Lincoln would have been recalled more than once. William McKinley would have been recalled. Grover Cleveland would undoubtedly have been recalled during his second administration. All of these great men, around whose lives and actions are laid the foundation of our country's history, men whose names will live as long as this Union shall exist—aye, for long years thereafter—all of them, I say, would have been recalled, shorn of power, degraded, ruined, and damned for all time if they had held office subject to this recall law.

But great and powerful as these men were, they could have fallen victims to this law and the country had still lived and prospered. But it is not so with the judiciary. It is to this branch of our Government we must look for justice and protection. It is the only branch to which the minority can turn for preservation at all times. The executive and legislative are supposed to represent the majority, and loudly do they proclaim this fact, but the judiciary is the harbor of refuge to which the minority can flee when pursued by the majority or by the servants of its making. [Applause.]

Destroy this branch of our Government and you destroy the only hope of the minority, and at the same time you remove all restraint from the majority and leave them to be glutted with an unholy and uncontrollable power with which they will eventually destroy themselves and the country. When you write this recall of judges into a constitution you practically destroy the force and effect of the judicial branch of our republican form of government. You place the judge in a position where he is constantly tempted to yield between mob outcry and temporary popular sentiment on the one hand and law and order on the other. While he pens his opinion he hears the cry of the mob outside his window. He sees recall and shame and disgrace and blighted hope and crushed ambitions staring him in the face. It would be asking too much of human nature to expect him under such circumstances to defy the people. It would take a great strong man to do it, and you will not find strong men on a bench that is subject to recall. Nothing would tend sooner to mar the influence, lower the integrity, and degrade the judiciary than this recall law. No self-respecting man of wisdom and intelligence would wish to take the chances and sit upon a bench subject to the recall law.

It is true judges are not all good; they are not invulnerable; they often go astray and from time to time should be removed; but this class is small, and the old form of impeachment is good enough for me. It guarantees to a judge a fair trial by an intelligent jury. It is done with dignity; it is done deliberately. It is not done by a howling mass of men, drunk with power and bent upon doing him mischief. It is done by intelligent men, men of standing, and not by thugs and bums, and loafers, and drunkards, and sneak thieves, and criminals—men who are anxious to get even with the judge who passed sentence upon them and men who, by reason of passion and prejudice, are not fit to sit upon his case.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. LEGARE. I expect I will have to.

Mr. RAKER. It is not necessary unless the gentleman wants to.

Mr. LEGARE. Go ahead.

Mr. RAKER. The last class of men named by the gentleman, bums, thugs, and cutthroats—does the gentleman find those men entitled to sign a petition for a recall, and are these the men that the gentleman speaks of who will recall the judges or any other officer?

Mr. LEGARE. If a thug is an elector, under this law he can sign; if a bum or a drunkard is an elector, if he has the right to vote, he can sign. [Applause.]

Mr. Chairman, so far as I know, every State in this Union guarantees to its most depraved and corrupt criminal the right of trial by jury, that thing which has always been as a bulwark to our Anglo-Saxon liberty, one of those things for which our fathers fought and bled and died, when they wrested this land from the mother country. So far as I know, every State in this Union accords to its most depraved criminal the right to place every juror upon his voir dire—"juror, look upon the prisoner; prisoner, look upon the juror; what say you"—stand him aside or else place him upon his voir dire, and there the criminal is given the right to ascertain and find out from every juror who is to try his case whether he has formed or expressed an opinion, whether he is biased or prejudiced against his cause. But here in this recall law you are to make jurors of a man's accusors; you desire that he shall be tried and condemned and sentenced and punished by the men who have brought the indictment against him.

I ask you, is it fair, is it right, that the highest officer of your land shall be denied a privilege accorded your meanest criminal? Why, the very thought of it is repugnant to every sense of human decency. It is the rankest kind of political heresy. It is the result of the blatant, selfish, unreliable, and dangerous teaching of the demagogue. [Applause.] It is radicalism run rampant; it is socialism gone mad. [Applause.] But—and I say it with sorrow—these false, dangerous teachings emanate often from high places. Not long ago a gentleman in another legislative body within walking distance made one of those "I am holier than thou" speeches upon this same subject. I have read that speech carefully, and the more I read the more convinced did I become of the danger attached to this proposition. His whole speech is one of vituperation and abuse of all his legislative colleagues throughout the country. It teems with such phrases as these: "Petty bribery of the people's representatives everywhere," "infamous conduct of machine politics," "corrupt politicians," "corrupt special interests," "dishonesty and depravity"; in fact, it is simply a tirade of abuse of all branches of this Government, the judiciary coming in for its share. The whole official world is rotten; all men in public life are corrupt and corruptible, save him. It was not the effort of a statesman issuing a warning to his colleagues; it was rather the thunderous cry of the demagogue to the people, carrying false tidings, teaching false doctrines. Aye, yes, he goes on to say in one of his well-turned phrases, and here comes the rub, "It means more power to the people, and the people favor it." Of course they want it. They always want it. The people always cry aloud for more power. They grasp it readily whenever you place it within their reach, and unmindful of the fact that every cup of this demagogic honey which is handed them is saturated with deadly poison, they drink of it gladly and deeply, and even unto the dregs. If these men in high places continue these false teachings to their own aggrandizement in their efforts for political preferment, it means the wreck and ruin of our country.

Once convince an excited populace—and I am speaking plainly to you gentlemen of this House—that through means of this recall of the judiciary absolute control of the judges is placed directly within their hands, and no human agency can prevent their using that power rashly and recklessly at times, and there is danger that they will steer the old ship of state direct into the maelstrom, and will mean rebellion and revolution, bloodshed and anarchy.

Let no man misunderstand me; I have an abiding faith in the sober judgment of the American people, but I have a pronounced fear of the hasty action of any people under the stress of excitement, or worse, of want; and, in my judgment, the history of the human race bears unbroken testimony to the absolute necessity of the people in calmer moments denying to themselves the power that in such moments of passion, if exercisable, would result in flagrant disregard of the rights of a minority. It is against the efforts to arouse the passions and prejudices of the people by the assertion of the absence of any need of restraint of that power to which I seriously and strongly object. It is unfortunately true that the people, under the specious and demagogic appeals of leaders who lack the courage to tell them unpleasant truths, are liable to be tempted into a resumption of the power that in calmer moments they have denied themselves, and therefore have I said that the people are hungry for power.

I feel that the people of Arizona have not gone carefully into this matter; that they have not given due consideration to this article of their constitution. They have been rapping at the door of Congress year after year, decade after decade. They are wild to become one of the sisterhood of States; they are anxious to get in; they are hungry for it, and I believe would have voted for almost any law which was placed before them, and therefore, Mr. Chairman, while I do not question the right of a State or a proposed State to forge its own organic law, while I regard it as a constitutional right handed

to us by the fathers and to be revered and held sacred, nevertheless I deem this radical, drastic recall feature of their constitution so dangerous to the safety and stability of the form of government under which we have lived and moved and had our being for more than a hundred years that I hesitate not in raising my voice against it. It is my wish that this State be forthwith and immediately admitted to the Union and enjoy all the rights and privileges to be derived therefrom, but at the same time I sincerely trust that the best there is in Arizona in the shape of conservative manhood and patriotic loyalty will unite to prevent this first step in the direction of tearing down so sacred an edifice; that they will not permit this foul blow to be struck the mother which is just about to give birth to their State. [Applause.] When the fathers contributed to these United States a Constitution they gave to our people the most wonderful system of government the world has ever known. The instrument is wonderful, and there is every reason why it should be.

There was gathered together here in America at that time the best brain and ambition of the old country. Brilliant men from every point of the compass; men who had wearied of the narrow, contracted, trammeled form of Old World government under which they had lived and were here in search of new fields in which to exploit their intelligence. Bringing with them, as they did, the best there was to be had from each form of government under which they had formerly lived, they discussed with each other and interchanged their ideas and views and theories for more than a hundred years before attempting the execution of their plans. There is no wonder, then, that the child of their making should be so great, so powerful, so wonderful, so strong, and so fully able to withstand the test of time. These master minds conceived the necessity for three branches of our Government—the executive, the legislative, and the judicial. Time has proved the wisdom of their theory. Time has also proved that the judiciary is the strongest and most essential of the three.

Let us, then, whenever the opportunity presents, throw a cloak of protection around it. Let us teach the people safe and sane things. Let us point them to that which is good instead of handing them the worst there is in the way of legislation. Let us aid them in their effort to discern that which is to their best interest. Let us hand them sound, safe, wholesome, stable, lasting laws, under which they can move and live and have their being for all time, in prosperity and peace and happiness, instead of placing within their reach these unholy, vainglorious, temporary powers with which they will eventually pull down the temple upon their own heads. [Applause.]

Mr. Chairman, I shall vote for this bill. I take all the more pleasure in doing so because it will give to the good people of Arizona an opportunity to repudiate this radical, drastic, recall law which I believe has crept inadvertently into their constitution. [Prolonged applause.]

Mr. FLOOD of Virginia. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee determined to rise; and the Speaker having resumed the chair, Mr. GARRETT, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration House joint resolution 14, to approve the constitutions of New Mexico and Arizona, and had directed him to report that the committee had come to no resolution thereon.

CHANGE OF REFERENCE.

The SPEAKER laid before the House the following requests for change of reference:

The Committee on Interstate and Foreign Commerce is hereby discharged from the further consideration of H. R. 5601, regulating commerce of convict-made goods, and the same is hereby referred to the Committee on Labor.

The Committee on Rivers and Harbors is hereby discharged from the further consideration of House joint resolution 96, relating to the protection of watersheds of navigable streams, and the same is hereby referred to the Committee on Agriculture.

Mr. MANN. Mr. Speaker, I would like to inquire whether these requests for the transfer of a bill from one committee to another are at the suggestion of the parliamentary clerk or the committees themselves?

The SPEAKER. It is at the request of the gentlemen who introduced the bills, and with the approval of the chairman of the committee.

Mr. MANN. If it is done with the consent of the chairman of the committee who loses the bill there can be no objection, but if it is a mere request of a Member who introduced the bill it is a dangerous practice.

The SPEAKER. It is at the request of the chairman of the committee and the man who introduced the bill.

Mr. MANN. The chairman of the committee who now has the bill?

The SPEAKER. That is the understanding of the Chair.

Mr. MANN. I have no objection.

By unanimous consent the changes of reference were agreed to.

LEAVES OF ABSENCE.

By unanimous consent the following leaves of absence were granted:

To Mr. GORDON, for three weeks, on account of important business.

To Mr. BATHRICK, for 10 days, on account of important business.

To Mr. EVANS, for one week, on account of important business.

To Mr. LEVER, for one week, on account of sickness.

To Mr. JOHNSON of South Carolina, for two weeks, on account of illness in family.

INVESTIGATION OF UNITED STATES STEEL CORPORATION.

Mr. HENRY of Texas. Mr. Speaker, I submit the following resolution, which I send to the Clerk's desk.

The Clerk read as follows:

House resolution 171.

Resolved, That the following Members shall constitute the committee provided for in House resolution 148: AUGUSTUS O. STANLEY (chairman), CHARLES L. BARTLETT, JACK BEALL, MARTIN W. LITTLETON, DANIEL J. MCGILLICUDDY, MARLIN E. OLMSTED, H. OLIN YOUNG, J. A. STERLING, H. G. DANFORTH.

Mr. MURDOCK. Will the gentleman yield to me for a question?

Mr. HENRY of Texas. I will.

Mr. MURDOCK. This is the nomination of a committee to be elected by the House. Will the gentleman inform the House how the committee was nominated?

Mr. HENRY of Texas. The committee was nominated by several Members who were interested in the resolution. Any individual Member has the right to propose names.

Mr. MURDOCK. This is a new procedure, and one with which I am in hearty accord, but I wanted to know how the gentleman arrived at the nominations.

Mr. HENRY of Texas. I have nothing to withhold from the House. Those who are interested on this side of the House thought they were able to agree about the names, and did agree, and then I asked the minority leader on the other side to submit names, which he did, and we accepted them as suggested by him.

Mr. COOPER. Will the gentleman yield?

The SPEAKER. Does the gentleman from Texas yield to the gentleman from Wisconsin?

Mr. HENRY of Texas. Yes.

Mr. COOPER. I am very much interested in the statement of the gentleman from Texas. As to a proposition to investigate the greatest trust in the world, the gentleman from Texas says that some of the gentlemen on that side of the House are interested in it. I had supposed that the whole House and the whole country were interested in the proposition.

Mr. HENRY of Texas. They are, I will say to the gentleman.

Mr. COOPER. I had supposed the whole majority side over there and some of the people on this side were interested, in addition to the leader of the minority, of whom the gentleman spoke. I shall not object, however. I shall vote for the resolution. But I should think, if any proposition of investigation were a matter for the consideration of the whole House, this would be it, and that it would be left to each side of the House to select its own members on the committee.

Mr. HENRY of Texas. The gentleman is correct, and the whole country is interested, and that side of the House is interested. Does the gentleman desire to offer any amendment or suggest any other name?

Mr. COOPER. Not now; no.

Mr. HENRY of Texas. Then, Mr. Speaker, I ask the adoption of the resolution.

The SPEAKER. The Chair will make an announcement, that one man here has the same right to make these nominations as any other, and if any Member does not like these nominations he has a perfect right to rise in his place and nominate somebody else. The question is on agreeing to the resolution offered by the gentleman from Texas [Mr. HENRY].

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

On motion of Mr. HENRY of Texas, a motion to reconsider the vote last taken was laid on the table.

AMERICAN SUGAR REFINING CO.

Mr. HENRY of Texas. Mr. Speaker, I submit the following resolution and ask for its adoption.

The SPEAKER. The gentleman from Texas [Mr. HENRY] offers a privileged resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 172.

Resolved, That the following Members shall constitute the select committee provided for in House resolution 157: THOMAS W. HARDWICK (chairman), FINIS J. GARRETT, WILLIAM SULZER, H. M. JACOWAY, JOHN E. RAKER, GEORGE R. MALBY, JOSEPH W. FORDNEY, E. H. MADISON, and ASHER C. HINDS.

Mr. HENRY of Texas. Mr. Speaker, I move the adoption of the resolution, unless some gentleman——

Mr. MURDOCK. Mr. Speaker——

The SPEAKER. Does the gentleman from Texas yield to the gentleman from Kansas?

Mr. HENRY of Texas. Yes.

Mr. MURDOCK. Mr. Speaker, just for the purpose of making the RECORD show, I desire to ask the gentleman what this resolution pertains to?

Mr. HENRY of Texas. To the Sugar Trust investigation.

Mr. BOOHER. Mr. Speaker, I would like to ask a question of the gentleman from Texas.

The SPEAKER. Does the gentleman from Texas yield to the gentleman from Missouri?

Mr. HENRY of Texas. Yes.

Mr. BOOHER. I would like to know how many Members of the committee on this side of the House—the majority Members—were present when these nominations were made?

Mr. HENRY of Texas. When the actual nominations were made, several Members; but I have talked with a number of Democrats on the subject and tried to confer with my party associates about the membership. The matter was submitted to the minority leader on the other side for suggestions as to his selections of committeemen.

Mr. BOOHER. How many members of the minority were present when the nominations were made on that side?

Mr. HENRY of Texas. We did not have anything to do with that because the gentleman from Illinois [Mr. MANN] acted for the minority.

Mr. BOOHER. Then the leader of the minority answered for his entire side?

Mr. HENRY of Texas. I presume the leader of the minority answered for his side, and inasmuch as no gentleman on that side desires to amend the resolution, I imagine it is to the satisfaction of the Members on that side.

Mr. FITZGERALD. Will the gentleman yield?

Mr. BOOHER. I would like to ask what the difference is between the old and the new way of selecting committees? [Laughter and applause on the Republican side.]

Mr. HENRY of Texas. There is a great difference. Under the old rules the Speaker appointed. Under this new system the House elects. If the gentleman from Missouri desires to offer an amendment I would be glad to yield to him for that purpose, inasmuch as the matter is now in the hands of the House and there is no desire to throttle any individual Member.

Mr. BOOHER. No doubt the action of the gentleman is fair, but I, for one, have not been consulted in this matter. [Laughter.] The names, however, are perfectly satisfactory to me. I just wanted to find out how you did it. I have found out and now I am satisfied. [Laughter and applause.]

Mr. FITZGERALD. Will the gentleman yield?

The SPEAKER. Does the gentleman from Texas yield to the gentleman from New York?

Mr. HENRY of Texas. I do.

Mr. FITZGERALD. I desire to ask the gentleman from Texas one or two questions, if I may. I understood the Democratic caucus adopted a resolution to the effect that the Committee on Ways and Means should be constituted, so far as the Democratic membership of the House is concerned, a committee on committees, and should report its nominations for various committees to the Democratic caucus for ratification.

Mr. GARRETT. Those were subcommittees.

Mr. KENDALL rose.

The SPEAKER. Does the gentleman from Texas yield to the gentleman from Iowa?

Mr. HENRY of Texas. Yes.

Mr. KENDALL. I will wait until the gentleman from Texas yields to the gentleman from New York [Mr. FITZGERALD] first.

Mr. FITZGERALD. I desire to ask the gentleman from Texas if the Democratic members of this committee have been selected by the Democratic members of the Ways and Means Committee?

Mr. HENRY of Texas. Mr. Chairman, if the gentleman will recall the resolution of the caucus which provided for constituting the Ways and Means a committee on committees, it referred only to standing committees. The select and conference committees were left to be selected by the Speaker of the House, but in these two particular instances, following the precedent set in the Ballinger-Pinchot controversy, we thought it better to submit this directly to the membership of the House.

Mr. FITZGERALD. Yes; but if the gentleman will permit me to suggest, in the Ballinger investigating resolution it was provided, against my opposition, that the membership of the committee should be elected, and the Democratic members of the committee elected in a Democratic caucus. After the majority of the House, with the aid of the Executive, declined to accept the recommendations of the Democratic caucus, the Democratic caucus reconvened and selected another Member in place of the Member who seemed to be particularly obnoxious to the administration as a member of that committee. Now, my position on the selection of the committees of the House has never been in doubt. I have always favored, as the gentlemen know, the selection of the committees by the Speaker, and I know that no Speaker would select a committee of this character without consultation with the Members——

Mr. HENRY of Texas. Mr. Speaker——

Mr. FITZGERALD. Oh, Mr. Speaker, if the gentleman does not wish me to make the statement——

Mr. HENRY of Texas. Go ahead.

Mr. FITZGERALD. I know that no Speaker would select a committee of this character without consultation with Members on his own side of the House, at least. For my part, I am unable to see any distinction between the selection of a committee in this way—and I am not referring to the personnel of the committee, because I hardly heard the names read—under the pretense of electing a committee and the selection by the Speaker himself. My understanding was when the House was to elect committees for any purpose, that—so far, at least, as the Democratic membership of the House was concerned—the selections would be nominated to the Democratic caucus, to be ratified by the caucus, and then submitted to the House, and at least we would have the pretense of having the party in control pass in advance upon the selection. Having said that much, and being indifferent to the personnel of the committee——

Mr. HENRY of Texas. Mr. Speaker, what the gentleman says is quite true, and I know what his position has been in regard to the selection of committees; but this only demonstrates to him how easily and how harmoniously this House can elect its committees.

Mr. FITZGERALD. Mr. Speaker, I deny the gentleman's assertion, because, even if in my opinion some of the selections named in this resolution were ill-advised, a knowledge of conditions in this House, not only as at present constituted, but as constituted during my service in the House, would warn me of the inadvisability of venturing a suggestion that changes should be made in the personnel of the committee as sent to the desk by the gentleman from Texas; and I wish to say this, that so far as I am concerned such a resolution to elect a committee for any purpose in this form will not slip through in the future as easily as this resolution will at this time. A different course will have to be pursued in the future.

Mr. HARRISON of New York. Will the gentleman yield?

The SPEAKER. Does the gentleman yield?

Mr. HENRY of Texas. I yield to the gentleman from New York.

Mr. HARRISON of New York. Does the gentleman from Texas not think that this method of coming suddenly into the House here and letting a cat out of a bag is equivalent to transferring from the Speaker's control into the hands of the chairman of the Committee on Rules this tyranny we heard so much about in the last Congress?

Mr. HENRY of Texas. Well, I hardly think so. I did not let a cat out of the bag suddenly. I think the gentleman got a good look at the cat several hours ago. [Laughter.]

Mr. MARTIN of Colorado. Mr. Speaker, will the gentleman yield?

Mr. HENRY of Texas. Yes.

Mr. MARTIN of Colorado. I just wanted to suggest to the gentleman from Texas that if the gentleman from New York got a look at the cat several hours ago that is more than the gentleman from Colorado got. [Laughter.]

Mr. HENRY of Texas. If the gentleman had wanted to see the cat, if he had come to me at any time, I would have been glad to make profert of it before it was put in the bag.

Mr. MARTIN of Colorado. I want to say now that I did not know that the gentleman from Texas had charge of the cat. [Laughter.] I did not know that the cat was in his sack, or in anybody's sack, or in whose sack it was, but I should certainly like to have been consulted about the make-up of this committee. My constituents are deeply interested in the make-up of this committee and in the work of investigation that it is about to undertake. I am taking no exception to the personnel of this committee. So far as I know it is all right, although I confess that I do not know very far just at this juncture; but I do know that I have not been consulted in any way whatever about this committee and did not even know that the matter was to be brought before the House at this time. I thought we were going to caucus on this thing. I made the request, I will say to the Speaker, that I be consulted about this matter before these appointments were decided upon, and I made that request in writing.

Mr. HENRY of Texas. Mr. Speaker, let me say to the gentleman that this is left entirely with the membership of the House; and if the gentleman wishes to offer any amendment, I have not the slightest objection to it.

Mr. MARTIN of Colorado. Why, Mr. Speaker, I think the gentleman perfectly understands the futility of offering an amendment to this proposition.

Mr. COX of Indiana. Will the gentleman yield for a question?

Mr. HENRY of Texas. Yes.

Mr. COX of Indiana. Who did the gentleman talk with in the selection of these names?

Mr. HENRY of Texas. Well, I think gentlemen who are on the Ways and Means Committee and several gentlemen who are on the various other committees of this House, and I talked with the gentleman from Indiana about the passage of the resolution——

Mr. COX of Indiana. Yes; but not about the membership.

Mr. HENRY of Texas (continuing). Some time ago, but I do not recall talking about the membership, but the gentleman was in the committee room, and I would have been very glad to have talked it over with him at the time.

Mr. COX of Indiana. My only purpose in coming before the committee was this, as to whether the resolution embodied a proposition to investigate anything that might relate to frauds on the customs in relation to sugar. It is the only thing I discussed with the gentleman from Texas.

Mr. HENRY of Texas. Now, Mr. Speaker, let me say to the gentleman I had no desire to overlook any gentleman, and if I have any selection of committees in the future I invite every one of the Democrats to come and talk with me and give me their views. I would like to have the views of all of them.

Mr. COX of Indiana. In response to that I want to say I am thoroughly in accord with the gentleman from New York [Mr. FITZGERALD], not as against the personnel of a single member of this committee, but as to the mode of procedure.

Mr. HENRY of Texas. Probably the next time I will suit the gentleman and leave it to the Speaker to select these committees; maybe we can get together on the proposition next time.

Mr. HUMPHREYS of Mississippi. What does the gentleman mean when he says, "select committees in the future?"

Mr. HENRY of Texas. I did not say when we select the committees, but I said if I should ever be compelled to select them again, which I hope will not be the case.

Mr. HUMPHREYS of Mississippi. Again?

Mr. HENRY of Texas. The gentleman has been on the committee on patronage and knows something about the difficulties.

Mr. HUMPHREYS of Mississippi. The gentleman says if he should ever be compelled to select a committee again. Was he compelled to select this one?

Mr. HENRY of Texas. I think, on account of the exigency of the case, you might say when it becomes necessary for a committee to be selected in this way——

Mr. HUMPHREYS of Mississippi. In this way or by the gentleman from Texas.

Mr. SHACKLEFORD. Mr. Speaker, I should like to ask the gentleman from Texas why this matter was not submitted to the Democratic caucus or at least some knowledge given to the membership of the House [applause on the Democratic side] that the gentleman from Texas was charged with the extraordinary duty of naming this committee for the House. As for myself I did not know until this minute that this committee was to be named in the manner it is. I did not know until this moment who was to be a single member of this committee. I submit that this is not the proper way to name committees of this House. The way to have named this committee was to take it to the Democratic caucus and let the Republicans take theirs to a Republican caucus, and when it had been worked out let the parties come in here and let the committees be elected. I do not know who may be upon this committee. I did not know until the gentleman from Texas said he did it that he was charged with the duty to name this committee.

Mr. HENRY of Texas. I did not——

Mr. SHACKLEFORD. I understood the gentleman to say he was compelled to do it. Now, I am willing to trust the gentleman from Texas as far as I am willing to trust any man in this House. I believe he is as good a man as any in the House, but I am not willing to trust him or any other man to do for the House what this House is able to do for itself. It is just such a policy as this that brings this body into disrepute.

This ought to stand, Mr. Speaker, to us as a warning. The great body of the American people is the ruling power here, and that rule ought to come through a free consultation and a free action of the Members of this House. I protested before—I protested for four long years—on this floor against such methods as this. I protest now, Mr. Speaker, in the name of the American people, that such policy as is now being inaugurated is un-Democratic and un-American. [Applause.]

Mr. HENRY of Texas. Mr. Speaker, there is no man in this House who would more quickly yield to the majority of his associates in caucus than myself. I had not the slightest objection to submitting the names to a Democratic caucus and letting the Democrats pass on them.

Mr. SHACKLEFORD. Mr. Speaker, I——

The SPEAKER. Does the gentleman from Texas yield to the gentleman from Missouri?

Mr. HENRY of Texas. Wait just a moment, until I get through. But, Mr. Speaker, when a majority of the Committee on Rules—aye, every member of the Committee on Rules, both Democrats and Republicans—agreed that this resolution should be adopted and the committee elected, I do not see the sense in submitting it to a caucus where we all agreed. No injustice has been done the party, and none has been done the country.

Mr. FOWLER. Will the gentleman yield?

The SPEAKER. Does the gentleman from Texas yield to the gentleman from Illinois?

Mr. HENRY of Texas. Yes; I yield.

Mr. FOWLER. I desire to inquire whether this resolution in terms did not provide that the membership of the committee should be elected by the House?

Mr. HENRY of Texas. It did.

Mr. FOWLER. Then, why is not that done, and what body in this House had the right to take charge of the selection of that membership, other than the Democratic caucus for the Democratic Members and the Republican caucus for the Republican Members?

Mr. HENRY of Texas. The gentleman might with equal propriety have said that the resolution should have been submitted to the Democratic caucus. Some gentlemen are trying to stir up a controversy about nothing. There is absolutely nothing in it. If those gentlemen desire the matter to go to the Democratic caucus, let them make the motion.

Mr. SHACKLEFORD. Mr. Speaker, I will make the motion.

Mr. HENRY of Texas. I have no desire, Mr. Speaker, to arrogate to myself any authority. I am here to serve the Democratic Party and the country. [Applause.]

Mr. RICHARDSON. Will the gentleman yield?

The SPEAKER. Does the gentleman from Texas yield to the gentleman from Alabama?

Mr. HENRY of Texas. I do.

Mr. RICHARDSON. Mr. Speaker, I object to this matter being referred to a Democratic caucus, as proposed by the gentleman who has just taken his seat, and I will try to give my reasons for it. I think it ought to be an important subject and an important event, that would bring the Democratic caucus together. Surely and certainly the Rules Committee, which the Democratic caucus elected, had judgment enough and patriotism enough and loyalty enough to our party to make fair and good selections without calling a Democratic caucus together. [Applause.] It concerns me but little whether the Ways and Means or Rules Committee had authority to make these nominations. Are the men named the proper men? There is too much danger in a Democratic caucus to call one to pass on unimportant matters. Probably the "Rules" Committee did not have the authority to name this committee, which I am advised is to investigate the Steel and Sugar Trusts.

Mr. HENRY of Texas. This is merely a nomination. It is a nomination only. The House can act on it.

Mr. KENDALL. Does the gentleman suppose——

The SPEAKER. The gentleman from Texas yielded to the gentleman from Alabama [Mr. RICHARDSON].

Mr. RICHARDSON. I say, Mr. Speaker, I am opposed to referring the ratification of the nominations made by the Rules Committee to the Democratic caucus, because I do not believe that on all occasions and at all times and in all small matters and unimportant incidents occurring on this floor or elsewhere, we have not confidence in the leaders we have made, but should appeal to the caucus. Mr. Speaker, I do not wish to be understood as criticizing a Democratic caucus. I always stand by the voice of a caucus of my party. But what I mean now to say, do not call a caucus about all kind of small matters. The caucus will become common. We have appointed a Committee on Rules and our Committee on Ways and Means, and, it seems to me that we are making a mountain out of a very small molehill to demand at this late hour that the gentlemen whose names are submitted to the House by the Rules Committee to make these investigations should be withdrawn by the chairman of the Rules Committee [Mr. HENRY of Texas] and carried before a Democratic caucus. This is merely a nomination, as the chairman of the Rules Committee suggests. We can defeat the nominations here on the open floor of the House if we have the desire to do so. I have not heard the names of the gentlemen submitted, because I came in on the floor of the House after this matter was called up, but I can say, inasmuch as the matter has proceeded thus far, I am prepared to vote for the nominations made by the Rules Committee. This scene here on the floor will be sufficient admonition that hereafter a Democratic caucus will handle such matters. I am not, Mr. Speaker, an advocate of frequent and numerous caucuses. Where vacancies occur on committees, I thought the Ways and Means Committee filled them. Too much talking will get the Democratic Party into trouble, and we are afraid of that. In our caucuses thus far we have done well.

The SPEAKER. To whom does the gentleman yield?

Mr. HENRY of Texas. I yield to the gentleman from Iowa.

Mr. KENDALL. I wanted to inquire of the gentleman from Texas if hereafter it is to be the policy of the majority to select special committees in this way?

Mr. HENRY of Texas. I will say candidly that I hope not. I hope that the Speaker will appoint select committees as the rules prescribe. In answer to another question of the gentleman, whether any gentleman would desire to offer a substitute, I will say that I hardly think so, because the numerous gentlemen with whom I have conferred about the personnel of the committee have done the work so well it can hardly be improved.

Mr. KENDALL. I do not suppose anybody would impeach the personnel of the committee.

Mr. SHACKLEFORD. I would like to ask the gentleman from Texas how many members of the Rules Committee are on the two investigating committees?

Mr. HENRY of Texas. Three on this side.

Mr. SHACKLEFORD. How many on the other?

Mr. HENRY of Texas. One.

Mr. SHACKLEFORD. Four in all.

Mr. HENRY of Texas. If the gentleman from Missouri desires, we will remove one of them and put him on.

Mr. SHACKLEFORD. That is a very pleasant piece of sarcasm, but has the gentleman authority to do that?

Mr. HENRY of Texas. I might obtain authority.

Mr. SISSON. Will the gentleman yield?

The SPEAKER. Does the gentleman from Texas yield to the gentleman from Mississippi?

Mr. HENRY of Texas. Yes.

Mr. SISSON. I would like to ask if, as a matter of fact, the Rules Committee did not nominate this committee?

Mr. HENRY of Texas. No; it did not.

Mr. SISSON. They did not nominate?

Mr. HENRY of Texas. They were a small fraction of those consulted.

Mr. SISSON. From the number of interrogatories that have been propounded it seems that there were a large number that were not consulted.

Mr. HENRY of Texas. Those interrogatories were all good-natured, and of course we unintentionally overlooked some important Members. It was not possible to reach all.

Mr. SISSON. And so is mine.

Mr. HENRY of Texas. Well, what is the gentleman's question?

Mr. SISSON. How many gentlemen among the Democrats were consulted?

Mr. HENRY of Texas. Why, it really seems to me as if I talked with a majority of Democratic Members about these resolutions and the committees.

Mr. SISSON. I believe if the gentleman would submit it to the membership of the House he would find that not one-tenth of them were consulted.

Mr. HENRY of Texas. I think the gentleman is mistaken. I am not sure but that I consulted with the gentleman from Mississippi himself. Of course he will remember. There is no man in this House that I would go to sooner than to the gentleman from Mississippi.

Mr. SISSON. I appreciate the gentleman's good opinion, but I want to say that he has not, directly or indirectly, consulted with me.

Mr. HENRY of Texas. Well, I shall not be guilty of that offense again.

Mr. HUMPHREYS of Mississippi. Will the gentleman yield?

Mr. HENRY of Texas. Yes.

Mr. HUMPHREYS of Mississippi. In view of all that has been said in the last few minutes, would the gentleman from Texas be willing to withdraw the resolution and let it go over?

Mr. HENRY of Texas. No; I insist that the House shall elect the committee. We have nominated the committee, now let the House take what course it sees proper.

Mr. HUMPHREYS of Mississippi. The gentleman will see that many Members are not pleased, and that they are not satisfied with the methods that have been selected in nominating the committee. It occurred to me that it would be the part of wisdom to withdraw the resolution.

Mr. HENRY of Texas. Mr. Speaker, I ask for a vote. I want to say that I offer to yield for amendment as to new names.

Mr. SISSON. Mr. Speaker, I move that the resolution be referred to the Committee on Ways and Means.

Mr. SHACKLEFORD. I make the point of order that that is not in order.

Mr. HENRY of Texas. Mr. Speaker, I did not yield for any amendment of that sort. That is dilatory.

Mr. FITZGERALD. I suggest, Mr. Speaker, that the motion to commit is a privileged motion, and that the House has a right to commit this resolution, if it so desires, to any committee it pleases.

Mr. HARDY. Will the gentleman from Texas yield for a suggestion?

Mr. HENRY of Texas. Yes.

Mr. HARDY. I want to say that I am chairman of a little committee of which one of the members has resigned. That resignation has been put before the House, but I understand that in order to supply his place there will have to be a Democratic caucus to agree on a member before it can properly come before the House. I know that there will be no controversy or contest as to who the new committeeman may be, but I want to suggest as a solution of this matter now before the House and to avoid any friction would be to ask for a Democratic caucus, and that this resolution be submitted to that caucus for confirmation along with supplying the vacancy in my committee.

Mr. HENRY of Texas. Mr. Speaker, that is specially provided for by the rule—the case that the gentleman alludes to. The rule provides that vacancies in the standing committees shall be filled in the same manner as the original committees are made up.

Mr. COOPER. Will the gentleman yield?

Mr. HENRY of Texas. I yield to the gentleman for a question.

Mr. COOPER. Mr. Speaker, does the gentleman know whether this information which I received is true? I have been informed by a Member of the House that one of the gentlemen selected by the gentleman from Illinois [Mr. MANN] to represent the minority on this committee was up to the time of his election as a Member of this House a local attorney for the Steel Trust. Does the gentleman know whether that is true or not?

Mr. HENRY of Texas. I did not catch what the gentleman said.

Mr. COOPER. I have been informed by a Member of the House that one of the Members appointed or selected by the gentleman from Illinois [Mr. MANN] to represent the minority upon this committee on investigation was, up to the time of his election to membership in this House, the local attorney for the Steel Trust. Does the gentleman know whether that is true or not?

Mr. HENRY of Texas. I yield to the gentleman from Illinois to answer that question, although that resolution has already passed.

Mr. MANN. Mr. Speaker, if that be the case, I was not aware of it.

The SPEAKER. This whole discussion about the Steel Trust investigation committee is out of order.

Mr. KENDALL. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. KENDALL. I understand the question before the House now to arise upon the motion of the gentleman from Mississippi to commit the resolution to the Committee on Ways and Means. Is that a debatable proposition?

The SPEAKER. It is. The question is on committing this resolution to the Committee on Ways and Means.

Mr. UNDERWOOD. Mr. Speaker, before that motion is put, I would like to ask the gentleman from Mississippi to withdraw the motion. I think that the rules prescribe that the Speaker shall appoint the select committees of the House. The Ways and Means Committee has been appointed by the caucus, and only by caucus action to select, subject to caucus approval, the standing committees of the House. There were personal reasons, I will say to the gentleman from Mississippi [Mr. SISSON], why I did not desire these resolutions to go to the Ways and Means Committee. I will say that one of them is a question of investigation of the United States Steel Corporation. For personal reasons I did not desire to participate in the selection of the committee to investigate the United States Steel Corporation. I did not wish to take part in the selection of that committee. Probably the gentleman can understand the position that I am in. If the occasion should arise again, the sentiment on this side of the House has clearly demonstrated that the desire of this side of the House is that similar committees shall be selected by the caucus, unless the Speaker appoints. I understand there is no issue made on the personnel of this committee, and I hope the gentleman will let it go for the present.

Mr. SISSON. Mr. Speaker, I would have no objection to the Speaker appointing these committees, or recommending these committees, to the House. I would have no objection to any committee or anybody that had heretofore been authorized, either under the rules or under the Democratic caucus, making the selection; but I do want to protest against a few gentlemen getting together and consulting around very quietly about who shall go on a committee and then bringing the resolution all cut and dried into the House. It is embarrassing to gentlemen on this side of the House to object to the personnel of a committee selected in that way, and I have absolutely no objection to the personnel of this committee. These gentlemen are all friends of mine, and I believe the committee selected to be a good one. I presume the protest on the part of others springs from the same source or reason that it does with me—not that I have anything against the personnel of either of these committees. Mr. Speaker, in view of the request made by the gentleman from Alabama [Mr. UNDERWOOD], chairman of the Committee on Ways and Means, if I may be permitted to do so, I ask that this matter be referred back to the Committee on Rules—and so change my motion—and let the Rules Committee consider the matter; and we have an opportunity then to either report it to the caucus or give the membership of the House an opportunity to consider the matter.

Mr. GARNER. Mr. Speaker, does the gentleman from Mississippi understand that one of these committees has already been selected by the House and the motion to reconsider and to lay that motion on the table has been adopted? Now, it seems to me the only question coming up here is the mode of procedure and not the personnel of these committees. Now, to have adopted one of these committees and to send the other back to a caucus or back to the Committee on Rules would bring up some question of their personnel.

Mr. SISSON. I will say to the gentleman from Texas that if the membership were taken by surprise as I was, I did not know exactly, as Tom Watson said, where I was at, the thing went through so quickly; and I will say to the gentleman from Texas I do earnestly hope that if we dispose of this matter in a proper way we may obtain unanimous consent to have that other matter referred back to the proper committee, so they would be both attended to.

Mr. GARNER. If I may be able to testify, as the gentleman from Mississippi has, I was not myself consulted about this matter. I did not know it was even coming up, and a great many Members have not been consulted sitting back here; but having already adopted one of these resolutions, now you would have us undo that, and I am not sufficiently acquainted with the rules to know just how you would undo it after you had made the motion to reconsider and to lay that motion on the table. If we send the other resolution back, it would go to the country, possibly, that those gentlemen who had been selected were not satisfactory to the House, and therefore the resolution was sent back for the purpose of looking them over again, and it would be a reflection on these gentlemen, which I do not believe the House ought to make.

Mr. HENRY of Texas. Mr. Speaker, just a word. As chairman of the Committee on Rules, I desire to say that the responsibility was put on that committee. We have not arrogated to ourselves any authority. We understand how jealous, and rightly so, Members have been of their prerogatives as Representatives in this House. We are not trying to dictate to the Democracy or the membership of this House, but here was the responsibility coming up that could be solved by your committee. Now, how much better off would you be if you submitted it to some other committee and let them pass on it?

Mr. FITZGERALD. Will the gentleman yield?

Mr. HENRY of Texas. In a moment. The gentleman says he was taken by surprise. There is never a day in this House that I am not taken by surprise when some matter is called up, and if any committee must go around and consult every individual Member before they take action, we would make poor progress in our proceedings. There is nothing in this proposition. Why, we have no ambition to select these men. The Committee on Rules does not aspire to do it. It is a large proposition when you investigate the great trusts. The Committee on Rules have unanimously agreed upon two resolutions, and no man can raise his voice against a single member of this committee proposed. Then why, forsooth, kick up a row about nothing? Mr. Speaker, it is absolutely, with all due respect to gentlemen who differ, ridiculous and absurd in the extreme.

Mr. FITZGERALD. Mr. Speaker, I would like to have about five minutes.

Mr. HENRY of Texas. I yield the gentleman five minutes' time.

Mr. FITZGERALD. Mr. Speaker, in justice to the gentlemen who are named by the pending resolution I should say that I was not in the Hall of the House when another resolution, as I am informed, was presented and adopted, because if I did not say this much it might appear as if my suggestion, coming at the time it did, in some manner did involve the Members named in this particular resolution. Had I been in the House then I would have voiced the same objection to the resolution naming the Members to investigate the steel companies that I have made to this resolution.

Suppose the Committee on Appropriations had proposed this select committee, and it would have had just as much right as the Committee on Rules to do it, the House having provided that the members of two select committees should be elected. Suppose, I repeat, the Committee on Appropriations had done this, and I take the Committee on Appropriations since, in that event, the criticism now made would be directed at myself. Suppose that committee had undertaken the selection of this investigating committee and had gone ahead and selected the Members on this side of the House, and then suppose we had consulted the gentleman from Illinois [Mr. MANN] as to the minority members, and then suppose I had presented a resolution, naming men that nobody could have criticized and nobody could have offered any objection to, and presented that resolution as matter of privilege. I would have put this side of the House in the same embarrassing position as it is now put in by the gentleman from Texas [Mr. HENRY] when he assumes authority and presents a resolution of this kind.

I do not concede for an instant that any duty devolved upon the Committee on Rules in this connection. In the first place, there is nothing in the practice heretofore followed or anything that the Democratic caucus has done which justifies the statement that the Committee on Rules had any duty devolving upon it to select the personnel of these investigating committees.

Mr. HENRY of Texas. Will the gentleman yield?

The SPEAKER. Does the gentleman from New York yield to the gentleman from Texas?

Mr. FITZGERALD. Yes.

Mr. HENRY of Texas. Let me say to the gentleman from New York that if the Committee on Appropriations had presented or reported a resolution carrying with it the proposition to select members of the committee, and had he submitted the resolution and personnel of the committee, most certainly I would not have objected to it, because he would have been strictly within his rights and within the rules of propriety, and I do not see how any other idea could be entertained.

Mr. FITZGERALD. I disagree with the gentleman, and must say that if I had done so I should have expected this House to have rejected the resolution without any hesitation. It would have been an unwarranted presumption on my part and on the part of the Committee on Appropriations to have presumed to act as a nominating committee to this House.

Mr. LENROOT. Will the gentleman yield?

The SPEAKER. Does the gentleman from New York yield to the gentleman from Wisconsin?

Mr. FITZGERALD. Yes.

Mr. LENROOT. The gentleman made a statement that the Committee on Rules, as I understand, had made the nomina-

tions. I wish to state that the Committee on Rules has never had this matter under consideration in any form whatever. [Laughter and applause.]

Mr. FITZGERALD. I do not wish to charge the Committee on Rules with any offense, but I understood the chairman of the Committee on Rules to make the statement that this duty had devolved upon the Committee on Rules and that the Committee on Rules had acted accordingly. My objection is very simple. I believe the proper thing to have done was to have placed the responsibility for the selection of the members of this committee on the Speaker of the House. I believe that is where the responsibility should fall.

Mr. HENRY of Texas. I would like to ask the gentleman another question.

The SPEAKER. Does the gentleman yield to the gentleman from Texas?

Mr. FITZGERALD. Just a minute, when I finish this statement. I do not know anybody who would have dared for an instant to have impugned the selections he would have made. But nobody else has any authority to make the selections. It is an unwarranted assumption, and I do not say that in a manner to be taken offensively, personally, but I do as a Member of this body consider it an unwarranted assumption of authority for any committee to present nominees in this House, and to put Members in a position where they would be embarrassed if they had objections against the nominees. There might be some perfectly legitimate reasons why certain Members should not be on some of these committees, and those reasons would not be discussed in the open, but if they were called to the attention of the nominating committee, the nominating committee could have considered the objections and taken such action as might be proper under the circumstances.

Mr. HENRY of Texas. Will the gentleman yield?

Mr. FITZGERALD. Yes; I yield.

Mr. HENRY of Texas. The gentleman does not believe that the caucus ought to nominate or the House elect committees under any circumstances, does he?

Mr. FITZGERALD. I believe that as the Democratic caucus adopted the practice of electing committees of the House; that as long as my party adopted that policy I am perfectly willing to acquiesce in it, and I did acquiesce in it. I made that statement when the question was up in the Democratic caucus. But that does not justify me or the gentleman from Kentucky or the gentleman from Virginia or any other gentleman in the House when the House has adopted a resolution to elect members of certain committees to consult a number of gentlemen and then offer a resolution naming certain men. It is a privileged resolution, difficult if not impossible to interfere with, and to assume the prerogative that the Speaker has heretofore exercised is the arrogation of a power that ought not to be allowed.

Mr. HENRY of Texas. The gentleman spoke of some Member not being acceptable to all the Members of the House. If the gentleman from New York desires to offer an amendment to substitute some other Member, he can do so. Is there any Member on this committee to whom he objects?

Mr. FITZGERALD. I do not know, because I do not know the personnel of the committee. I have no desire to offer a substitute. If there were some reason, in my judgment, that would make it inopportune to name any gentleman on the committee, I would not say it here and no other man would. He would make the statement to whoever he was conferring with about the selection of the committee.

Mr. HENRY of Texas. This is the place to offer an amendment.

Mr. FITZGERALD. I have no desire to offer an amendment, but I want to enter my emphatic protest against any Member not authorized by the rules or by the policy or the custom of the Democratic Party presenting as a matter of privilege a resolution nominating a committee to be elected by the House.

Mr. HENRY of Texas. The gentleman has made charges against the Rules Committee——

Mr. FITZGERALD. I have made no charges against the Rules Committee.

Mr. HENRY of Texas (continuing). About arrogating authority. I ask him if he is satisfied with the Members selected from New York?

Mr. FITZGERALD. I do not know who the Members are that are selected from New York.

Mr. HENRY of Texas. Mr. LITTLETON and Mr. SULZER.

Mr. FITZGERALD. I am not going to discuss them. If I were dissatisfied I would not express an opinion here, and I am not going to express any opinion about any of the Members named in the resolution. I am dissatisfied with the action of the gentleman from Texas, or whoever is responsible for arrogating to himself or to any committee the right of nominating the committee. It is, in effect, the exercise of the power of appointment. That is what it amounts to, and if it would be improper to lodge that power in the Speaker it is just as improper to lodge it in any other Member of the House.

Mr. RODDENBERY. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The gentleman from Georgia makes the point of no quorum.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 47 minutes p. m.) the House adjourned until to-morrow, Wednesday, May 17, 1911, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, in response to House resolution of April 25, 1911, information as to number of officers added to the Army under act of March 3, 1911 (H. Doc. No. 55); to the Committee on Military Affairs and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting, in response to House resolution of May 8, 1911, statement of expenditures on account of the National Monetary Commission from June 5, 1908, to March 31, 1911 (H. Doc. No. 56); to the Committee on Expenditures in the Treasury Department and ordered to be printed.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 640) granting a pension to Ethel K. Guerin; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 680) granting a pension to Edgar C. Sturges; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 793) granting a pension to Cleopatra Henshaw; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 806) granting a pension to Alonzo Shootman; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 820) granting a pension to Rachel M. McNeilly; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 831) granting a pension to Mary Meltabarger; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 833) granting a pension to Mitchell Fritts; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 838) granting a pension to David M. Bates; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 852) granting a pension to Othello T. Atkinson; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 1057) granting an increase of pension to Lewis M. Moses; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 1121) granting an increase of pension to Elijah Richardson; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 1427) to remove the charge of desertion now standing against Thomas Martin; Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 1916) granting an increase of pension to Alexander Ginty; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 1909) to correct the military record of Charles J. Lanning; Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 2048) granting an increase of pension to William P. Crayne; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 2050) granting a pension to John W. McKissick; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 2243) granting a pension to Frederick Wagner; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 2244) granting a pension to Oscar S. Thornton; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 2298) granting an increase of pension to John N. Hart; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 2357) granting a pension to Charles I. Heywood; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 2358) granting a pension to Edward Wilson; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 2490) granting a pension to Edwin Cline; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 2698) granting an increase of pension to Mary Lee; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 2713) granting an increase of pension to Augusta Fels; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 3435) for the relief of Austin T. Dickerman; Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 3570) granting a pension to Freda Burow; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 3705) granting an increase of pension to James Noble; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 3728) granting a pension to Charles A. Van Atta; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 3836) for the relief of McCarty & Collins; Committee on Invalid Pensions discharged, and referred to the Committee on Claims.

A bill (H. R. 5704) granting a pension to William Matthews; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 5478) granting a pension to Elizabeth P. Bell; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 5716) granting a pension to Garfield Lay; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 5850) granting an increase of pension to Percy H. Allen; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 5865) granting an increase of pension to Eliza F. Greenwood; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 5881) granting a pension to Eugene U. Proctor; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 5898) granting a pension to Kate C. G. Ewing; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 6176) granting an increase of pension to James C. Wildes; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 6241) granting a pension to Mrs. Forest Harmon; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 6509) granting an increase of pension to Henry D. Lively; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 6793) for the relief of Charles A. Bess; Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 6827) granting an increase of pension to William L. Carr; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 7226) granting an increase of pension to Thompson McL. Chambers; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. TAYLOR of Alabama: A bill (H. R. 9415) relating to Navy retirements; to the Committee on Naval Affairs.

By Mr. MAGUIRE of Nebraska: A bill (H. R. 9416) to incorporate the Mississippi Valley Historical Association; to the Committee on the Library.

Also, a bill (H. R. 9417) granting a pension of $36 per month to all honorably discharged soldiers and sailors who served at least 90 days in the Army or Navy of the United States during the War with Mexico, and who have reached or may reach the age of 70 years; to the Committee on Pensions.

By Mr. ANDERSON of Ohio: A bill (H. R. 9418) to authorize the extension of Iowa Avenue NW. between Fourteenth and Sixteenth Streets; to the Committee on the District of Columbia.

Also, a bill (H. R. 9419) to make October 12 of each and every year a public holiday in the District of Columbia, to be known as Columbus Day; to the Committee on the District of Columbia.

By Mr. COLLIER: A bill (H. R. 9420) authorizing the Secretary of War to donate to the city of Jackson, Miss., two bronze or brass cannon or field pieces; to the Committee on Military Affairs.

Also, a bill (H. R. 9421) to establish a fish-hatching and fish-cultural station at a point near the city of Jackson, in the State of Mississippi; to the Committee on the Merchant Marine and Fisheries.

By Mr. POWERS: A bill (H. R. 9422) granting pensions to all enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9423) granting a pension to certain battalions of Kentucky State Militia; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9424) to amend the act of June 27, 1890, the act of April 19, 1908, and other acts; to the Committee on Invalid Pensions.

By Mr. THAYER: A bill (H. R. 9425) relative to the transportation of milk; to the Committee on Interstate and Foreign Commerce.

By Mr. ANDREWS: A bill (H. R. 9426) appropriating the sum of $25,000 for additional improvements in the construction of the public building at Roswell, N. Mex.; to the Committee on Public Buildings and Grounds.

By Mr. EDWARDS: A bill (H. R. 9427) to establish a fish-hatching and fish-cultural station for the hatching and propagation of shad upon either the Ogeechee or the Altamaha River, in Georgia; to the Committee on the Merchant Marine and Fisheries.

By Mr. KINKEAD of New Jersey: A bill (H. R. 9428) to appropriate $171,018.10 for the improvement of the Hackensack River, in the State of New Jersey; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 9429) to amend section 2 of an act entitled "An act to promote the safe transportation in interstate commerce of explosives and other dangerous articles and to provide penalties for its violation"; to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of Kentucky (by request of the Commissioners of the District of Columbia): A bill (H. R. 9430) regarding the extension of New Hampshire Avenue, in the District of Columbia; to the Committee on the District of Columbia.

Also (by request of the Commissioners of the District of Columbia), a bill (H. R. 9431) to provide for the extension of New Hampshire Avenue, in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. MANN: A bill (H. R. 9432) to establish a fish-cultural station at or near the city of Chicago, in the State of Illinois; to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 9433) for the observance of Sunday in post offices; to the Committee on the Post Office and Post Roads.

By Mr. DENT: A bill (H. R. 9434) to amend an act to establish a uniform system of bankruptcy throughout the United States; to the Committee on the Judiciary.

By Mr. KENDALL: A bill (H. R. 9435) to regulate the issuance of injunctions and to provide for a trial by jury in proceedings for the punishment of contempts; to the Committee on the Judiciary.

By Mr. MILLER: A bill (H. R. 9436) setting apart certain lands to be used as a permanent village site by the Chippewa Reservation Band of Indians of Minnesota, and providing for the platting, leasing, and selling of lots or parts of the said lands; to the Committee on Indian Affairs.

By Mr. LA FOLLETTE: A bill (H. R. 9437) increasing the cost of erecting a post-office and courthouse building at Walla

Walla, Wash.; to the Committee on Public Buildings and Grounds.

By Mr. PAGE: A bill (H. R. 9438) for the purchase of a site and the erection of a public building thereon at Rockingham, N. C.; to the Committee on Public Buildings and Grounds.

By Mr. WOODS of Iowa: A bill (H. R. 9439) providing for taxation of and fixing the rate of taxation on inheritances, devises, bequests, legacies, and gifts in the United States, and providing for the manner of payment as well as the manner of enforcing payment thereof; to the Committee on Ways and Means.

By Mr. BLACKMON: A bill (H. R. 9440) to repeal an act to establish a uniform system of bankruptcy and all amendments thereto; to the Committee on the Judiciary.

By Mr. BYRNS of Tennessee: A bill (H. R. 9441) to locate, map, and mark field of battle fought near Nashville, Tenn., December 15 and 16, 1864, to construct driveways, etc., and make an appropriation for same; to the Committee on Military Affairs.

By Mr. PADGETT: A bill (H. R. 9442) to amend an act approved March 4, 1911, entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1912, and for other purposes"; to the Committee on Naval Affairs.

By Mr. YOUNG of Kansas: A bill (H. R. 9443) granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico, and amending the act of April 19, 1908, relative to widows of soldiers, etc., of the Civil War; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9444) relating to soldiers and sailors employed in the civil service of the United States; to the Committee on Reform in the Civil Service.

By Mr. MURDOCK: A bill (H. R. 9445) to establish a new judicial district in the State of Kansas; to the Committee on the Judiciary.

By Mr. HOBSON (by request): A bill (H. R. 9446) to construct two national auto highways, the first along or near to the thirty-fifth parallel of north latitude, from the Atlantic to the Pacific Ocean; the second along or near to the twenty-third meridian, west from Washington, D. C., north to Canada and south to Mexico; to the Committee on Ways and Means.

By Mr. DICKINSON: A bill (H. R. 9447) to provide for the erection of a public building in the city of Butler, Mo.; to the Committee on Public Buildings and Grounds.

By Mr. MARTIN of South Dakota: A bill (H. R. 9448) for the purchase of a site and the erection of a public building at Bellefourche, S. Dak.; to the Committee on Public Buildings and Grounds.

By Mr. BELL of Georgia: A bill (H. R. 9449) to amend the acts to regulate commerce so as to provide that publishers of newspapers and periodicals may enter into advertising contracts with common carriers and receive payment for such advertisements in transportation; to the Committee on Interstate and Foreign Commerce.

By Mr. SHACKLEFORD: A bill (H. R. 9450) construing the provisions of sections 2304 to 2309 of the Revised Statutes of the United States in certain cases; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9451) to confirm New Madrid location and survey No. 2880, and to provide for the issue of a patent therefor; to the Committee on the Public Lands.

Also, a bill (H. R. 9452) providing for the payment of certain coupons of bonds issued pursuant to an act of the Legislature of the State of California to pay the expenses of suppressing Indian hostilities; to the Committee on Claims.

By Mr. EDWARDS: Resolution (H. Res. 169) fixing hour for convening of House; to the Committee on Rules.

Also, resolution (H. Res. 170) requesting the Secretary of Commerce and Labor to institute a thorough and immediate investigation of the combination of cotton speculators in the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. THAYER: Joint resolution (H. J. Res. 98) regarding the distribution of the public laws of the Fifty-sixth, Fifty-seventh, Fifty-eighth, Fifty-ninth, Sixtieth, and Sixty-first Congresses; to the Committee on Printing.

By Mr. RAKER: Joint resolution (H. J. Res. 99) authorizing the President to invite the Republic of Mexico and the Republics of Central and South America to participate in the Panama-California Exposition in 1915 at San Diego, Cal.; to the Committee on Industrial Arts and Expositions.

By Mr. McCALL: Joint resolution (H. J. Res. 100) authorizing the President to instruct representatives of United States to next International Peace Conference to express desire of United States that nations shall not attempt to increase their territory by conquest, and to endeavor to secure a declaration to that effect from the conference; to the Committee on Foreign Affairs.

By Mr. CLARK of Missouri: Memorial from the Legislature of Hawaii Territory requesting the passage of a law admitting the Territory into the Union as a State; to the Committee on the Territories.

Also, memorial from the Senate of Hawaii Territory in regard to education, homesteads, etc.; to the Committee on the Territories.

Also, memorial from the Senate of Hawaii Territory in regard to militia, etc.; to the Committee on the Territories.

Also, memorial from Hawaii Territory in regard to construction of a ditch from Hilo to Kau; to the Committee on the Territories.

By Mr. MAGUIRE of Nebraska: Memorial of the Nebraska Legislature memorializing Congress to erect on the Federal building at Lincoln, Nebr., a large clock; to the Committee on Public Buildings and Grounds.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Ohio: A bill (H. R. 9453) granting an increase of pension to Wellington Mills; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9454) granting an increase of pension to Levi Cuddeback; to the Committee on Invalid Pensions.

By Mr. BARNHART: A bill (H. R. 9455) granting an increase of pension to Patrick Kilday; to the Committee on Invalid Pensions.

By Mr. BLACKMON: A bill (H. R. 9456) to authorize the issuance of a patent to J. M. Stewart for land located in Calhoun County, State of Alabama; to the Committee on the Public Lands.

Also, a bill (H. R. 9457) for the relief of Bessie McAlister McGuirk; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 9458) for the relief of the estate of John W. McDaniel; to the Committee on War Claims.

Also, a bill (H. R. 9459) for the relief of the estate of Robert Pruitt, deceased; to the Committee on War Claims.

By Mr. CAMPBELL: A bill (H. R. 9460) granting a pension to Phebe A. Fuller; to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 9461) granting an increase of pension to John W. Moore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9462) granting an increase of pension to Lewis Virden; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9463) granting an increase of pension to Columbia Spalding; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9464) granting an increase of pension to Charles M. Haver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9465) granting a pension to Andrew Woods; to the Committee on Pensions.

By Mr. CANTRILL: A bill (H. R. 9466) granting an increase of pension to William Annis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9467) to carry into effect the findings of the Court of Claims in the claim of Irene E. Johnson, administratrix of the estate of Leo L. Johnson, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9468) to carry into effect the findings of the Court of Claims in the case of Eleanor G. Whitney; to the Committee on War Claims.

Also, a bill (H. R. 9469) to carry into effect the findings of the Court of Claims in the case of Katherine McClelland, administratrix of the estate of Robert M. McClelland, deceased; to the Committee on War Claims.

By Mr. COLLIER: A bill (H. R. 9470) granting a pension to Columbia F. Mitchell; to the Committee on Pensions.

Also, a bill (H. R. 9471) for the relief of Mrs. M. M. Champion; to the Committee on War Claims.

Also, a bill (H. R. 9472) for the relief of W. W. Warren, administrator of the estate of Jackson Warren, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9473) for the relief of Mrs. Virginia Grant; to the Committee on War Claims.

Also, a bill (H. R. 9474) for the relief of L. A. Whitehead; to the Committee on War Claims.

Also, a bill (H. R. 9475) for the relief of the trustees of the New Hope Baptist Church, of Madison, Miss.; to the Committee on War Claims.

Also, a bill (H. R. 9476) for the relief of James K. Hamblen; to the Committee on War Claims.

Also, a bill (H. R. 9477) for the relief of Abner P. Bush; to the Committee on War Claims.

Also, a bill (H. R. 9478) for the relief of Mary S. Miller and Charles E. Bullock, heirs of J. L. W. Bullock, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9479) for the relief of Mrs. C. V. Wilkins; to the Committee on War Claims.

Also, a bill (H. R. 9480) for the relief of Mattie J. and W. P. Horn, heirs of Preston A. Horn; to the Committee on War Claims.

Also, a bill (H. R. 9481) for the relief of Martha S. Carmichael; to the Committee on War Claims.

Also, a bill (H. R. 9482) for the relief of J. E. Whittington; to the Committee on War Claims.

Also, a bill (H. R. 9483) for the relief of Henry L. Blake and others, complaining that their lands and other property have been taken, damaged, and destroyed in the execution of the works of the United States for the improvement of the Mississippi River; to the Committee on Claims.

Also, a bill (H. R. 9484) for the relief of J. W. Cain, Morde Fuller, Charles Van Buren, and H. C. Perry; to the Committee on Claims.

Also, a bill (H. R. 9485) for the relief of John L. McClendon, administrator of the estate of Joel McClendon, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9486) for the relief of the legal representatives of Benjamin Roach, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9487) for the relief of Frank Roberts and the heirs of Ida Roberts McNeil, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9488) for the relief of Mrs. R. R. McMullen, administratrix of Thomas J. McMullen, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9489) for the relief of Smith Summers, administrator of John Waters, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9490) for the relief of Frank Harris; to the Committee on War Claims.

Also, a bill (H. R. 9491) for the relief of Charlotte Spears; to the Committee on War Claims.

Also, a bill (H. R. 9492) for the relief of James K. Hamblen; to the Committee on War Claims.

Also, a bill (H. R. 9493) for the relief of the heirs of Harvey Latham, deceased, and for other purposes; to the Committee on War Claims.

Also, a bill (H. R. 9494) for the relief of heirs of Benjamin Garrett; to the Committee on War Claims.

Also, a bill (H. R. 9495) for the relief of heirs of Peter J. Mosley, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9496) for the relief of the heirs of Peter Anderson; to the Committee on War Claims.

Also, a bill (H. R. 9497) for the relief of the heirs of John H. McCutchen, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9498) for the relief of the heirs of Mrs. H. C. Henderson, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9499) for the relief of the heirs of Joseph Wilson, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9500) for the relief of the heirs, devisees, and legatees of the estate of Willis Lowe, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9501) for the relief of heirs of Julia L. Watson, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9502) for the relief of heirs of Samuel W. Lancaster, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9503) for the relief of the heirs of J. L. W. Bullock, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9504) for the relief of the heirs of Hiram G. Robertson and Charlotte G. Robertson, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9505) for the relief of the heirs of Mrs. C. M. J. Williamson; to the Committee on War Claims.

Also, a bill (H. R. 9506) for the relief of the heirs of Nicholas Sanquinetti, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9507) for the relief of the estate of Henry E. Windley; to the Committee on War Claims.

Also, a bill (H. R. 9508) for the relief of the estate of John A. Heard, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9509) for the relief of the estate of James P. Smith; to the Committee on War Claims.

Also, a bill (H. R. 9510) for the relief of the estate of Jacob Oates, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9511) for the relief of the estate of Emily R. Martin, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9512) for the relief of the estate of James S. Winters, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9513) for the relief of the estate of Rebecca E. Sexton; to the Committee on War Claims.

Also, a bill (H. R. 9514) for the relief of the estate of Reuben Millsaps; to the Committee on War Claims.

Also, a bill (H. R. 9515) for the relief of the estate of Nancy Maria Minter; to the Committee on War Claims.

Also, a bill (H. R. 9516) for the relief of the estate of Thomas S. Maben, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9517) for the relief of the estate of W. T. Collins, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9518) for the relief of the estate of George M. Coker, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9519) for the relief of the estate of R. T. Brown, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9520) for the relief of the estate of Wesley Crisler, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9521) for the relief of the estate of B. V. McGuffee, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9522) for the relief of the estate of Elizabeth Hemphill, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9523) for the relief of the estate of Dr. J. P. Davis, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9524) for the relief of the estate of Jane N. Gibson, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9525) for the relief of the estate of Thomas J. Gibson, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9526) for the relief of the estate of J. B. Hall, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9527) for the relief of the estate of R. A. Myrick, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9528) for the relief of the estate of Calvin Tilley; to the Committee on War Claims.

Also, a bill (H. R. 9529) for the relief of the estate of Samuel D. Kelley, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9530) for the relief of the estate of Stephen Herren; to the Committee on War Claims.

Also, a bill (H. R. 9531) for the relief of the estate of J. J. Galtney, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9532) for the relief of the estate of Benjamin Magruder, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9533) for the relief of estate of W. A. Booth, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9534) for the relief of the estate of Jesse Mabry, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9535) to carry into effect the findings of the Court of Claims in the matter of the claim of the estate of Royall Chambers, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9536) to carry into effect the findings of the Court of Claims in the matter of the claim of the estate of Charles Baker, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9537) to carry into effect the findings of the Court of Claims in the matter of the claim of the estate of John Read, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9538) to carry into effect the findings of the Court of Claims in the matter of the claim of the estate of William O. Moseley, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9539) to carry into effect the findings of the Court of Claims in the matter of the claim of Harriett Miles; to the Committee on War Claims.

Also, a bill (H. R. 9540) to carry into effect the findings of the Court of Claims in the matter of the claim of the estate of Mary Ann Nagle, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9541) to carry into effect the findings of the Court of Claims in the matter of the claim of the estate of Emma S. Lewis, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9542) to carry into effect the findings of the Court of Claims in the matter of the claim of the estate of Sarah G. Clark, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9543) to carry into effect the findings of the Court of Claims in the matter of the claim of the estate of S. N. Clark, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9544) to carry into effect the findings of the Court of Claims in the matter of the claim of the estate of William Freeman, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9545) to carry into effect the findings of the Court of Claims in the matter of the claim of the heirs of Vernon H. Johnston, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9546) to carry into effect the findings of the Court of Claims in the matter of the claim of the estate of James A. Foard, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9547) to carry into effect the findings of the Court of Claims in the matter of the claim of Elizabeth Johnson; to the Committee on War Claims.

Also, a bill (H. R. 9548) to carry out the findings of the Court of Claims in the case of Bettie B. Willis, administratrix of Joel H. Willis, deceased; to the Committee on War Claims.

A bill (H. R. 9549) for the relief of James Richards, administrator of the estate of William Richards, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9550) for the relief of Maria Elizabeth Burnett; to the Committee on War Claims.

Also, a bill (H. R. 9551) to carry into effect the findings of the Court of Claims in the case of trustees of the Methodist Episcopal Church South, of Phoenix, Miss.; to the Committee on War Claims.

Also, a bill (H. R. 9552) for the relief of John L. Hyland and other heirs of William S. Hyland; to the Committee on War Claims.

Also, a bill (H. R. 9553) for the relief of J. W. Hayes, administrator of the estate of W. D. Wilson, deceased; to the Committee on War Claims.

By Mr. COOPER: A bill (H. R. 9554) granting an increase of pension to Franklin R. Garlock; to the Committee on Invalid Pensions.

By Mr. DAUGHERTY: A bill (H. R. 9555) granting an increase of pension to Frederick Munch; to the Committee on Invalid Pensions.

By Mr. DAVIS of Minnesota: A bill (H. R. 9556) granting a pension to Maud A. Ordway; to the Committee on Invalid Pensions.

By Mr. DICKINSON: A bill (H. R. 9557) granting an increase of pension to William J. McGhee; to the Committee on Invalid Pensions.

By Mr. DIXON of Indiana: A bill (H. R. 9558) granting an increase of pension to Jacob Grow; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9559) granting an increase of pension to John Bohland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9560) granting an increase of pension to John G. Hitt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9561) granting an increase of pension to Henry Franz; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9562) granting an increase of pension to Mary Doyle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9563) granting an increase of pension to Charles W. Calloway; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9564) granting an increase of pension to Elisha Thomas; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9565) granting an increase of pension to Casper Fox; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9566) granting an increase of pension to Thomas F. Duncan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9567) granting an increase of pension to Francis A. Ricketts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9568) granting an increase of pension to George W. Nichols; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9569) granting an increase of pension to William H. Banks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9570) granting an increase of pension to Thomas S. Harrell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9571) granting an increase of pension to Cort Bruns; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9572) granting an increase of pension to Nicholas Rullis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9573) granting an increase of pension to John Shinolt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9574) granting an increase of pension to John F. Spencer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9575) granting an increase of pension to James A. Simmons; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9576) granting an increase of pension to Herman Brunce; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9577) granting an increase of pension to Lucian Harbaugh; to the Committee on Invalid Pensions.

By Mr. DONOHOE: A bill (H. R. 9578) granting an increase of pension to George W. Butcher; to the Committee on Invalid Pensions.

By Mr. DUPRE: A bill (H. R. 9579) for the relief of W. W. Lamberton; to the Committee on War Claims.

By Mr. EDWARDS: A bill (H. R. 9580) granting a pension to James H. Saint Clair; to the Committee on Pensions.

By Mr. FLOYD of Arkansas: A bill (H. R. 9581) to carry into effect the findings of the Court of Claims in the case of Sarah Brewer, widow and sole heir of John Brewer, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9582) granting a pension to Mary C. Fowler; to the Committee on Pensions.

Also, a bill (H. R. 9583) granting pensions to E. H. Butram, M. T. Harris, D. M. Price, R. F. Mitchell, William B. Warren, A. L. Martin, John Mitchell, and A. M. Martin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9584) granting an increase of pension to Arthur G. McKeown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9585) granting an increase of pension to Joshua Lindsey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9586) granting an increase of pension to John W. Morris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9587) granting an increase of pension to John F. D. Gerall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9588) to correct the military record of Thomas J. White; to the Committee on Military Affairs.

Also, a bill (H. R. 9589) to correct the military record of John B. Heffly; to the Committee on Military Affairs.

Also, a bill (H. R. 9590) to carry into effect the findings of the Court of Claims in the case of heirs of Joseph C. Zillah, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9591) to carry into effect the findings of the Court of Claims in the case of Ben Mahuren; to the Committee on War Claims.

Also, a bill (H. R. 9592) to carry into effect the findings of the Court of Claims in the case of Dan Thomason, administrator of estate of Joel Harrell, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9593) to carry into effect the findings of the Court of Claims in case of Jonathan Pigman, executor of Benjamin Pigman, deceased; to the Committee on War Claims.

By Mr. FOCHT: A bill (H. R. 9594) granting an increase of pension to David Trutt; to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 9595) to remove the charge of desertion from the record of Joseph Neveux; to the Committee on Military Affairs.

Also, a bill (H. R. 9596) granting a pension to Margaret Nevison; to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 9597) granting an increase of pension to Jarvis M. Kime; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9598) granting an increase of pension to Herman P. Manly; to the Committee on Invalid Pensions.

By Mr. GARRETT: A bill (H. R. 9599) for the relief of Dilly Williams; to the Committee on War Claims.

Also, a bill (H. R. 9600) for the relief of H. H. Belew; to the Committee on War Claims.

Also, a bill (H. R. 9601) for the relief of Mathew Williams; to the Committee on War Claims.

Also, a bill (H. R. 9602) for the relief of heirs of C. H. Medlin, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9603) for the relief of heirs of John Williams, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9604) for the relief of heirs or estate of J. M. Sanders, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9605) granting an increase of pension to Josiah H. Ford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9606) for the relief of heirs or estate of Nathan Dungan, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9607) to carry into effect the findings of the Court of Claims in the case of Petty Light Johnston and Scrappy Light Bradshaw; to the Committee on War Claims.

Also, a bill (H. R. 9608) to carry into effect the findings of the Court of Claims in the matter of the claim of Elam C. Cooper; to the Committee on War Claims.

Also, a bill (H. R. 9609) to carry into effect the findings of the Court of Claims in the matter of the claim of the Humboldt Female College, of Gibson County, Tenn.; to the Committee on War Claims.

Also, a bill (H. R. 9610) to carry into effect the findings of the Court of Claims in the matter of the claim of the Walnut Grove Baptist Church, of Gibson County, Tenn.; to the Committee on War Claims.

By Mr. GREGG of Pennsylvania: A bill (H. R. 9611) granting an increase of pension to John Walter; to the Committee on Invalid Pensions.

By Mr. GARDNER of Massachusetts: A bill (H. R. 9612) granting an increase of pension to William T. Patey; to the Committee on Invalid Pensions.

By Mr. HARTMAN: A bill (H. R. 9613) for the relief of Martin Cupples; to the Committee on Military Affairs.

Also, a bill (H. R. 9614) granting an increase of pension to Cephas H. Grass; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9615) granting an increase of pension to John Hogmire; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 9616) for the relief of Orville T. Perkins; to the Committee on Claims.

By Mr. HELM: A bill (H. R. 9617) granting an increase of pension to John H. Dickerson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9618) granting an increase of pension to John C. Caldwell; to the Committee on Pensions.

Also, a bill (H. R. 9619) granting a pension to John Middleton; to the Committee on Pensions.

Also, a bill (H. R. 9620) granting an increase of pension to William J. Partin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9621) granting an increase of pension to Joseph Reece; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9622) for the relief of Madison County, Ky.; to the Committee on Claims.

By Mr. HENSLEY: A bill (H. R. 9623) granting an increase of pension to James W. Jackson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9624) granting an increase of pension to Stephen M. McAllister; to the Committee on Invalid Pensions.

By Mr. HOBSON: A bill (H. R. 9625) to carry into effect the findings of the Court of Claims in the case of the Masonic Lodge of Bexar, Ala.; to the Committee on War Claims.

By Mr. HOUSTON: A bill (H. R. 9626) for the relief of the heirs of A. J. McNabb; to the Committee on War Claims.

Also, a bill (H. R. 9627) granting an increase of pension to Marion Stone; to the Committee on Invalid Pensions.

By Mr. HUMPHREY of Washington: A bill (H. R. 9628) granting an increase of pension to John J. Staggs; to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 9629) granting a pension to Gilbert W. Bidwell; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 9630) for the relief of the heirs of Charles H. Manning; to the Committee on War Claims.

By Mr. KIPP: A bill (H. R. 9631) granting a pension to Isabella Rockwell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9632) granting an increase of pension to Henry B. Hoffman; to the Committee on Pensions.

Also, a bill (H. R. 9633) granting an increase of pension to Michael Weber; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9634) granting an increase of pension to Elisha Gray; to the Committee on Invalid Pensions.

By Mr. KONOP: A bill (H. R. 9635) granting an increase of pension to John Golden; to the Committee on Invalid Pensions.

By Mr. LA FOLLETTE: A bill (H. R. 9636) granting a pension to Fannie E. Douglass; to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 9637) granting an increase of pension to Adam Chronister; to the Committee on Invalid Pensions.

By Mr. LANGHAM: A bill (H. R. 9638) granting an increase of pension to Robert W. Ramsey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9639) granting an increase of pension to Archibald McGaughey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9640) granting an increase of pension to Archie Spratt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9641) granting an increase of pension to Sidney Marlin; to the Committee on Invalid Pensions.

By Mr. LEE of Pennsylvania: A bill (H. R. 9642) granting an increase of pension to John Hornish; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9643) to correct the military record of Christian Reichert; to the Committee on Military Affairs.

By Mr. LONGWORTH: A bill (H. R. 9644) granting an increase of pension to Edwin McMillan; to the Committee on Invalid Pensions.

By Mr. LOUD: A bill (H. R. 9645) granting an increase of pension to Charles H. Hubbell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9646) granting an increase of pension to Hiram Russell; to the Committee on Invalid Pensions.

By Mr. McDERMOTT: A bill (H. R. 9647) granting an increase of pension to Gideon Morisette; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9648) granting an increase of pension to Michael Lynn; to the Committee on Invalid Pensions.

By Mr. McGUIRE of Oklahoma: A bill (H. R. 9649) granting an increase of pension to Ross Mattocks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9650) granting a pension to Arch R. Beckes; to the Committee on Pensions.

By Mr. McKINLEY: A bill (H. R. 9651) granting an increase of pension to Augustus R. Dixon; to the Committee on Pensions.

By Mr. MAGUIRE of Nebraska: A bill (H. R. 9652) granting a pension to Monta E. Milligan; to the Committee on Pensions.

Also, a bill (H. R. 9653) granting an increase of pension to Frederick Claus; to the Committee on Pensions.

By Mr. MAHER: A bill (H. R. 9654) granting an increase of pension to John Whalen; to the Committee on Invalid Pensions.

By Mr. MARTIN of South Dakota: A bill (H. R. 9655) for the relief of Horace C. Dale, administrator of the estate of Antoine Janis, sr.; to the Committee on Claims.

Also, a bill (H. R. 9656) for the relief of Milton C. and George G. Conners, doing business under firm name of Conners Bros.; to the Committee on Claims.

By Mr. MILLER: A bill (H. R. 9657) granting an increase of pension to Clarence Watt; to the Committee on Invalid Pensions.

By Mr. MONDELL: A bill (H. R. 9658) granting an increase of pension to Reuben J. Reals; to the Committee on Pensions.

Also, a bill (H. R. 9659) granting an increase of pension to Edward G. Ashley; to the Committee on Invalid Pensions.

By Mr. NYE: A bill (H. R. 9660) granting a pension to Benjamin F. Graham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9661) granting an increase of pension to George W. Marchant; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 9662) granting an increase of pension to Edward L. Godfrey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9663) granting an increase of pension to Jane Rivers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9664) granting an increase of pension to Charles W. Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9665) granting an increase of pension to James H. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9666) granting an increase of pension to Emily F. Reed; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9667) granting an increase of pension to Patrick Heffern; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9668) granting an increase of pension to John Lynch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9669) granting an increase of pension to Jeremiah S. Quirk; to the Committee on Invalid Pensions.

By Mr. PAGE: A bill (H. R. 9670) for the relief of the estate of L. G. Smith, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9671) for the relief of Martha A. Moffitt; to the Committee on Claims.

Also, a bill (H. R. 9672) for the relief of the estate of John Quick, deceased; to the Committee on War Claims.

By Mr. PEPPER: A bill (H. R. 9673) granting a pension to Julia M. Ashby; to the Committee on Invalid Pensions.

By Mr. POST: A bill (H. R. 9674) granting an increase of pension to John R. Collins; to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 9675) for the relief of the New South Brewing & Ice Co.; to the Committee on Claims.

Also, a bill (H. R. 9676) granting a pension to Edward R. Baker; to the Committee on Pensions.

Also, a bill (H. R. 9677) granting an increase of pension to Wilson H. Glass; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9678) granting an increase of pension to Rupert S. Rives; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9679) granting an increase of pension to F. M. Keith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9680) granting an increase of pension to Martin R. Dutton; to the Committee on Invalid Pensions.

By Mr. RANSDELL of Louisiana: A bill (H. R. 9681) for the relief of N. W. Jones; to the Committee on War Claims.

Also, a bill (H. R. 9682) granting a pension to John Nowack; to the Committee on Pensions.

By Mr. RUSSELL: A bill (H. R. 9683) granting a pension to Malinda Mick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9684) granting an increase of pension to Lewis McGuire; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9685) granting an increase of pension to Henry Vasterling; to the Committee on Invalid Pensions.

By Mr. RUBEY: A bill (H. R. 9686) for the relief of Abram Floyd and S. H. Floyd; to the Committee on War Claims.

Also, a bill (H. R. 9687) granting a pension to Charles Etzel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9688) granting a pension to Charles S. Davis; to the Committee on Pensions.

Also, a bill (H. R. 9689) granting a pension to Nancy M. Blackman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9690) granting a pension to Carrie Bradley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9691) granting a pension to Sylvania Engle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9692) granting a pension to Bridget Fennessey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9693) granting a pension to M. F. Loyd; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9694) granting a pension to John W. Reid; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9695) granting a pension to Agustus Thompson; to the Committee on Pensions.

Also, a bill (H. R. 9696) granting a pension to Samuel Whitsett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9697) granting a pension to John S. Ellis; to the Committee on Pensions.

Also, a bill (H. R. 9698) granting a pension to William F. Monday; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9699) granting an increase of pension to G. S. Scott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9700) granting an increase of pension to Lauson Thompson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9701) granting an increase of pension to Elias Rippee; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9702) granting an increase of pension to William H. H. Rose; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9703) granting an increase of pension to T. M. Laughlin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9704) granting an increase of pension to Francis M. Kittrell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9705) granting an increase of pension to Levi Maule; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9706) granting an increase of pension to William H. Furber; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9707) granting an increase of pension to Marian A. Franklin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9708) granting an increase of pension to Nathaniel Finley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9709) granting an increase of pension to James P. Benson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9710) granting an increase of pension to James C. Clouse; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9711) granting an increase of pension to Mary Westerfield; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9712) granting an increase of pension to Hezekiah Williams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9713) to correct the military record of Robert W. Marr; to the Committee on Military Affairs.

Also, a bill (H. R. 9714) to remove the charge of desertion from the military record of William Karch; to the Committee on Military Affairs.

Also, a bill (H. R. 9715) to remove the charge of desertion from the military record of John C. Bennett; to the Committee on Military Affairs.

By Mr. SHACKLEFORD: A bill (H. R. 9716) for the relief of the Bank of Freeburg, of Freeburg, Mo.; to the Committee on Claims.

Also, a bill (H. R. 9717) granting a pension to James Gault; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9718) granting a pension to Mary Sorter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9719) granting a pension to Theodore Schaubecker, alias Theodore Schauwecker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9720) granting a pension to Joseph Bourgerert; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9721) granting an increase of pension to Charles B. Swinney; to the Committee on Pensions.

Also, a bill (H. R. 9722) granting an increase of pension to James C. Simmons; to the Committee on Pensions.

Also, a bill (H. R. 9723) granting an increase of pension to Humphrey Roberts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9724) granting an increase of pension to Hiram M. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9725) granting an increase of pension to John F. Rea; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9726) granting an increase of pension to George Morrison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9727) granting an increase of pension to James J. Cross; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9728) granting an increase of pension to Henry S. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9729) to carry out the findings of the Court of Claims in the case of John W. Brooks; to the Committee on War Claims.

Also, a bill (H. R. 9730) to remove the charge of desertion from the military record of William E. Miller, and to grant him an honorable discharge; to the Committee on Military Affairs.

Also, a bill (H. R. 9731) to carry into effect the findings of the Court of Claims in the matter of the claim of the trustees of the First Baptist Church of Jefferson City, Mo.; to the Committee on War Claims.

Also, a bill (H. R. 9732) to carry into effect the findings of the Court of Claims in the matter of the claim of the trustees of the Christian Church of Sturgeon, Mo.; to the Committee on War Claims.

By Mr. STERLING: A bill (H. R. 9733) granting a pension to Mary E. Rayburn; to the Committee on Invalid Pensions.

By Mr. SIMMONS: A bill (H. R. 9734) granting an increase of pension to Philo M. Barnes; to the Committee on Invalid Pensions.

By Mr. SMITH of Texas: A bill (H. R. 9735) granting an increase of pension to Permelia Hubbird; to the Committee on Pensions.

Also, a bill (H. R. 9736) granting an increase of pension to Catharine Pugh; to the Committee on Pensions.

By Mr. SLOAN: A bill (H. R. 9737) granting an increase of pension to Joseph T. Roller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9738) granting an increase of pension to Douglas Delano; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9739) granting an increase of pension to Albert Brunner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9740) granting a pension to Sallie J. Latham; to the Committee on Invalid Pensions.

By Mr. STONE: A bill (H. R. 9741) granting an increase of pension to Eliza J. Busse; to the Committee on Invalid Pensions.

By Mr. THAYER: A bill (H. R. 9742) granting a pension to Christopher Colvin; to the Committee on Pensions.

Also, a bill (H. R. 9743) granting a pension to Margaret McCoy; to the Committee on Pensions.

By Mr. UTTER: A bill (H. R. 9744) granting an increase of pension to Ellen Minot; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9745) granting an increase of pension to Mary A. Clark; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9746) granting an increase of pension to Ann Porter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9747) granting an increase of pension to Angeline L. Arnold; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9748) granting an increase of pension to Elma O. Phinney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9749) granting an increase of pension to Lauretta Chandler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9750) granting an increase of pension to Martha White; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9751) granting an increase of pension to Sarah B. Whitaker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9752) granting an increase of pension to Rachel Parker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9753) granting an increase of pension to Martha A. Whitford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9754) granting an increase of pension to James M. Cook; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9755) granting an increase of pension to Emily Fish; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9756) granting an increase of pension to Mary Bonner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9757) granting an increase of pension to Mary A. Baxter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9758) granting an increase of pension to Harriet A. Parker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9759) granting an increase of pension to Laura C. Hyer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9760) granting an increase of pension to Mary A. Campbell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9761) granting an increase of pension to Emily A. Hartt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9762) granting an increase of pension to Ellen M. Cutler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9763) granting an increase of pension to Bridget Kelly; 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 Mr. CANNON: Petition of Thomas Aurand, of Watseka, Ill., praying for the enactment of legislation whereby homestead entrymen prevented, under certain conditions, from fulfilling requirements as to residing on homestead may be credited on subsequent entry with time of residence on former entry; to the Committee on the Public Lands.

By Mr. CARLIN: Exhibits Nos. 1, 2, 3, and 4, to accompany bill for the relief of Elizabeth Burnett, and papers to accompany bill for the relief of James Richards, administrator of the estate of William Richards, deceased; to the Committee on War Claims.

By Mr. CATLIN: Resolution of Bottlers' Local Union No. 187, in St. Louis, of the United Brewery Workmen of America, to repeal the 10-cent tax upon oleomargarine; to the Committee on Ways and Means.

By Mr. COLLIER: Petition of John H. Hyland et al., heirs at law of William S. Hyland, in claims against the United States; to the Committee on War Claims.

By Mr. COOPER: Petition of Wallace W. Nash, asking for the reduction of the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. ESCH: Petition of Chamber of Commerce of Pittsburg for the amendment of the corporation-tax law; to the Committee on Revision of the Laws.

By Mr. FRENCH: Resolution from Sheet Metal Workers' Union, No. 339, Pocatello, Idaho, relating to the extradition of John J. McNamara and favoring the Berger resolution; to the Committee on Labor.

Also, resolutions and petitions bearing upon the resolution of Representative BERGER in the matter of John J. McNamara from Twin Falls Socialist Local, Twin Falls Woman's Socialist Committee, and citizens of Lucile, Idaho; to the Committee on Labor.

By Mr. GARDNER of Massachusetts: Resolutions from the Commercial Club of Brockton, Mass., protesting against the proposed legislation in the so-called farmers' free-list bill placing boots and shoes on the free list; to the Committee on Ways and Means.

Also, resolutions from Boot and Shoe Cutters' Assembly, No. 3662, Knights of Labor, of Salem, Mass., protesting against the methods used in the arrest of John J. McNamara, James McNamara, and Ortie McManigal; to the Committee on Labor.

Also, petitions from 49 citizens of Amesbury and Newburyport, Mass., favoring the establishment of a national department or bureau of health; to the Committee on Interstate and Foreign Commerce.

Also, resolutions from Second Congregational (Unitarian) Church, of Marblehead, favoring the proposed treaty between the United States and Great Britain; to the Committee on Foreign Affairs.

By Mr. GARRETT: Papers to accompany bill granting an increase of pension to Josiah H. Ford; to the Committee on Invalid Pensions.

By Mr. GOOD: Petition of the Mount Vernon Chapter of the American Woman's League et al., protesting against alleged persecutions by the Post Office Department of the Lewis Publishing Co.; to the Committee on the Post Office and Post Roads.

By Mr. GOODWIN of Arkansas: Petitions of citizens of seventh congressional district of Arkansas favoring Senate bill 3776, regulating express companies and other common carriers, their rates and classifications in the hands of Interstate Commerce Commission; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Ellisville, Ark., favoring a congressional investigation of the kidnaping of J. J. McNamara, and approving the Berger resolution; to the Committee on Labor.

Also, papers to accompany bill (H. R. 7636) for relief of Eliza S. Byram; to the Committee on Pensions.

By Mr. HAMLIN: Papers to accompany bill (H. R. 1771) to increase pension of Andrew J. Norris; to the Committee on Invalid Pensions.

By Mr. HARRISON of New York: Petitions of sundry persons from the sixteenth New York congressional district, urging removal of duty on lemons; to the Committee on Ways and Means.

By Mr. HILL: Petition of the Connecticut Merchants' Association, in reference to parcels post; to the Committee on the Post Office and Post Roads.

By Mr. LAFEAN: Evidence in support of bill granting an increase of pension to Adam Chronister; to the Committee on Invalid Pensions.

By Mr. LOUD: Affidavits of Hiram Russell, Robert Splane, Frank Berdan, William G. Kelly, M. D., Thomas A. Baird, M. D., and James Vanleek, to accompany bill granting an increase of pension to Hiram Russell; to the Committee on Invalid Pensions.

Also, papers to accompany bill granting an increase of pension to Charles H. Hubbell; to the Committee on Invalid Pensions.

By Mr. MAHER: Petition of the American Newspaper Publishers' Association of New York, in favor of the Canadian reciprocity bill; to the Committee on Ways and Means.

By Mr. McCALL: Petition of Broadway Congregational Young People's Society of Christian Endeavor, of Somerville, Mass., for the passage of a bill to forbid Sunday banking and other unnecessary work in post offices; to the Committee on the Judiciary.

Also, petition of Broadway Congregational Young People's Society of Christian Endeavor, of Somerville, Mass., for passage of Burkett-Sims bill to forbid interstate transmission of race-gambling odds and bets; to the Committee on Interstate and Foreign Commerce.

Also, petition of Broadway Congregational Young People's Society of Christian Endeavor, Somerville, Mass., for the passage of a bill to protect "dry" territory against liquors imported under the Federal shield of interstate commerce; to the Committee on the Judiciary.

Also, petition of Broadway Congregational Young People's Society of Christian Endeavor, of Somerville, Mass., for the passage of a bill to forbid interstate transmission of prize-fight pictures; to the Committee on Interstate Commerce.

Also, petition of Broadway Congregational Young People's Society of Christian Endeavor, of Somerville, Mass., for the passage of a bill to forbid sale of intoxicating liquors in ships and buildings used by the United States Government; to the Committee on the Judiciary.

By Mr. McKINNEY: Resolutions of Moline Lodge, No. 461, International Brotherhood of Blacksmiths and Helpers, Moline, Ill., in favor of certain resolutions introduced by Representative BERGER, of Wisconsin; to the Committee on Labor.

By Mr. PADGETT: Petition of John W. Peaton, praying reference of war claims to the Court of Claims under the act of March 3, 1883, known as the Bowman Act; to the Committee on War Claims.

By Mr. PEPPER: Resolution of Tri-City Federation of Labor, of Davenport, Iowa, Rock Island and Moline, Ill., protesting against the kidnaping of the McNamara brothers; to the Committee on Labor.

By Mr. POST: Resolutions of the Miami County (Ohio) Sunday School Association, approving the arbitration treaty between Great Britain and the United States; to the Committee on Foreign Affairs.

By Mr. POWERS: Paper to accompany a bill granting a pension to Edward R. Baker; to the Committee on Pensions.

By Mr. PRAY: Petition of Meagher County Wool Growers' Association, against reduction of tariff on wool; to the Committee on Ways and Means.

By Mr. REDFIELD: Petition of the New York Cordage Co., requesting that Russia rope, tarred and untarred, for marine use, etc., be put on the free list; to the Committee on Ways and Means.

Also, petition of Frederick D. Cook, 1483 Sixtieth Street, Brooklyn, N. Y., requesting that an investigation be made in the electrical division of the United States courthouse and post-office building, New York City, with reference to leave of absence, etc.; to the Committee on the Post Office and Post Roads.

Also, petition of the Central Labor Union of Brooklyn, N. Y., praying for the enactment of legislation providing for an eight-hour workday on all work to be performed for the United States Government; to the Committee on Labor.

Also, communication of Col. William Wilson, president National Guard Association of the State of New York, Geneva, N. Y., praying for the enactment of legislation providing pay for the officers and men who are devoting their time to the Organized Militia; to the Committee on Military Affairs.

Also, resolutions of the New York Chapter of the American Institute of Architects, concurring in the recommendations of the park commission as to a proposed site for the memorial to Abraham Lincoln; to the Committee on the District of Columbia.

Also, resolutions of the Atlanta Builders' Exchange, Atlanta, Ga., praying for the enactment of legislation repealing the so-called eight-hour law for Government work; to the Committee on Labor.

Also, communication of Mr. G. A. Ingersoll, 626 Seventy-fourth Street, Brooklyn, N. Y., requesting that an investigation be made into the affairs of certain departments of the United States Government; to the Committee on Reform in the Civil Service.

Also, petition of the Madison-Cooper Co., of Watertown, N. Y., with reference to the proposed regulations of cold-storage or

perishable goods, etc.; to the Committee on Interstate and Foreign Commerce.

By Mr. ROUSE: Resolution of the Brotherhood of Railway Mail Clerks of Covington, Ky., asking for the repeal of the tax on oleomargarine; to the Committee on Ways and Means.

Also, resolution of Local Union No. 698, Newport, Ky., in relation to the extradition of John J. McNamara; to the Committee on Labor.

By Mr. SLAYDEN: Petition from Frank B. Sanborn, Frederick Starr, Oswald Garrison Villard, Francis E. Woodruff, and others, praying that the President and Congress institute a special inquiry into the manner in which D. C. Worcester has discharged the duties of his office as commissioner in the Philippine Islands, said petition being based on a resolution censuring Commissioner Worcester passed by a unanimous vote of the Philippine Assembly; to the Committee on Insular Affairs.

By Mr. SULZER: Petition of Chamber of Commerce of Pittsburg, for an amendment of the corporation-tax law; to the Committee on Revision of the Laws.

Also, resolution of the De Witt Clinton High School, in favor of the Owen bill; to the Committee on Expenditures in the Treasury Department.

By Mr. THAYER: Petition of D. E. Chase, asking reduction in duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. UTTER: Papers to accompany bills granting increases of pensions to Ellen M. Cutler, Bridget Kelly, Emily F. Fish, and Mary Bonner; to the Committee on Invalid Pensions.

By Mr. WILLIS: Petition of J. A. Buck and 21 other citizens of Urbana, Ohio, in favor of House concurrent resolution 6, for the appointment of a committee to investigate the arrest and extradition of John J. McNamara; to the Committee on Rules.

By Mr. WOOD of New Jersey: Resolutions adopted by Local No. 428, Cigarmakers' Union of Trenton; Trenton Lodge, No. 398, International Association of Machinists, of Trenton; Pattern Makers' Association of Trenton and vicinity; and Mercer County Central Labor Union, all in the State of New Jersey, urging immediate action by the House of Representatives on the resolution introduced by Representative BERGER providing for an investigation by a joint committee of the House and Senate on the lawfulness of the acts of the arrest of John J. McNamara; to the Committee on Labor.

Also, additional affidavits to accompany bill (H. R. 8380) granting an increase of pension to Thomas L. Stringer; to the Committee on Invalid Pensions.

SENATE.

WEDNESDAY, *May 17, 1911.*

The Senate met at 2 o'clock p. m.

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

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

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of the Poage's Mill Sunday school, of Roanoke County, Va., and a petition of the Bethesda Sunday school, of Botetourt County, Va., praying for the enactment of legislation for the suppression of the opium evil, which were referred to the Committee on Foreign Relations.

He also presented a memorial of sundry citizens of Iowa, remonstrating against the enactment of legislation for the proper observance of Sunday as a day of rest in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. GALLINGER presented a petition of the Takoma Park Citizens' Association, of the District of Columbia, praying that the extension of New Hampshire Avenue be made in a straight line, which was referred to the Committee on the District of Columbia.

He also presented a memorial of the congregation of the Church of Seventh Day Adventists, of Concord, N. H., and a memorial of the congregation of the Takoma Park Seventh Day Adventists' Church, of the District of Columbia, remonstrating against the observance of Sunday as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented the memorial of George F. Newell, of Swanzey, N. H., remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which was referred to the Committee on Finance.

He also presented a memorial of the Ancient Order of Hibernians of Dover, N. H., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

Mr. BURNHAM presented a memorial of the Ancient Order of Hibernians, of Strafford County, N. H., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented a memorial of the congregation of the Seventh Day Adventist Church, of Concord, N. H., remonstrating against the observance of Sunday as a day of rest in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented the memorial of Herbert H. Chamberlain, of Swanzey, N. H., remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which was referred to the Committee on Finance.

He also presented a petition of the Friday Literary Club, of Bradentown, Fla., praying for the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

Mr. NELSON presented a memorial of the Ancient Order of Hibernians, of Dakota County, Minn., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

Mr. WARREN presented a memorial of the E. Clemens Horst Co., hop growers, of San Francisco, Cal., remonstrating against the proposed reciprocal trade agreement between the United States and Canada and also against the passage of the so-called farmers' free-list bill and all antiprotective bills, which was referred to the Committee on Finance.

Mr. BRANDEGEE presented a memorial of the county board of officers and directors of the Ancient Order of Hibernians of Fairfield County, Conn., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

Mr. O'GORMAN presented a petition of the congregation of the First Methodist Episcopal Church of Ithaca, N. Y., praying for the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES.

Mr. MARTIN of Virginia, from the Committee on Commerce, to which was referred the bill (S. 1627) to authorize the construction, maintenance, and operation of a bridge across and over the Arkansas River, and for other purposes, reported it with amendments and submitted a report (No. 27) thereon.

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

A bill (S. 850) to amend an act entitled "An act to legalize and establish a pontoon railway bridge across the Mississippi River at Prairie du Chien, and to authorize the construction of a similar bridge at or near Clinton, Iowa," approved June 6, 1874 (Rept. No. 26); and

A bill (S. 144) to legalize a bridge across the Pend Oreille River in Stevens County, Wash. (Rept. No. 25).

Mr. PERKINS, from the Committee on Naval Affairs, to which was referred the bill (S. 2003) authorizing the Secretary of the Navy to make partial payments for work already done under public contracts, reported it without amendment and submitted a report (No. 28) thereon.

Mr. BURNHAM. A number of petitions have been received relating to cold storage, which have been referred to the Committee on Agriculture and Forestry. As the bill (S. 136) to prevent the sale or transportation in interstate or foreign commerce of articles of food held in cold storage for more than the time herein specified, and for regulating traffic therein, and for other purposes, is in the hands of the Committee on Manufactures, I report back the petitions and move that the Committee on Agriculture and Forestry be discharged from their further consideration and that they be referred to the Committee on Manufactures.

The motion was agreed to.

LANDS AT PORT ANGELES, WASH.

Mr. JONES. From the Committee on Public Lands I report back favorably without amendment the bill (S. 339) providing for the reappraisement and sale of certain lands in the town site of Port Angeles, Wash., and for other purposes, and I submit a report (No. 24) thereon. It is a short bill and a